



# OFFICE OF THE SHERIFF

## Prince George's County, Maryland

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Melvin C. High  
Sheriff

January 17, 2018

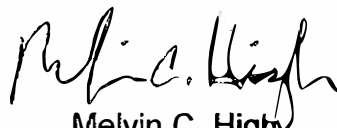
The Office of the Sheriff for Prince George's County performs a variety of duties, both discretionary and mandatory, as prescribed by legislative enactment, judicial opinions and Common Law.

The Sheriff, who is answerable to the citizens of Prince George's County, is elected every four years according to the Maryland Constitution. The Sheriff, as such, is expected to execute the Office of the Sheriff justly, honestly, diligently, and faithfully according to the law. In discharging the high trust imposed on the Office of the Sheriff, it is necessary to have general orders, rules and regulations, policies and procedures and other standards, as stated in this Manual, to govern the performance and conduct of those who are employees of the Office of the Sheriff.

On January 17, 2018, the latest copies of the Office of the Sheriff's General Orders Manual does become effective. The Manual is issued to all employees and it is the duty of every employee to be completely familiar with the contents, and abide by it in the performance of their duties. All employees will conduct their activities in accordance with the policies, procedures, and standards established by this Manual.

These General Orders supersede all previous versions and are binding upon all employees. Note that some chapters or sections may not be applicable to non-sworn staff. This Manual contains information concerning how the Office of the Sheriff is expected to fulfill our mission, on a daily basis. It is up to you, the individual, to abide by the directives contained herein today, and to take the initiative to suggest changes tomorrow when other ways of doing business may be more efficient or effective.

I reserve the right as Sheriff, to change, revise, add to, or delete any portion of this Manual, as circumstances may require.

  
Melvin C. High  
Sheriff

# Prince George's County Office of the Sheriff

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## 1-101 GENERAL ORDERS MANUAL

This document is hereby established as the General Order Manual, hereafter referred to as the "Manual", of the Prince George's County Office of the Sheriff. The rules, policies and procedures contained herein are binding upon all persons who work under the authority of the Sheriff of Prince George's County, Maryland.

### 1-101.1 NATURE OF THE MANUAL

This Manual is an administrative document. Its directives require conformance by those persons who are subject to the authority of the Manual. The Manual does not create or modify law. Violations of the rules, policies and procedures set forth in the Manual may expose persons, who are subject to its authority, to administrative sanctions. The Manual is not, however, intended to create a greater civil or criminal liability than would otherwise be available under law. Finally, the Manual is not, and should not be construed to be, a contract.

### 1-101.2 TERMS OF THE MANUAL

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

### 1-101.3 ORDER OF PRECEDENCE AND SAVING CLAUSE

This Manual is superior to any and all other conflicting documents within the Office of the Sheriff, unless it is specifically revoked in writing by the Sheriff. Any portions of other documents which are in conflict with the Manual are void. Other documents or portions of documents containing rules, policies or procedures which are not in conflict with this Manual remain in force until replaced or rescinded.

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

## 1-101.4 KNOWLEDGE REQUIRED<sup>1</sup>

All persons who are employees of the Office of the Sheriff, Prince George's County, Maryland, will read and be familiar with the contents of the Manual. Sworn personnel will know from memory those sections of this Manual which deal with arrest, use of force, handling of prisoners, and the emergency operation of vehicles.

Each employee will be issued a copy of the Manual. Employees will keep it current and have it near their work location. (Employees assigned to the Court Security Section will not be required to keep a Manual near their work location; however, Supervisors assigned to the Bureau of Court Services shall be provided and maintain a Manual for the Section). The Manual will be referred to for guidance in situations where it may apply, and knowledge from memory will not suffice.

Supervisors are required to instruct their subordinates concerning information contained in the Manual and they are required to determine that the employee understands the relationship the Manual has to the employee's position. This does not relieve the employee from his obligation to know the contents of the Manual, and no defense of lack of supervisory instruction will prevail.

## 1-101.5 MAINTENANCE OF MANUAL

All employees issued a Manual, and all Supervisors of sections with Manuals issued for use of section personnel, will ensure that those Manuals are complete, current and in good condition for use. All employees will sign a receipt form as having received an *initial* copy of the Manual. The receipt will be forwarded to the Personnel Office and maintained in each individual's personnel file.

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

All Supervisors shall regularly (at least once every six months) inspect the Manuals of subordinates to ensure that Manuals are being kept up to date. They will make a notation of this review on the "Supervisor Review" sheet located in the front of the Manual.

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<sup>1</sup> CALEA 1.3.12

Assistant Bureau Chiefs shall monitor this inspection process in a manner consistent with the monitoring of all inspections conducted within their commands.

### **1-101.6 GRAMMATICAL CONSTRUCTION**

Within the Manual, the use of masculine and feminine pronouns is avoided if practical. In those cases where the writer uses the masculine pronoun in referring to agency personnel in general, the feminine pronoun is hereby specifically included. Similarly, plural references include the singular and vice versa. "Will" and "shall" are mandatory verbs, and "may" is permissive.

### **1-101.7 ORGANIZATION OF THE MANUAL**

The Manual is divided into chapters, sections and sub-sections for ease of use and referral. *Citing* of the Manual *is done* in the following manner: 1-101.1.a where 1 is the chapter; 101. is the section; 1. is the subsection, and; a is the paragraph. *Alternatively*, the reference could read: Chapter 1, Sec 101.1.a.

The Table of Contents gives a quick overview of the chapters and sections of the Manual and materials to be found within them. The Table of Contents can aid in the finding of material when the reader is not sure of a specific title or the reader wants to browse the information contained within the Manual.

The chapters and sections of the Manual generally contain the following information:

- Chapter 1

The introduction contains a description of the Manual and defines its purpose. It also generally explains the Manual's form and function. The organizational terminology and definitions are defined as well as the mission statement, vision, values, and organization of the Agency.

- Chapter 2

The organization of the Agency is defined and displayed in organizational charts. Roles of various divisions and sections of the Agency are explained. The duties and responsibilities of Administrators and Supervisors are defined and explained. The various positions within the Agency are defined and explained.

- Chapter 3

The administrative policies and procedures of the Agency are defined and explained.

- Chapter 4

The operational policies and procedures of the Agency are defined and explained.

- Chapter 5

Communications, intelligence, and records, as well as methods of data collection and reporting, are defined and explained. Examples of various documents and reports can be found in this chapter.

- Chapter 6

Emergency procedures and unusual incidents are defined and explained.

- Chapter 7

The use and care of Agency property and equipment is explained.

- Chapter 8

Investigations, conduct, and disciplinary procedures of the Agency are defined and explained.

- Chapter 9

Training and general reference materials are provided.

- Special Orders

The Special Orders contain supplemental materials which are temporary in nature, generally not having a useful life of more than one year. These documents will, however, have a significant impact upon the operation and administration of the Agency during their useful life.

### **1-101.8 REVISION OF THE MANUAL**

The Research and Development Division is responsible for developing revisions of the Manual. Whenever it comes to the attention of the Commander, Research and Development, that there is a need to revise, add to, or delete from the Manual, the Commander, Research and Development will follow the below steps.

### **1-101.9 SOURCE REFERENCES**

Some of the material contained within the Manual is a compilation or synopsis of other sources. When there is material specifically relevant to a particular section of the Manual, cites of the reference materials are provided. Employees using this Manual are required to consult these sources in cases where amplified information is necessary.

### **1-101.10 RESEARCH**

The Commander, Research and Development, shall cause research to be conducted concerning the subject matter of Manual revisions. This research shall include the review of any material submitted to the Commander by the Sheriff or other personnel noting the need for the Manual revision. It will also include the consultation with members of the Agency who may have special expertise in the subject matter area. Outside organizational planners, the manuals of other agencies, law books and law references, library materials, and any other source material available will be referenced given the time constraints applied by the Agency to the instant revision. A file will be established within the office of the Research and Development Division for each Manual revision. This file will contain all materials associated with the revision. Included shall be at least:

- the original form of the policy revised;
- a copy of information and correspondence supplied to initiate the revision;
- a copy of each draft developed as a result of the revision process;
- a copy of any proposed changes to drafts and their source; and
- the final, approved revision.

### **1-101.11 DRAFTS**

The Commander, Research and Development, shall direct preparation of an initial draft of the proposed revision to the Manual. The draft will be clearly labeled "DRAFT" at the bottom center of each page.

When the Commander, Research and Development, is satisfied that there is a reasonable draft ready to address the subject matter of the Manual revision, the Commander shall cause the draft to be circulated to the Command Staff.

### **1-101.12 REVIEW OF DRAFTS**

Drafts shall be circulated to all Agency Senior Command Staff to include at least:

- the Assistant Sheriffs;
- the Majors;
- the Captains;
- the Executive Aide to the Sheriff;
- Policy Compliance sworn personnel;
- Deputy Sheriff's Association President.

Those personnel, who receive drafts of proposed revisions to the Manual, shall review those drafts and determine if there is any needed change. In this regard, the draft (except those specifically marked confidential) may be circulated among any subordinate personnel in order to receive advice from those who have special expertise in a particular area.

Personnel will indicate suggested changes in writing, preferably on the draft, and forward those to the Commander, Research and Development, by the date indicated on the distribution memorandum circulated with the draft. The changes will identify the suggesting author in order that the Commander, Research and Development, may contact that person for clarification as necessary.

In some cases, there may be a need to expedite this process and in those cases, with the approval of the Chief Assistant Sheriff, the draft review outlined in this section may be omitted. Generally an abbreviated review will include the Bureau Chiefs and the Deputy Bureau Chiefs.

### **1-101.13 EXECUTIVE COMMAND REVIEW**

When the Commander, Research and Development, has considered all suggested changes as a result of the Senior Command Staff review, the resultant draft will be presented to the Executive Command Staff *and Sheriff* following completion of the draft.

During the final review, unless some unusual and extenuating circumstances dictate otherwise, a consensus shall be reached, by those in attendance, as to the final form of the revision. The Chief Assistant Sheriff, or the person presiding in his absence, will initial the final form of the draft as approved by consensus. This approval draft shall be returned to the Commander, Research and Development, in order that it may be retyped and presented to the Sheriff for approval.

### **1-101.14 SHERIFF'S APPROVAL**

The Commander of Planning, Research and Development, shall make any necessary changes to

*Effective: August 25, 2013*

the draft to accommodate the approved form arrived at by consensus of the Executive Command Staff members. The final form of the Manual revision shall be presented to the Sheriff who will review and approve it for publication. The Sheriff will accept or reject the consensus of the Executive Command Staff members.

### **1-101.15 DISTRIBUTION**

Distribution of the Manual in formats recommended as appropriate by the Bureau Chief, Bureau of Administration (e.g., bound paper, compact disk, CD-rom, etc.) shall be approved by the Sheriff, as provided for by budgetary resources, developing technologies and overall Agency needs.

#### **Electronic Distribution of the Manual**

The Bureau Chief, Bureau of Administration and Support Services, through the Commander, Planning, Research and Development Division, shall maintain the complete and current edition of the Manual on the agency shared "I"-drive. The Bureau Chief, Bureau of Administration and Support Services, through the Manager, Agency Assets Division, shall ensure each active civilian and sworn employee has access to the agency shared "I"-drive, through an individual County Outlook system user-account.

Upon approval of the Sheriff, revisions to the Manual installed on the agency shared "I"-drive shall be announced via Special Order (Attachment 'A').

Bureau Chiefs shall be responsible for ensuring each individual employee assigned within their respective Bureau (as of the effective date appearing on the Special Order) signs for receipt of the Special Order via the signature sheet format as determined by the Executive Assistant to the Chief Assistant Sheriff (Attachment 'B'). Each signature sheet shall function in sustaining accountability on the part of individual employees and establish consistency in distribution of revisions to the Manual, throughout the Agency.

All signature receipts for Special Orders announcing revision of the Manual to active sworn and civilian employees are to be completed and returned to the Executive Assistant to the Chief Assistant Sheriff within fifteen (15) days of the effective date appearing on the Special Order.

Following return to the Executive Assistant to the Chief Assistant Sheriff, completed signature receipts for Special Orders announcing revision of the Manual to active employees shall be transferred to and maintained by the Commander, Policy Compliance.

#### **Initial Issuance of the Manual (to New Employees)**

Within five (5) working days of the hire of every new employee, the Supply Services Section shall obtain from the Agency IT Coordinator and then issue to every new employee hired by the agency an initial electronic copy (CD-rom) of the current Manual, and;

- Have each employee sign a receipt (Attachment 'B'), and;
- Immediately forward the completed and signed receipt to the Agency Personnel Coordinator.

Employee receipts for initial issuance of electronic copies of the Manual shall be maintained by the Agency Personnel Coordinator and filed in each respective employee's Personnel folder. (Employee receipts for issuance of subsequent revisions to the Manual shall be maintained by the Commander, Policy Compliance.)

The removable storage device used to issue the Manual (e.g., compact disk or CD-rom) remains the property of the agency. Each individual employee provided the Manual via an agency-issued device shall be responsible for:

- Maintaining the care, security and integrity of the storage device used to issue the Manual to them, and;
- Providing their supervisor with that storage device for inspection and during the next regular-scheduled shift to follow the supervisor's request.

#### **Initial Electronic Issuance of the Manual to Employees not Assigned an Outlook Account**

Upon announcement of any revision to the Manual maintained on the shared "I"-drive or, upon any notification from the Chief, Bureau of Administration, the Agency IT Coordinator shall create:

- A listing of all agency employees not currently assigned an Outlook Account, and;
- A removable storage device (e.g., a compact disk or CD-rom) containing a copy of the Manual to be issued to each employee not assigned an Outlook Account.

If for any reason, an Agency employee is not assigned an Outlook Account, any such employee without an Outlook account shall be issued, and shall sign for, a copy of the Manual to be provided to them in an electronic format (e.g., a compact disk or CD-rom).



Each Division Commander assigned an employee not issued an Outlook Account shall, within five (5) calendar days of notification from the Bureau Chief, Bureau of Administration:

- Collect from the Agency IT Coordinator , Bureau of Administration the agency-issued electronic storage device containing a copy of the Manual;
- Immediately issue the electronic copy of the Manual to each employee within their Division not assigned an Outlook account;
- Have every such employee sign the receipt, to acknowledge their receipt of the Manual (Attachment C); and,
- Return all receipt forms, completed and signed, to the Commander, Policy Compliance.

The removable storage device used to issue the Manual (e.g., compact disk or CD-rom) remains the property of the agency. Each individual employee provided the Manual via an agency-issued device shall be responsible for:

- Maintaining the care, security and integrity of the storage device used to issue the Manual to them, and;
- Providing their supervisor with that storage device for inspection and during the next regular-scheduled shift to follow the supervisor's request.

#### **1-101.16 SHERIFF'S PREROGATIVE**

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

#### **1-101.17 SPECIAL ORDERS**

Special Orders are those directives issued by the Executive Office within the Office of the Sheriff and which may: provide official announcement and notification; or, contain supplemental materials which are temporary in nature, generally not having a useful life of more than one year. These documents will, however, have a significant impact upon the operation

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and administration of the Agency during their useful life.

#### **ATTACHMENTS:**

- A – Special Order Announcing Revision of the GOM (Sample)
- B – Signature Receipt Sheet for Special Order announcing revision of the GOM (Sample)
- C – Signature Receipt Sheet for GOM in CD format

## 1-102 STANDARD OPERATING PROCEDURES MANUALS<sup>1</sup>

Policies and procedures which generally affect only the personnel and functions of one particular section of the Agency are governed by the Bureau Chief over that section. Those policies and procedures are contained within the Standard Operating Procedures (SOPs) Manual for that section.

Bureau Chiefs are hereby required to establish SOP manuals when the provisions of *the General Orders Manual (GOM)* are not sufficient for the purposes of any section under their command. All SOPs are required to conform to policies and procedures contained in the *General Orders Manual (GOM)*. All personnel, within the section for which any SOP Manual is established, are bound by the dictates of that SOP manual.

### 1-102.1 PROCEDURES

*The writing, review, maintenance and updating of the SOPs for each section throughout the agency shall remain a primary responsibility of that Commander (Lieutenant and above) or civilian Manager who is assigned command over the respective Division. A Division Commander (or civilian Manager) shall not transfer responsibility for the mandatory writing, review and updating of the SOPs relevant to their command.*

*Each Division Commander (or civilian Manager) shall, both annually and within thirty- (30-) days of the effective date of their transfer or promotion, complete an in-depth review of the existing SOPs and operations specific to their assigned command and exact appropriate action to ensure that:*

- *No SOP conflicts with existing General Orders;*
- *An SOP exists for each function of every section, as governed by the respective Bureau Chief;*
- *Each SOP is sufficient, current, and relevant;*
- *All personnel performing work within the command are in possession of the most current and up-to-date SOP's for the section(s) in which they perform work (including overtime), and;*
- *All personnel working within the command are operating in full compliance with the SOPs for that section.*

*The 30-day deadline shall be subject to only a one-time extension of fifteen- (15-) days, to be granted in writing by the Bureau Chief over that section.*

*The SOPs for each section should include step-by-step procedures for the essential functions and activities principally carried out by that section, and; should be written in such detail so as to ensure the continuance of operations, regardless of personnel changes such as transfers, illness or any unforeseen or extended absence of any member or supervisor.*

*Whenever any SOP for a section is found to be either deficient or lacking, the assigned Division Commander (or civilian Manager) shall immediately revise and/or create new SOPs in writing, as appropriate or as directed by higher authority.*

- *Once completed, the Division Commander (or civilian Manager) shall first submit the final draft of the revised or newly created SOP to the Bureau Chief over the section in question, through the Bureau chain-of-command, for final approval.*
- *Once approved by the Bureau Chief over the section in question, the Division Commander (or civilian Manager) shall:*
  - *Issue a copy of the revised or new SOP to each member assigned to the section, and;*
  - *Forward an electronic copy of the revised or new SOP to the Commander – Planning, Research and Development for installation on the agency-shared "I"-drive.*

*Senior Command Officers (Captains and above) are required to provide guidance and instruction to their subordinate Commanders concerning the writing, review and updating of the SOPs for each section under their command, and; are required through oversight to ensure subordinate Commanders fulfill their responsibilities for maintenance and drafting of SOPs relevant to their individual commands. This does not relieve any commissioned officer (Lieutenant or above) from his/her obligation to review, maintain and update those SOPs relevant to their assigned command, and; no defense of lack of supervisory instruction will prevail.*

*Civilian personnel may not perform any job functions which are reserved by law to be the duties or responsibilities of a sworn Deputy.*

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<sup>1</sup> CALEA 12. 2. 1 c, e, h, i

**1-103 ORGANIZATIONAL TERMINOLOGY AND DEFINITIONS**

**ACCOUNTABILITY** – is the responsibility of any employee to discharge his/her assigned duties or execute rights and privileges in a lawful, professional manner. Each employee is accountable to only one supervisor at any given time.

**AGENCY** – is the Prince George's County Office of the Sheriff.

**AUTHORITY** - is the right to act or exact action by others, the power to decide and to require that decisions are acted upon.

**BUREAU** – is one of the major components of the Agency, commanded by a Lieutenant Colonel.

**CHAIN OF COMMAND** – is the hierarchy of authority that extends from the top to the bottom of the organization. All communications, unless otherwise specifically directed, will follow the respective chain of command.

**COMMAND** - is the authority and responsibility to direct and control subordinates in order to accomplish missions. It includes the authority to assign tasks, designate objectives and supervise their execution.

**CONFLICTING ORDERS** – is an order given contrary to prior instructions or directives.

**COUNTY** – is Prince George's County, Maryland.

**DESIGNATION OF AUTHORITY (DESIGNEE)** - is the authority conferred upon supervisory employees and commanding officers and employees under their supervision or command. Unless otherwise prohibited, supervisory employees and commanding officers may utilize this authority at their discretion. Although authority may be delegated, the ultimate responsibility for task accountability remains with the person delegating the authority.

**DIVISION** – is one of the major components of a Bureau, commanded by a *Captain*.

**LAWFUL ORDER** – is any order issued by a superior employee, or relayed from a superior employee by an employee of the same or lesser rank, to any subordinate which is not in violation of any law, ordinance or directive. Employees will obey all lawful orders.

**MANUAL** - is the General Orders Manual (GOM) of the Prince George's County Office of the Sheriff.

**MAY** – is indicative of an action which is permissible.

**MEMBER** – encompasses Deputy Sheriffs, civilian employees, and unpaid volunteers.

**SECTION** – is a subunit of a division, *typically commanded by a Lieutenant or equivalent*.

**SENIORITY** – is established first by rank within the organizational structure, and secondly by length of service in rank. Where conflicts occur because of identical service or dates of appointment, the employee with the lower I.D. Number is deemed the senior.

In situations requiring decision or control when employees are of equal rank or position, the senior will make the decision or exercise control unless otherwise directed by a higher ranking employee.

**SHALL/WILL** – is indicative of an action which is mandatory.

**SHIFT** - is the personnel grouped together for scheduling purposes.

**SPAN OF CONTROL** – is the number of subordinates under the immediate and functional control of a single supervisor.

**SQUAD** – is a unit composed of a group of Deputies performing related tasks.

**STAFF** – all Office of the Sheriff Personnel.

**STANDARD OPERATING PROCEDURES** – are directives written at the division or section level, which contain procedures unique to the particular component. SOPs may restrict, but not enlarge, the authority contained in the GOM. They are issued on the authority of the division commander.

**TEMPORARY DUTY ASSIGNMENT** – is an assignment where an employee is transferred, on an interim basis, to an assignment different from his/her permanent assignment.

**UNIT** – is a subdivision of a section, *typically supervised by a Sergeant or equivalent*.

**WRITTEN DIRECTIVES** – are written Agency documents which guide the performance or conduct of employees, e.g., GOM, SOP's, memorandums, Special Orders.

## 1-103.1 PERSONNEL DEFINITIONS

**BUREAU CHIEF** – is an appointed position in charge of a Bureau usually holding the rank of Lt. Colonel.

**COMMANDING OFFICER** – is any commissioned officer in charge of an agency component.

**COMMISSIONER** – refers to a Commissioner of the District Court of Maryland. Commissioners have statutory authorization to conduct initial appearance hearings for persons charged as adults with crimes in order to evaluate the propriety of their pretrial release.

**DIVISION COMMANDER** – is a sworn officer, in charge of a Division, usually holding the rank of *Captain*.

**EMPLOYEE** – is a sworn deputy sheriff or civilian, appointed or assigned to the Agency in a permanent or temporary paid position.

**EXECUTIVE COMMAND STAFF** – is comprised of the Sheriff, Chief Assistant Sheriff, Assistant Sheriffs and Executive Aide to the Sheriff.

**GENERAL COMMAND STAFF** – is comprised of the Executive Command Staff, Majors, Captains and Lieutenants.

**PERSONNEL** – are Agency employees.

**SENIOR COMMAND STAFF** – is comprised of the Executive Command Staff, Majors, and Captains.

**SUPERVISOR** – is an employee assigned by superiors to positions authorizing the exercise of immediate supervision over other employees, including:

- employees assigned in an acting or TDY capacity; and/or
- specific employees granted a supervisory role for purposes not otherwise contrary to specific policy; e.g. a corporal granted supervisory authorization by his sergeant and/or
- specified employees exercising direct supervision over a component during the absence of the supervisor or commander.

Supervisors are responsible for:

- the conduct and activities of all subordinates; and
- the actions of subordinates upon whom they have been granted supervisory authorization.

**SWORN OFFICER (DEPUTY SHERIFF)** – is any sworn police officer, as defined by the Maryland Police Training Commission, of the Prince George's County Office of the Sheriff.

## 1-103.2 ACRONYMS

Acronyms allow for less wordy and more efficient communications within the Agency. The following listed acronyms are used throughout this manual and should also be employed in other in-house documents and correspondence. Acronyms should not be used in documents and correspondence designed for use outside the Agency because their meanings may not be clear in that context.

AWOL	- Absent Without Leave from duty
CAD	- Computer Aided Dispatch
CALEA	- Commission on Accreditation of Law Enforcement Agencies, Inc.
CDS	- Controlled Dangerous Substances
CID	- Criminal Investigations Division
DER	- Department of Environmental Resources
DSA	- Deputy Sheriff's Association
DUI	- Driving Under the Influence
DWI	- Driving While Intoxicated
EAC	- Emergency Action Coordinator
EEO	- Equal Employment Opportunity
FBI	- Federal Bureau of Investigation
FOP	- Fraternal Order of Police
FT	- Full Time (when used with reference to an employee)
FTO	- Field Training Officer
GOM	- General Orders Manual
IR	- Incident Report
LEOBR	- Law Enforcement Officers' Bill of Rights
LWOP	- Leave without Pay

METERS - Maryland Electronic Telecommunications Resource System

MILES - Maryland Inter-Agency Law Enforcement System

MPCTC - Maryland Police and Correctional Training Commissions

MSP - Maryland State Police

NCIC - National Crime Information Center

PGDOC - Prince George's County Department of Corrections

PGSO - Prince George's Sheriff's Office

PIO - Public Information Officer

PSI - Public Safety Investigations

RAFIS - Regional Automated Fingerprint Identification System

SAO - Office of the State's Attorney for Prince George's County

SMP - Agency Strategic Management Plan

SOD - Special Operations Division

SOP - Standard Operating Procedures

SST - Specialized Services Team

T/A - "Trading As", common reference for A Business

TDY - Temporary Duty Assignment

VIN - Vehicle Identification Number

### 1.103.3 RANKS OF SWORN PERSONNEL:

The order of rank for sworn personnel in descending order, from that of most, to that of least authority<sup>1</sup> is:

Sheriff  
 Chief Assistant Sheriff – Colonel (COL)  
 Assistant Sheriff – Lt. Colonel (LTC)  
 Major (MAJ)  
 Captain (CAPT)  
 Lieutenant (LT)  
 Sergeant (SGT)  
 Corporal (CPL)  
 Deputy First Class (DFC)  
 Deputy Sheriff Private (D/S)  
 Student Deputy (SD)

The abbreviation of rank listed above for each rank is appropriate for all official documents and correspondence. Personnel shall ensure that these abbreviations are used when it is appropriate to use an abbreviation of rank.

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<sup>1</sup> CALEA 12. 1. 2 d

## **1-104 AGENCY ORGANIZATION, MISSION STATEMENT, VISION, AND VALUES**

### **1-104.1 AGENCY ORGANIZATION**

The Prince George's County Office of the Sheriff (PGSO) is established by the Constitution of the State of Maryland (Article IV, §44). Section 44 states that the sheriffs "exercise such powers and perform such duties as now are or may hereafter be fixed by law" Under this provision, the duties of the sheriffs are those prescribed by the common law, the enactment of the General Assembly, and the rules of the Court of Appeals. These duties may be changed by the General Assembly or, to the extent that the matter involves practice and procedure in the courts or the administration of the judiciary, by the Court of Appeals. Moreover, "sheriffs retain their common law powers and duties until modified by the legislature". *Soper vs Montgomery County*, 294 Md. 33, 337, 449 A 2d 1158, 1161 (1982). The Office is further defined by Article 2-309 (r) Courts and Judicial Proceedings<sup>1</sup>.

### **1-104.2 MISSION STATEMENT**

The mission of the Prince George's County Office of the Sheriff is:

- To fulfill the duties of the Office of the Sheriff in a fair, professional and dignified manner so as to inspire and maintain the confidence and trust of the public.
- To enhance the quality of life in Prince George's County in partnership with its citizens.

### **1-104.3 VISION**

The Prince George's County Sheriff's Office is committed to providing services that are fair, impartial, and effective while incorporating the highest standards of personal conduct and performance. The Sheriff's Office employs skilled dedicated professionals, committed to public service. We will serve the public responsibly while being held accountable to the highest moral, ethical, and legal standards. We believe in continuous improvement in all our endeavors, always striving to achieve excellence.

## **1-104.4 VALUES**

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

**Respect** – We are committed to protecting the rights of all persons equally.

**Integrity** – We are responsible for our conduct, both professionally and personally. We are honest, fair, and strong of character. We hold ourselves accountable to the highest standards of ethical conduct and strive to be role models for others.

**Professionalism** – We are committed to excellence in public service.

**Public Service** – Our goal is to ensure that a positive and professional working relationship between law enforcement and the community is preserved.

### **1-104.5 AGENCY ROLE IN CRIMINAL JUSTICE AND SOCIAL SERVICE PROGRAMS<sup>2</sup>**

*In order to best serve the needs of the community, it shall be the policy of the Prince George's County Sheriff's Office to, when appropriate: provide referrals for; cooperate with, and; appropriately utilize available alternative criminal justice and social service agencies and programs.*

*The Agency's role with regards to referrals to social service agencies is normally limited to non-criminal cases.*

*The Office of the Sheriff for Prince George's County recognizes there are criminal justice and social service diversion programs available which are sometimes better suited to handle distinct cases. Such cases may involve:*

- *alcohol and drug abuse problems;*
- *mental illness; and*
- *non-violent juvenile offenders.*

*Additional and updated information on other social service diversion programs available within Prince George's County is also available on the County Government's web page.*

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<sup>1</sup> CALEA 1. 2. 1

## 1-105 ETHICS

*A basic role of government is to provide an environment conducive to human growth and endeavor, free from arbitrary intrusion. To that end, laws are made and enforced for the common good of society. It is the role of law enforcement to stand as the defender of that social contract between citizens and their government.*

*To accomplish this goal, certain professional and personal traits are essential. Therefore, employees shall:*

- *Serve to protect and safeguard lives and property; protect the community from deception, oppression, intimidation, violence and disorder and, protect the constitutional rights of all citizens to liberty, equality and justice*
- *Maintain exemplary traits of courtesy, honesty, morality, self-restraint, courage, obedience to the law, and respect for the rights and liberties of all persons*
- *Recognize the badge and oath of office as a personally binding commitment to public office, public trust and professional ethics, surmounting personal feelings or prejudices that may denigrate that oath*
- *Professionally execute official duties regardless of the race, sex, religion or financial status of persons requiring assistance*
- *Display a commitment to law enforcement without fear or favor, malice or ill will, and without using unnecessary force or accepting gratuities.*

### 1-105.1 COUNTY BOARD OF ETHICS

*The Prince George's County Council has established the County Board of Ethics and Office of Ethics and Accountability (cited within the County Code as, the Prince George's County Code of Ethics) for the purposes of maintaining the highest trust in County public officials and employees and to set minimum standards for their conduct of County business.*

### 1-105.2 TRAINING, MANDATORY

*The Bureau Chief, Bureau of Administration, shall ensure that: ethics training is conducted for all Office of the Sheriff personnel, at a minimum, biennially and during every calendar year ending in an even number<sup>1</sup>; and,*

*All Office of the Sheriff employees are required to complete ethics training as may be mandated by the County Office of Ethics and Accountability.*

#### REFERENCE:

*Prince George's County Code Subtitle 2. Administration. Division 17a Office of Ethics and Accountability*

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<sup>1</sup> CALEA 1. 1. 2



**1-106 CODE OF CONDUCT**

The purpose of this order is to establish guidelines and procedures for all Office of the Sheriff Personnel in reference to Code of Conduct. The Code of Conduct sets standards by which an agency or individual may be measured in order to determine if an expected level of excellence or attainment is met. Hereafter are listed the standards by which the Prince George's County Office of the Sheriff and its personnel will be measured. Although it could be argued that no person or agency will completely achieve the standards, it is nonetheless expected that all personnel will continually work and strive to do so.

These standards are not to be considered in the abstract. Instead, each employee should personally work to achieve the degree of excellence of performance necessary to meet them. These standards are primarily intended to set the tone of service expected from the Prince George's County Office of the Sheriff employees.

**1-106.1 POLICY**

All members of the Office of the Sheriff are required to comply with the Code of Conduct as set forth in this order<sup>1</sup>. This includes all amendments that may be announced, and with all other orders or directives, either oral or written, that may be issued, from time to time, by competent authority.

The violation of any rule of conduct, procedure, or lawful order, either oral or written, will make the violator subject to disciplinary action.

Ignorance of these rules, procedures or orders of the Agency or Division may not be considered as justification for any violation. A member shall be responsible for his/her own acts and may not shift to others the burden of responsibility for executing or failing to execute any lawful order or duty.

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**1-106.2 UNBECOMING CONDUCT**

All members shall conduct themselves, at all times, both on and off duty, in a manner that reflects most favorably upon the Agency. Unbecoming conduct shall include that which tends to bring the Agency into disrepute, or reflects discredit upon the member as a representative of the Office of the Sheriff, or that which tends to impair the operation or efficiency of the Agency or the member.

Members may not maliciously threaten, strike, or assault any other member of the Agency.

**1-106.3 IMMORAL CONDUCT**

Members may not be participants in any activity involving moral turpitude that tends to impair the member's ability to function as a member of this Agency, or that causes this Agency to be brought into disrepute.

**1-106.4 CONFORMANCE TO LAWS**

Sworn member may not violate their oaths of office, trust, or any other condition of their employment with the County/State.

No member may commit an offense punishable under the laws of the United States, the laws of this State, or the laws of any political subdivision thereof, to include the District of Columbia.

Any member who has been charged with a violation of the law, except vehicle parking regulations, shall immediately report the facts concerning this violation to his/her Division Commander. Members shall pay or contest, but not ignore, parking tickets.

Members knowing of other members committing crimes, whether felonies or misdemeanors and with the exception of minor motor vehicle violations, shall report same, in writing to their immediate supervisor.

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<sup>1</sup> CALEA 1.1.2  
OFFICE OF THE SHERIFF  
PRINCE GEORGE'S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL



## 1-106.5      **INSUBORDINATION / ABDICATION**

Unless otherwise directed by competent authority, members shall transact all official business with those senior in rank or classification only through the official chain of command.

Members shall promptly obey all lawful orders of a superior. This includes orders from a superior detailed as such, regardless of rank. A "Lawful Order" is any order, either oral or written, which a member should reasonably believe to be in keeping with the performance of the member's duties.

Members shall obey all orders from superiors, whether oral or written, except when compliance to these orders would constitute the commission of an illegal act.

Members shall obey all orders from superiors, whether on- or off-duty. If a member receives an order which he/she perceives to be in conflict with a provision of any applicable labor contract, the member shall first advise the superior directly and then obey the order as received, at once. The member may then implement the official grievance procedures as provided for in the DSA Agreement.

Without justification, members may not intentionally issue an order which is contrary to an order issued. Countermanding or conflicting orders will be issued only when reasonably necessary for the good of the Agency, or in cases of emergency.

Members to whom conflicting orders are issued shall call immediate attention of that fact to the member issuing the subsequent order. If so directed, the subsequent order shall be obeyed first. Members countermanding orders shall report the fact and reason immediately to their Division Commander or equivalent. Responsibility for all prudent and reasonable actions for compliance with orders remains with that member issuing the countermand. Accountability for actions taken in compliance with the countermand remains with the person taking the action.

In addition to those proscriptions as outlined in this section, insubordination includes the ridiculing of a superior or his/her orders, whether in or out of his/her presence.

Supervisors, managers and Commanders are granted the authority, responsibility and commensurate compensation to lead and direct subordinate personnel and, as such; shall not encourage or compel subordinates to go outside their chain of command prior to the assigned supervisor fulfilling his / her responsibility for initially addressing challenges and / or clarifying issues arising within their command.

## 1-106.6      **ABUSE OF POSITION**

Sworn members may not use their official position or their official identification card or badge for personal or financial gain, or as a means of obtaining privileges not otherwise available, or for avoiding consequences for illegal acts. Sworn members may not lend their official identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Sheriff. Nothing in this subsection relative to personal or financial gain is intended to apply to secondary employment approved in accordance with General Order 8-104.

Sworn members may not permit or authorize the use of their names, photographs, or official titles, identifying themselves as Prince George's County Deputy Sheriffs, in connection with testimonials or advertisements of a commodity or commercial enterprise, or for personal reasons, without the approval of the Sheriff.

Members may not sign a petition, without the authorization of the Sheriff, if the petition or signature indicates that the signer is a member of the Office of the Sheriff. Members may not sign a petition which has an unlawful purpose. Members may sign a lawful petition as a private citizen.

Members shall pay all just and legally undisputed debts and legal liabilities incurred by them.

Gifts, Gratuities, Bribes:

- Sworn members may not solicit, seek, accept, or offer a gift or gratuity, including food or drink for themselves or others, from an individual, business establishment, or merchant, if the offer or acceptance might reasonably be construed to be an effort to influence his/her official conduct as a Prince George's County Deputy Sheriff;
- Sworn members may not receive, seek, ask for, offer, or share in any fee, reward, or other reimbursement for the performance of their official duties, or for failure to perform official duties, except as authorized by the Sheriff. A sworn member shall immediately report an offer or attempt to offer any money, gift or other gratuity made in an effort to influence his/her official conduct.

**1-106.7 COURTESY, COOPERATION,  
AND CRITICISM**

All members are strictly charged with establishing and maintaining a high degree of cooperation within the Agency.

Members of the Agency shall be courteous to the public, and tactful in the performance of their duties, and shall control their tempers and exercise the utmost patience and discretion. They may not engage in argumentative discussions even in the face of extreme provocation. In the performance of their duties, members may not use coarse, violent, profane, or insolent languages or gestures.

Members shall treat superiors, subordinates, and associates with respect. Members shall be courteous and civil at all times in their relationships with one another. When on duty, and particularly in the presence of other members or the public, members shall be referred to by rank or title.

Members on or off duty shall exercise care in recognizing sworn members in plainclothes units, lest an investigation or operation be compromised.

Members of this Agency may not criticize or ridicule the Office of the Sheriff, it's supervisors, or any other State Agency, or the Maryland Judiciary, their policies, or their officers, by speech, in writing or by expression in any other manner, if this speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Agency, other State Agencies, or the Judiciary by impairing their operation or maintenance of discipline.

Members receiving or becoming aware of deliveries to the Office of the Sheriff during normal business hours shall ensure all deliveries are made directly to the Budget and Finance operations office. Outside normal business hours, the member shall immediately and directly contact the on-duty Commander or Weekend Duty Officer who shall then assume responsibility for ensuring the package is both kept safe and delivered directly to the Budget and Finance operations office at the beginning of normal business hours, the next business day.

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**1-106.8 CONDUCT TOWARD THE PUBLIC<sup>2</sup>**

Members shall be courteous and orderly in their dealings with the public. In their dealings with the public, members shall avoid harsh, insolent, violent, or profane language, and shall always remain calm regardless of provocation to do otherwise. Upon request, members are required to furnish their names, identification numbers, and assignments, unless authorized not to do so by proper authority, or when to do so would compromise an investigation or operation.

When answering phone calls received via an Agency phone, employees shall answer each phone call by stating in order: "Office of the Sheriff; rank (if sworn); and, the employee's last name." Employees may also state their current division, section or assignment but, in all cases, the minimum greeting shall consist of: Agency, rank (if sworn) and the answering employee's last name.

Members not officially assigned an under cover detail will, upon request, permit any requestor to view his/her badge and/or identification card.

When the public requests assistance or advice (but not legal advice), either by telephone or in person, members shall take all pertinent information in an official and courteous manner, and shall act upon it consistent with established Agency procedures. In the performance of official duties, members shall not refer citizens to any professional services, such as physicians, accountants, attorneys, bondsmen, or wrecker services, by name.

Members shall courteously and promptly accept an allegation of complaint made by a citizen against a member of the Agency. The receipt and processing of all complaints shall conform to General Order 8-105.

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<sup>2</sup> CALEA 22. 2. 7 a, c

Effective: September 25, 2016

## 1-106.9 ASSOCIATIONS

Except in the discharge of official duties, members will not knowingly associate with criminals, racketeers, illegal gamblers, persons under criminal investigation or indictment, or who are engaged in criminal behavior, or who have reputations in the community for engaging in criminal activity.

Except when necessary in the performance, of duty, and then, only under the direction of the Sheriff, members of the Agency may not affiliate themselves with an association, organization, movement, group, or combination of persons which advocated the overthrow of our Constitutional form of government, or which has adopted the policy of advocating or approving the commission of acts of violence to deny a person his/her rights under the Constitution of the United States, or the Maryland Declaration of Rights; or which seeks to alter the form of governments of the United States or the State of Maryland by unconstitutional means.

Except for the Armed Forces Reserve components, members shall not affiliate themselves with any organization or groups, the Constitution or by-laws of which in any way exacts prior consideration, or which would prevent its members from rendering proper and efficient service to the Agency.

Members may join labor or fraternal organizations, but the Agency is not compelled to recognize or engage in collective bargaining with any such labor or fraternal organization, except as provided by law.

Members may not engage in any "strike" or "job action". "Strike" or "job action" includes, but is not limited to:

- The concerted failure to report for duty;
- Willful absence from one's position;
- Unauthorized holidays;
- Sickness unsubstantiated by a physician's statement when required;
- Stoppage of work;
- 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.

Political associations and political conduct of members of the Agency shall conform to the established policies and procedures as set forth in 16-234 of the Prince George's County Code (Personnel Law).

## 1-106.10 AGENCY COMMUNICATION

Except when otherwise ordered, members shall submit reports, both oral and written, that are required, on time, and in accordance with all appropriate General Orders. Reports shall be truthful and complete; and members may not knowingly make or cause to be made any inaccurate, false, or improper report, record, or statement.

All official business transacted shall be processed through official channels:

- Unless otherwise directed by competent authority, written correspondence (inter-office memoranda, administrative reports, routing slips, etc.) shall be addressed first to, or initially through, one's immediate supervisor.
- E-mail communications recommending or requesting action by superiors should be addressed no higher than one's immediate supervisor.
- When the absence of a supervisor within any chain may delay timely review or forwarding of official business, the subordinate member should submit the communication to the next higher authority within that chain of command.
- In the instance of uncertainty, guidance as to proper routing protocols must be sought from within the member's respective chain of command, prior to correspondence or communications being forwarded up the organizational hierarchy.
- Exceptions to the forgoing procedures include:
  - o Communications solicited or initiated by higher authority;
  - o Specific instruction otherwise from superiors;
  - o Notifications made pursuant to existing procedures (e.g., major incidents, special events, emergencies, etc.) and/or;
  - o As may be otherwise prescribed elsewhere in this Manual (e.g., pre-formatted memoranda which are attachments to specific General Orders, etc.).

Immediate supervisors are expected to take appropriate action on oral or written reports and requests by subordinates and either resolve the issue or forward in an approved format to the next higher level for appropriate attention or action. During an administrative investigation, at the direction of competent authority, sworn members

so directed shall submit reports detailing the facts concerning knowledge and/or involvement relating to the incident, if the incident being investigated is related specifically, directly, and narrowly to the performance of official duties.

Unless otherwise directed by the Sheriff or Chief Assistant Sheriff, members shall treat the official business of the Agency as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with General Order 5-108.

Members may remove or copy official records or reports from an Agency installation only in accordance with General Order 5-108. Members shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of duties.

## **1-106.11 PERFORMANCE OF DUTY**

### **1-106.11.a Reporting:**

- Members may not absent themselves without properly approved leave;
- Members shall report for duty at the time and place specified by superiors and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the performance of duties so they may immediately assume their duties;
- If a member is unable to report for duty due to sickness or other causes, the member shall make notifications in accordance with established Agency procedures (G.O. 3-121). Bureau Commanders may require more notification and lead time for notification;
- Sworn members, while off duty, may be subject to call at all times. If placed on standby in an emergency or potential emergency, sworn members shall remain in contact with the Agency by the most practical means available;
- Fictitious illness or injury reports: members may not feign illness or injury, falsely report illness or injury, or otherwise deceive or attempt to deceive an official of the Agency regarding a condition of their health.

**1-106.11.b Neglect of Duty:** Members shall not be negligent in the performance of their duties. Neglect of duty shall include, but not be limited to:

- Failure to be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments where time is specified;
- Recreational reading, playing games, watching television or movies, or engaging in an activity or personal business while on duty that would cause inattentiveness to duties;
- Reporting ill-equipped for duties;
- The failure of a sworn person, either on or off duty, to take appropriate or reasonable law enforcement action on the occasion of a crime in his/her presence. In determining reasonableness, a particular action or inaction must be judged from the perspective of a reasonable Deputy on the scene and include consideration of factors such as: imminent threat to the member or others; whether a subject is actively resisting arrest or detention; tense, uncertain and/or rapidly evolving circumstances, and; severity of the crime at issue. This sub-paragraph applies to disorder, or other conditions deserving police attention. Nothing in this sub-paragraph is intended to apply to minor traffic violations;
- Absenting oneself from one's assigned area during one's tour of duty;
- Failure to remain awake and alert while on duty. If unable to do so, the member shall report this to his/her immediate superior, who shall determine the proper course of action. Nothing in this sub-paragraph is intended to prohibit members from sleeping on duty due to exceptional work requirements that preclude the use of relief from duty for sleep;
- Eating meals during their tours of duty contrary to the time, duration, place, or other conditions as established by their Division Commanders. While eating meals during their tours of duty, members are subject to immediate recall.

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**1-106.11.c Unsatisfactory Performance:**

- Members shall maintain sufficient competency to properly perform their duties and maintain sufficient competency to assume their responsibilities of their positions. Members shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Agency;
- Unsatisfactory performance may be demonstrated by, but is not limited to, the following:
  - Lack of knowledge as to the application of laws required to be enforced;
  - Unwillingness or inability to perform assigned tasks;
  - Failure to conform to the work standards established for the member's rank, grade, or position;
  - Failure of a sworn member to take appropriate action on the occasion of a crime in his/her presence. This also applies to disorder, or other conditions deserving police attention;
  - An overall "unsatisfactory" rating on an annual personnel appraisal. In such situations, the member's termination of service with the Agency will be sought;
  - Careless and/or inaccurate reporting of information in reports and/or statements.

**1-106.12 INTERFERENCE WITH DUTY**

Members may not attempt to influence the Sheriff or his assistants for the purpose of securing promotion or transfer, or to avoid penalties for reprehensible conduct.

Members may not interfere with cases assigned to other members or agencies for investigation without consent, except by order of a superior. Members may not interfere with the operation of an office, Bureau, Division, Section or Unit, unless otherwise instructed by competent authority. Members may not undertake an investigation or other police action, not a part of regular duties, unless either so authorized or under circumstances requiring immediate action.

Members may not be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a criminal's victim, for allowing the criminal to escape punishment prescribed by law. Members having knowledge of such an arrangement, agreement, or compromise shall report this to their immediate superior without delay.

**1-106.13 PROPERTY AND EVIDENCE**

Property and evidence coming into to custody of the Agency shall be processed in accordance with General Order 5-105.

No member may convert to his/her own use, manufacture, tamper with, alter, damage through negligence, destroy, or in any way, misappropriate evidence or other property found in connection with an investigation or other Agency action, except in accordance with established Agency procedures.

**1-106.14 USE OF DRUGS AND ALCOHOLIC BEVERAGES**

Members may not use any controlled substances, narcotic, or hallucinogen, except when prescribed in the treatment of an individual by a licensed physician or dentist. (Under such circumstances, the member shall notify his/her supervisor or such usage)

Members may not drink intoxicating beverages while in uniform or while on duty, unless it is necessary in the performance of duty, and then, only with the authorization of one's immediate superior.

While off duty, members shall refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior that would tend to discredit the individual or the Agency, or would render the individual unfit to report for scheduled or on-call duty. Members may not store or bring into the Agency or an Agency vehicle: alcoholic beverages, controlled substances, narcotics, or hallucinogens, except alcoholic beverages, controlled substances, narcotics, or hallucinogens that are either being held as evidence or that for which the member possesses pursuant to a valid prescription.

**1-106.15 PERSONAL APPEARANCE AND BEHAVIOR**

Members shall maintain a neat, well groomed appearance. Hair styles and uniform/attire wear shall be consistent with General Orders 7-102, 7-107, and 1-107.

Members shall not smoke on duty while in direct contact with the public, nor while in uniform in public view. While wearing an Agency uniform, members shall maintain a military bearing, avoiding such mannerisms as slouching, shuffling, and keeping hands in pockets.

### **1-106.16 ATTENDANCE OR APPEARANCE BEFORE A COURT OR ADMINISTRATIVE PANEL**

The requirements of this section encompass courts of law and quasi-judicial bodies.

When attending or appearing in court, members shall not display any mannerisms which might imply disrespect for the court, such as gum chewing, lounging, slouching, wearing sunglasses, and loud disruptive talking.

Any member acting in his / her official capacity and either summonsed or subpoenaed to testify as a witness shall wear the uniform of the day or proper business / court attire, in accordance with General Order 7-102.

When not in uniform, armed and entering either a court facility or administrative hearing, the Deputy shall prominently display his / her badge / credentials and comply with all regulations of the court or administrative body in question regarding the wearing (or securing) of firearms by plain-clothed personnel. If unknown, it shall remain the responsibility of the Deputy to inquire, obtain and ascertain the plain-clothes firearms policies of the court or administrative body in question, beforehand.

When attending court or an administrative panel for a matter unrelated to the member's official duties, members shall not wear or display items bearing the name, seal or insignia of the Office of the Sheriff, while appearing before the court or administrative panel in question.

Any member subpoenaed to testify for the defense in any criminal trial or hearing, or against the County, State, or the Agency in any hearing or trial, shall immediately notify the supervisor, Policy Compliance Division, by providing said official with a copy of the subpoena. In criminal matters, the member shall also notify the prosecutor.

### **1-106.17 USE OF FORCE AND TREATMENT OF PERSONS IN CUSTODY**

Sworn members, acting in an official capacity, may not use unnecessary or excessive force. Use of force shall conform to those standards set forth in General Order 7-107, and formal training.

Members shall not mistreat persons who are in custody. They shall handle persons in accordance with established Agency written procedure. Members may not release, without proper authority, a person legally in their charge, or, through neglect or design, allow a person in their charge to escape.

Sworn members shall use every reasonable effort to ensure the correct identity of a person arrested or confined.

Sworn members exercising custody over other persons are responsible for the safety and security of those individuals.

### **1-106.18 AGENCY EQUIPMENT**

Weapons may not be used or handled in a careless or imprudent manner. They shall be used in accordance with General Order 7-107, or formal instruction. This subsection shall also apply to personally owned equipment authorized for official use.

Agency equipment shall be used in accordance with General Orders to include but not limited to 7-105, 7-106, 7-107, 7-108, and 7-109. Equipment may not be abused, damaged, altered, or through negligence, lost. Members may not cause or contribute to the damage, abuse, alteration, or loss of Agency equipment through negligence or carelessness.

Members shall operate Agency vehicles in a careful and prudent manner. Members may not, through negligent or careless operation, incur or cause damage to be incurred to Agency property or the property of another. Members shall obey the laws of the State and local ordinances, and shall comply with General Order 7-105 pertaining to the operation of equipment and vehicles.

A member placed under suspension shall turn in such Agency-issued equipment as may be designated by the conditions of the suspension.

Damage to, or loss of, Agency equipment shall be reported in conformance with Agency procedure.

In the event that Agency equipment is found bearing evidence of damage or unauthorized alteration which has not been reported, it shall be prima facie evidence that the last person signing for the equipment was responsible.

Members may not have an item of Agency equipment repaired, adjusted or modified without official authorization.

Only members of this Agency are permitted to operate or attempt to operate an Agency vehicle or use any Agency firearm, or to use any other item of property under the control of the Office of the Sheriff. However, specific exceptions may be authorized by the Sheriff.

**1-106.19 TELEPHONES AND ADDRESSES**

All members shall have a working telephone at their residence.

Members shall report changes of their telephone numbers or addresses to their Division Commanders no later than 24 hours after the change, whether the member is working or on leave. Division Commanders shall forward such changes to the Teletype Section and the Assistant Sheriff, Bureau of Administration, Attn: Personnel Section, no later than the next business day.

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**1-106.20 CONDUCT TOWARD THE U.S. FLAG**

Sworn members in uniform shall render full military honors to the National colors and anthem at appropriate times.

**During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review:**

- Those present in uniform should render the military salute.
- All persons present except those in uniform should face the flag and stand at attention with the right hand over the heart.
- When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.

The salute to the flag in a moving column should be rendered at the moment the flag passes.

**The Pledge of Allegiance to the Flag** should be rendered by standing at attention facing the flag with the right hand over the heart:

'I pledge allegiance to the Flag  
of the United States of America,  
and to the Republic for which it stands,  
one Nation under God, indivisible,  
with liberty and justice for all',

- When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.
- Persons in uniform should remain silent, face the flag, and render the military salute.

**During rendition of the national anthem when the flag is displayed:**

- Persons in uniform should render the military salute at the first note of the anthem and retain this position until the last note.
- All present except those in uniform should stand at attention facing the flag with the right hand over the heart.
- Persons not in uniform should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.

When the flag is not displayed, those present should face toward the music and act in the same manner they would if the flag were displayed there.

REFERENCE: Prince George's County Code  
Personnel Law 16-234

The National Flag Code (US Code  
Title 36 Chapter 10, §171, 172, 175,  
and 177)



## **1-107 PERSONAL APPEARANCE AND GROOMING**

The purpose of this order is to establish minimum standards of personal appearance and grooming for all Office of the Sheriff personnel wearing uniforms. Standards regarding personal cleanliness, grooming, and styling will be addressed in this order.

### **1-107.1 POLICY**

Although contemporary society has accepted, to a large degree wide variations in life styles, to include that pertaining to personal appearance and grooming, the public still expects a somewhat narrower standard of how a responsible law enforcement officer should appear. Furthermore this public expectation has extended to include certain classes of uniformed civilian employees whose duties encompass those formerly performed by sworn members and are duties which bring those uniformed civilian employees into routine visible contact with the public. The fulfillment of this public expectation translates into public trust and confidence in the Office of the Sheriff; and thereby affects the degree of effectiveness that the Office of the Sheriff has in the performance of its mission for the citizenry.

Protective clothing, equipment and various environments dictate the necessity to set maximum limits on hair and nail growth in order to ensure proper fits and to provide for the safety of the individuals, the individual's co-workers, and the public.

The described standards rule out types of personal appearance and grooming that would tend to create a safety or health hazards or would tend to bring discredit or disrespect to law enforcement in general and the Office of the Sheriff in particular. These standards are to be adhered to by all on duty Deputy Sheriffs and uniformed civilian personnel whether in uniform or authorized to wear civilian clothing. Exceptions shall be only if the individual is assigned to a specific undercover assignment, and such exception shall be authorized at Division Command level or higher.

### **1-107.2 PROCEDURES**

Personal hygiene will be maintained by frequent bathing with soap and water. Nails will be regularly manicured.

Facial Hair:

- No beards are authorized. Personnel affected by the temporary condition known as pseudo-folliculitis barbae (PFB) must submit a Doctor's note every three months describing the necessity of facial hair

and the course of treatment. In no case, will beards be permitted to be longer than ¼ inch in length;

- Mustaches will be neatly trimmed, will not extend below the upper lip, and will not extend more than 1/2" beyond the corners of the mouth.

Hair of the Scalp:

- Sideburns will extend no further than ½" below the bottom of the earlobe; and may be flared no more than 1 ¼" at the bottom;
- Male hair will be trimmed or combed so as not to cover the ear, or back of the collar when combed;
- Box and bush styles are authorized, but in any event, no style will interfere with the wearing of a Uniform hat or helmet, or pose an obvious safety hazard;
- Female hair length will be no longer than the bottom of the collar or shall be put up in a fashion so as not to hang down past the bottom of the collar.

Make-up and Accessories:

- Wigs are authorized providing standards regarding length and style are met;
- Only clear or light color nail polish is authorized;
- Makeup will not be excessive and must appear Natural;
- Earrings are authorized as follows:
  - Will be of button type only.
  - Will not dangle from the earlobe or extend beyond the perimeter of the earlobe.
  - Only one pair will be worn at the same time, by a single earring in each ear.
- Necklaces or similar items will not be worn visibly;
- Suggestive tattoos and body piercing (other than earrings) should not be visible.

## 1-108 HARASSMENT AND SEXUAL HARASSMENT

The purpose of this order is to establish guidelines and procedures for all Office of the Sheriff Personnel pertaining to harassment and sexual harassment. The Office of the Sheriff will maintain a working environment in which all employees are provided courteous and fair treatment, and the opportunity to perform their duties free of all forms of workplace harassment, including sexual harassment.

### 1-108.1 POLICY

All employees of the Prince George's County Office of the Sheriff are required to comply with the procedures as set forth in this general order. Employees shall avoid situations which involve actual or apparent harassment and/or sexual harassment. Harassment of all kinds, undermines the integrity of employee relationships, lowers morale, interferes with the efficiency of the organization, and may result in civil rights violation suits and/or disciplinary actions.

Supervisors shall ensure the workplace has an environment free from harassment of all types including, but not limited to sexual harassment, and harassment based on race, national origin, religion, sexual orientation, color, age, disability, gender, or any other prejudice. Supervisors shall take prompt and appropriate corrective action when they observe or are made aware of conduct that may be interpreted as harassment or sexual harassment regardless of an informal or formal complaint.

Any substantiated violation of this general order will be investigated and the violator will be subject to appropriate disciplinary action.

There shall be no retaliation against any employee or citizen for filing a harassment or sexual harassment complaint, or for assisting, testifying, or participation in an inquiry or investigation of such a complaint. During an investigation, nothing precludes employees from invoking their rights as afforded by contract, law or contacting a higher authority.

When employees, other than victims, become aware of any conduct believed to be harassment or sexual harassment or discrimination, whether or not the conduct is directed at them, witnessed by them, or related to them by another employee, they shall report the incident to their supervisor.

## 1-108.2 DEFINITIONS

**Arbitrary Discrimination** – is an action or activity that unlawfully or unjustly results in unequal treatment of persons or groups based on race, national origin, religion, sexual orientation, color, age, disability, or gender. Arbitrary discrimination can include action or inaction based upon **prejudice, stereotyping, or racism** and can exist in the following formats:

- **Disparaging Terms** – are words used to degrade or infer negative connotations pertaining to age, color, national origin, sexual orientation, race, ethnic group, religion, gender, or disability. Such terms may include slurs, symbols, posters, or insignia.
- **Personal Discrimination** – is any action taken by an individual to deprive a person or group of a right because of age, color, national origin, sexual orientation, race, ethnic group, religion, gender, disability, or any other prejudice. Such discrimination can occur overtly, covertly, by an act, or by an omission.

### **Equal Employment Opportunity (EEO)**

**Coordinator** – that individual within the Agency who has been assigned the responsibility to administer the provisions of this section. The EEO Coordinator is responsible to ensure that EEO law is fully and successfully implemented within the Agency. The EEO Coordinator is responsible for resolving complaints of discrimination and harassment wherever they may occur throughout the Agency.

**Harassment** – is unwelcome or unsolicited verbal or physical conduct that is sufficiently severe or pervasive that it interferes with an employee's job performance or creates an intimidating, hostile or offensive working environment. Harassment based on race, religion, color, national origin, age, sexual orientation, gender or disability violates Prince George's County Government's policy and will not be tolerated. Harassment can arise when unwelcome and offensive comments or conduct are directed at an individual, as well as when such comments and conduct are made in the workplace generally such that they create a hostile or offensive working environment for an individual.

**Prejudice** – is any set of rigid and/or unfavorable attitudes toward a particular group or groups which is formed with disregard for facts, e.g., an unsupported judgment, usually accompanied by disapproval.

**Racism** – is the incorrect assumption that a race determines specific cultural and psychological traits, with the belief that one race is superior to another. This belief of racial superiority allows discrimination to exist when dealing with other races believed to be inferior.

**Sexual Harassment** – is defined as unwelcome or unsolicited sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive working environment. Sexual harassment can arise when unwelcome and offensive comments or conduct are directed at an individual, as well as when such comments or conduct are made in the workplace generally such that they create a hostile or offensive working environment for an individual. This conduct may include these forms:

- **Verbal** - innuendoes, slurs, suggestive comments, jokes, propositions, or threats;
- **Non Verbal** – suggestive objects, pictures, suggestive or insulting sounds, whistling, or obscene gestures;
- **Physical** – includes touching, pinching, brushing the body, or assault.

**Stereotype** - is a preconceived or oversimplified generalization involving negative beliefs about a particular group or class of people. Negative stereotypes are frequently the basis for prejudicial attitudes and beliefs. Stereotyping overlooks people as individuals and categorizes them as members of a group that all think, act, and behave in the same manner and fashion.

### 1-108.3 PROCEDURE

All employees will share in the responsibility of creating a work environment that is free from discrimination, insults, intimidation and other forms of harassment. Harassment based on race, religion, color, national origin, age, sexual orientation, disability or gender is in violation of this general order and will not be tolerated in the workplace.

### 1-108.4 COMPLAINT AND INVESTIGATION

As a means of providing its employees with a work environment that is free from harassment and sexual harassment, the Office of the Sheriff has established procedures for handling these complaints:

- When an employee observes behavior or finds a casual remark to be offensive, the employee should report the allegation of harassment and/or sexual harassment no later than thirty (30) days after the last alleged incident of harassment/sexual harassment to the designated agency coordinator. Whenever an employee alleges that a coordinator is involved in the harassment allegation(s), the employee should report his/her allegations to the Personnel Officer;
- **Complaint Procedures** – to initiate the resolution of a complaint, the employee shall make arrangements with either the EEO Coordinator or the Personnel Officer to pickup an EEOC Complaint Form (Attachment). The employee shall complete the form and return it as soon as possible;
- **Screening Procedures** – upon receipt of the complaint, the EEO Coordinator shall schedule an appointment with the employee. At the screening appointment, the EEO Coordinator shall discuss with the employee, the complaint and a method of resolution;
- **Resolution Procedures** – the options available to the EEO Coordinator for resolution of complaints are:
  - (1) Handle informally
  - (2) Conduct an investigation
  - (3) Assign for investigation
- **Final Determination Procedures** – the EEO Coordinator shall notify the employee and appropriate management officials in person, by mail, or by memo of the outcome of the complaint.

ATTACHMENT: EEOC Complaint Form

REFERENCES: Civil Rights Act of 1964  
Executive Order No. 60-1995  
Executive Order No. 61-1995  
Personnel Law  
Administrative Procedure 221  
EEO Act of 1972

## **2-101 OFFICE OF THE SHERIFF<sup>1</sup>**

The *Executive* Office of the Sheriff is comprised of the Sheriff; the Executive Assistant to the Sheriff; the Executive Aide to the Sheriff, and; those components of the Agency which report directly to the Sheriff and his/her Executive Staff, instead of through one of the Bureau Chiefs. The functions and duties of these components are outlined and explained in the following sections.

### **2-101.1 DUTIES AND RESPONSIBILITIES OF THE SHERIFF**

The Sheriff is an elected State Official who has duties and responsibilities assigned by the Constitution of the State of Maryland, the Common Law and Statutory Law of the State of Maryland. Duties of the Sheriff are found in the following list.

The Sheriff:

- Is the final authority for all matters of policy; operations, and discipline;
- Establishes orders, rules, and regulations for the administration of the Agency;
- Is the final approval authority for all additions, deletions, or changes to the General Orders Manual (GOM);
- Provides for Agency staffing by presenting requests for funding to the Prince George's County Council and through such other venues as may be appropriate for this purpose;
- Administers funds to accomplish the Agency's goals and objectives;
- Provides for the establishment and maintenance of goals and objectives for the Agency;
- Is the authority for all planning, direction, coordinating, controlling, and staffing activities of the Agency;
- Is architect and approval authority for the Agency's organizational structure;
- Provides for the oversight of the efficiency and effectiveness of all Agency operations and functions;

- Provides direction to maintain all Agency functions and operations within the framework provided by law;
- Establishes the various duties and responsibilities for components of the Agency and its employees;
- Provides training and leadership to employees in order to accomplish the goals and objectives of the Agency;
- Provides for the maintenance of cordial and effective relationships between the Agency and other government agencies, political entities, the business community, civic organizations and the citizens;
- Establishes standards of performance and moral character for the Agency's employees.

### **2-101.2 EXECUTIVE ASSISTANT TO THE SHERIFF**

The Executive Assistant to the Sheriff is a civilian position reporting directly to the Sheriff. The Executive Assistant to the Sheriff provides personal support to the Sheriff in carrying out the Sheriff's daily activities. Examples of some of the Executive Assistant to the Sheriff's responsibilities include:

- Assists the Sheriff in the research and preparation of reports;
- Represents the Sheriff at meetings;
- Reviews and distributes all correspondence directed to the Sheriff and oversees the preparation of all outgoing responses;
- Attends various functions and makes presentations on behalf of the Agency or the Sheriff.

### **2-101.3 EXECUTIVE AIDE TO THE SHERIFF**

The Executive Aide to the Sheriff is a sworn position reporting directly to the Sheriff. The Executive Aide to the Sheriff provides personal support to the Sheriff in carrying out the daily activities of the Sheriff. Examples of some of the Executive Aide to the Sheriff's duties include:

- Supports the Sheriff in the preparation of reports, project documents, and correspondence;

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<sup>1</sup> CALEA 11. 1. 1

- Provides direct supervision of the Peer Support Group. *Assists in coordinating* efforts in response to unusual occurrences, marshaling the resources of the Agency and acting as advisor to the Sheriff;
- Maintains a list of current projects and activities of the Office of the Sheriff and the Agency, their status and progress, and provide the Sheriff with a daily briefing of all of these.

Attachment: *Organizational Chart, Office of the Sheriff, Revised Effective August 25, 2013*

## 2-102 CHIEF ASSISTANT SHERIFF

The Chief Assistant Sheriff is designated as “second in command” as provided for in § 2-309, (r) (2) (l) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. The Chief Assistant Sheriff is responsible to fulfill the duties and responsibilities of the Sheriff during periods of absence or incapacitation of the Sheriff<sup>1</sup>.

The Chief Assistant Sheriff is responsible for the day to day operations of the Agency and will have the following duties and responsibilities, in addition to, and/or as enumerated by, the position description for his/her position:

- Provides the Sheriff with timely and complete information regarding priorities, progress, problems, and policies that significantly impact the Agency;
- Makes recommendations to the Sheriff for both long and short-term goals;
- Makes recommendations to the Sheriff for changes in policy and procedures to enhance and improve the effectiveness and efficiency of the Agency;
- Provides direct supervision of the Assistant Sheriffs, Office of Policy Compliance, Inspector General, Public Affairs Division and the Deputy Sheriff’s Association President;
- Continually monitors the functions and personnel under the command and control of the position of Chief Assistant Sheriff;
- Authorizes policy documents for inclusion in the Agency Manual on behalf of the Sheriff;

### 2-102.1 ADMINISTRATIVE ASSISTANT TO THE CHIEF ASSISTANT SHERIFF

This administrative assistant position is a civilian reporting directly to the Chief Assistant Sheriff. This Administrative Assistant provides personal support to the Chief Assistant Sheriff. Examples of some of the duties and responsibilities of the Administrative Assistant to the Chief Assistant Sheriff include:

- Assists the Chief Assistant Sheriff in the research and preparation of reports;
- Reviews and distributes all incoming correspondence addressed to the Chief Assistant Sheriff and oversees the preparation of all outgoing responses;
- Prepares monthly reports in accordance with the Office of the Sheriff’s procedures and forwards to the Chief Administrative Office for Prince George’s County.

<sup>1</sup> CALEA 12. 1. 2 a

## 2-102.2 POLICY COMPLIANCE DIVISION

The Commander, Policy Compliance Division is a sworn member of the Agency. *As the position directly responsible for the internal affairs function, the Commander, Policy Compliance Division does have the authority to report directly to the Sheriff<sup>2</sup>; however; under normal, day-to-day operations, the Commander and his/her staff, reports directly to the Chief Assistant Sheriff and assumes the following duties and responsibilities:*

- Administers the investigation and resolution of all cases of alleged misconduct by Agency personnel;
- Maintains all Agency records of complaints against employees, internal investigations, and Use of Force Reports, keeping these records in secure and confidential files;
- Coordinates and provides support for all administrative hearing boards;
- Coordinates and administers the Random Drug Test Program;
- Coordinates and provides support for all emergency suspension hearings;
- Maintains statistical data regarding internal affairs investigations and making recommendations to ensure the fair administration of the disciplinary process;
- Coordinates and/or investigates any incident where an employee is injured when performing his/her duties; or is involved in an automobile accident while operating a county vehicle;
- Conducts and/or reviews any investigation into each use of force incident where a person is seriously injured or death occurs.
- Conducts a documented annual analysis of all written reports of incidents in which agency members have: applied physical, lethal or less lethal force upon another; caused or are alleged to have caused death or injury to another, or; intentionally or unintentionally discharged a firearm<sup>3</sup>. The purpose of this analysis is to determine any patterns or trends that could indicate training needs and/or policy modifications<sup>4</sup>.

<sup>2</sup> CALEA 52.1.3

<sup>3</sup> CALEA 1. 3. 7

<sup>4</sup> CALEA 1. 3. 13

### 2-102.3 INSPECTOR GENERAL

The Inspector General will conduct formal scheduled inspections of all components of the Office of the Sheriff, excluding the Executive Office of the Sheriff and Office of the Chief Assistant Sheriff. These inspections shall occur as deemed necessary by the Chief Assistant Sheriff. The Inspector General will be responsible for the following:

- Ensures Agency compliance with rules, policies and procedures;
- Coordinates Special Staff Inspections, announced or unannounced, as directed by the Sheriff or Chief Assistant Sheriff on any aspect or issue which relates to the Agency;
- Ensures the EEO laws are fully and successfully implemented within the Agency;
- Resolves any complaints of discrimination and harassment wherever they occur throughout the Agency.

### 2-102.4 PUBLIC AFFAIRS DIVISION

The Agency Public Affairs Division is directed by the Manager, Public Affairs and Communications, who reports directly to the Chief Assistant Sheriff and is responsible for developing, coordinating, administering, and directing policies relating to all phases of public relations in accordance with the mission, objectives, directives, and policies of the Office of the Sheriff.

The Public Affairs Division is responsible for establishing and maintaining a close working relationship with employees of the Agency, elected officials, the press, the general public, and community groups.

The Public Affairs Division prepares a "Week-in-Advance" calendar detailing agency participation in various community events, public speaking engagements or other public appearances by employees of the agency and distributes the calendar to all Division Commanders, and above.

One *Supervisor* shall be assigned direct command responsibility over the Public Affairs Division, and, in addition to accountability for command over the Public Affairs Division, the *Supervisor* will have the following duties and responsibilities:

- Provides the Manager, Public Affairs and Communications with timely and complete information concerning all the activities under control of the Public Affairs Division and any

information received having a significant impact upon the Agency, its areas of responsibility, or its operations;

- Provides direct supervision and continually monitors the functions and personnel under the command and control of the Public Affairs Division in order to assure their proper function;
- Makes recommendations to the Manager, Public Affairs and Communications for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Public Affairs Division;
- Makes recommendations to the Manager, Public Affairs and Communications for development of both long and short-term goals.
- Serves as the agency's spokesperson in the absence of the Manager, Public Affairs and Communications and as directed by the Chief Assistant Sheriff.

Members of the Public Affairs Division will, in addition to duties and responsibilities described in their individual position descriptions, accomplish the following responsibilities:

- Assist news personnel in covering news stories at the scenes of incidents where the Agency has responded and has an ongoing responsibility;
- Maintain an on-call response to news media or Agency personnel for times when newsworthy events might justify this use of resources;
- Prepare and distribute Agency news releases;
- Coordinate news conferences and assist in presentations of information by agency personnel or presents such information, as may be required by circumstances of the instant case;
- Coordinate the release of information concerning victims, witnesses, and suspects, making sure that such release is compatible with on-going investigations or operations and is balanced between the rights of privacy of individuals and the public's right to be informed;
- Provide media and public information liaison during crisis situations within the Agency or community;

- Coordinate the release of information concerning confidential Agency investigations and operations upon receiving authorization from the Executive Aide to the Sheriff, the Chief Assistant Sheriff or Sheriff;
- Develop procedures for releasing information when other Agencies are involved in joint operations or mutual efforts.

**REMAINDER THIS COLUMN SPACE  
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## **2-102.5 WEEKEND SENIOR COMMAND STAFF OFFICER**

The Weekend Senior Command Staff Officer is a sworn officer of the rank of Captain or above. Each Weekend Senior Command Staff Officer shall be assigned "on call" responsibility for a given weekend period, as determined by a published weekend calendar to be rotated amongst the Senior Command Staff sworn officers, of the rank of Captain or above. The Weekend Senior Command Staff Officer provides guidance and support to the Weekend Duty Officer in managing the affairs of the Agency during the weekend and when other command personnel are not immediately available<sup>5</sup>. In addition to the duties listed in their position descriptions; Weekend Senior Command Officers are also responsible for the following:

- Remains on call and able to respond to Headquarters within one hour of notification;
- Provides the Chief Assistant Sheriff and other Senior Command Staff members with timely and complete information concerning any major incidents;
- Makes operational decisions which require an immediate response in order to deal with an ongoing, or rapidly developing situation<sup>6</sup>;
- Ensures that timely notification is made in the event of a major incident;
- Responds to and staffs the County Emergency Operations Center (EOC) as directed; and,
- Represents the Agency at community events when necessary and as assigned.

Rotation of the published Weekend Senior Command Staff Officer calendar and respective responsibility for Weekend Senior Command Staff Officer duties shall include those sworn officers of the rank of Acting Captain.

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<sup>5</sup> CALEA 12. 1. 2. a, d

<sup>6</sup> CALEA 12. 1. 2. b, c



## 2-103 BUREAU OF ADMINISTRATION

The Bureau of Administration is that component of the Agency which is responsible for Training and Personnel; Planning and Research; Budget and Finance, and; Asset Management.

### 2-103.1 BUREAU OF ADMINISTRATION BUREAU CHIEF

The Bureau of Administration Bureau Chief is a sworn officer, having the rank of Lieutenant Colonel. He/she shall be responsible directly to the Chief Assistant Sheriff. The Bureau Chief will have the following duties and responsibilities:

- Provides the Chief Assistant Sheriff with timely and complete information concerning all the activities under the Bureau Chief's control and any information received having a significant impact upon the Agency, its areas of responsibility, or its operations;
- Provides direct supervision of the Bureau Senior Command Staff and component Managers;
- Continually monitors the functions and personnel under the command and control of the position of Bureau Chief in order to assure their proper function;
- Makes recommendations to the Chief Assistant Sheriff for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency;
- Makes recommendations to the Chief Assistant Sheriff for development of both long and short-term goals.
- Serves as the agency's Equal Employment Opportunity (EEO) officer<sup>1</sup>.
- Provides the Chief Assistant Sheriff with an Annual EEO Report to include:
  - Review of the Agency's EEO policies, with changes recommended as appropriate;
  - Review of procedures for the filing and handling of complaints, with changes recommended as determined to be appropriate;
  - Analysis of all EEO complaints filed by employees of the Agency or matters handled within the preceding year, and;
  - The Agency Recruitment Plan (2-103.3.b).

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<sup>1</sup> CALEA 31. 2. 3

## 2-103.2 BUREAU OF ADMINISTRATION SENIOR COMMAND STAFF

The Bureau of Administration Senior Command Staff are comprised of two sworn officers, having the rank of Captain and two designated component Managers. He/she/they shall be responsible directly to the Bureau Chief.

One Captain shall be assigned direct command responsibility over and accountability for Personnel, Recruitment and Training and including Employee Services, and Range Master / Armorer.

One Captain shall be assigned direct command responsibility over and accountability for the Planning, Research and Development to include the Agency Accreditation Program.

One Manager shall be designated and assigned responsibility over and accountability for Fiscal Affairs to include the Budget, Procurement, Grants Management, and; Finance sections.

One Manager shall be designated and assigned responsibility over and accountability for Asset Management to include the *Teletype and Records Division*, Technical Services, Vehicle Services, Property / Supply Services, and; Facilities Management.

In addition to accountability for command over their specifically assigned agency components, each Captain and Manager will have the following duties and responsibilities:

- Provides the Bureau Chief with timely and complete information concerning all activities under his/her control and area of responsibility;
- Formulates work methods and procedures to be followed by Bureau personnel;
- Evaluates personnel, systems, programs, and working conditions and taking the necessary actions to improve the image of the Bureau;
- Plans, organizes, assigns, directs and supervises the overall activities of Bureau operations.
- Coordinates both routine and emergency activities of the Bureau;
- Develops, maintains, and supervises records, logs and statistics of the Bureau;
- Provides guidance for subordinates in implementing new procedures and programs.

**2-103.3 TRAINING AND PERSONNEL SERVICES**

Command responsibility over and direct accountability for *Training and Personnel Services* shall be assigned to one Captain. He/she plans, organizes and controls all activities of the *Training and Personnel Services Divisions*.

**2-103.3.a TRAINING**

Training is commanded by a sworn member, usually holding the rank of *Lieutenant*. He/she plans, organizes and controls all activities for Training. He/she will report directly to the assigned Captain, Bureau of Administration. He/she, in addition to the duties listed in the position description, will have the following duties and responsibilities:

- Provides the Captain, Bureau of Administration with timely and complete information concerning all activities under his/her control and area of responsibility;
- Ensures that all training, including the Field Training Officer Program, is completed in accordance with Maryland Police Training Commission Standards;
- Coordinates efforts with the Agency Armorer;
- Oversees the Academy classes and the instructors assigned to the Academy.

**2-103.3.b PERSONNEL / EMPLOYEE SERVICES**

The Agency Personnel / Employee Services Coordinator (and any assigned staff) plans, organizes, and controls all activities for Personnel and Employee Services. He/she/they will report directly to the assigned Captain overseeing *Training and Personnel, Services* within the Bureau of Administration. He/she/they, in addition to the duties listed in the position description, will have the following duties and responsibilities:

- Provides the Captain and Bureau of Administration chain of command with timely and complete information concerning all activities under his/her/their control and area of responsibility;
- Ensures that personnel procedures are handled in accordance with County Personnel Law;
- Establishes, maintains and safeguards personnel records in accordance with Personnel Law;

- Monitors the accuracy of the employee personnel files;
- Monitors the performance evaluation programs;
- Administers the accuracy of classification and reclassification of all positions and maintaining position descriptions for each position within the Agency;
- Provides information to appropriate staff concerning employment, terminations, retirements and compensation;
- Maintains the CYBORG Computer System (Personnel Program) by entering and updating employee information;
- Manages the disposition of all job related injury claims, ensuring that all disability reports and investigations are completed on time and according to County and State requirements;
- Administers and coordinates employees' Family Medical Leave requests and approvals;
- Liaisons between employees and the insurance carrier for worker's compensation claims.
- Produces and distributes all internal job announcements;
- Provides applicants with general information or minimum requirements, application procedures and testing schedules;
- Oversees the Agency orientation and exit interview process;
- Provides recommendations to Agency supervisors on various Personnel related issues;
- *Acts as the Agency Recruitment Coordinator and/or oversees the designated Agency Recruitment Program, assisting in developing advertisements to support agency hiring goals.*

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### 2-103.3.b.i **Agency Recruitment Plan and Analysis**

The Agency Recruitment Coordinator and Liaison plans, organizes and controls activities for the Agency's ongoing Recruitment efforts. He/she will report directly to the assigned *Captain* overseeing *Personnel / Employee Services* within the Bureau of Administration. He/she, in addition to the duties listed in the position description, will have the following duties and responsibilities:

- 1) Drafts, maintains, reviews, makes recommendations on and revises annually (before January 31<sup>st</sup> of each year) the Agency Recruitment Plan for full-time sworn personnel. *The Agency Recruitment Plan should be written so that it can be easily understood and followed and shall include the following:*
  - a) Statement of objectives<sup>2</sup>;
  - b) Plan of Action designed to achieve *the stated objectives*<sup>3</sup>;
  - c) Identify employees, inside or outside the agency, responsible for plan administration<sup>4</sup>; and,
  - d) Statistics approximating *and allowing for a basic analysis* of the Agency's ethnic and gender composition in the law enforcement ranks, in comparison to the makeup of the available work force in the county.
- 2) *Conducts and drafts before January 31<sup>st</sup> of each year, the Annual Analysis of the Agency Recruitment Plan that includes the following:*
  - a) *Progress toward the Recruitment Plan's stated objectives*<sup>5</sup>, *to include the results of recruitment efforts (e.g., the number of applicants from each recruitment source and the number of successful candidate hires); and,*
  - b) *Revisions to the Plan as needed*<sup>6</sup>.
- 3) Provides the Bureau of Administration chain of command with timely and complete information concerning all activities under his/her control and area of responsibility;
- 4) Ensures that recruitment procedures are handled in accordance with County Personnel Law;

<sup>2</sup> CALEA 31. 2. 1. a

<sup>3</sup> CALEA 31. 2. 1. b

<sup>4</sup> CALEA 31. 2. 1. c

<sup>5</sup> CALEA 31. 2. 2. a

<sup>6</sup> CALEA 31. 2. 2. b

- 5) Oversees and serves as an Agency liaison to the Applicant Investigation Group process;
- 6) Participates in the recruitment, testing, and screening of all Deputy Sheriff applicants;
- 7) Assists in developing advertisements to support agency hiring goals;
- 8) Provides applicants with general information or minimum requirements, application procedures and testing schedules;
- 9) Assists as required or directed with the Agency orientation and exit interview process;
- 10) Provides recommendations to the Bureau of Administration chain of command on various Personnel related issues.
- 11) Coordinates recruitment and hiring efforts with the Personnel Support Staff

### 2-103.4 **PLANNING, RESEARCH AND DEVELOPMENT DIVISION**

The Planning, Research and Development Division is commanded by a sworn officer holding the rank of Captain. He/she shall have access to all components and resources of the Agency in order to fulfill his/her responsibilities.

The assigned Captain, Bureau of Administration will have the following duties and responsibilities:

- Creates, revises and deletes Agency policy contained in the Agency's General Orders Manual with the approval of and for the Sheriff and Executive Command Staff;
- Manages the Agency Accreditation Program with the Commission for Accreditation of Law Enforcement Agencies (CALEA);
- Conducts planning, research and strategic development initiatives as directed by the Bureau Chief, Bureau of Administration.

### 2-103.5 **BUDGET & FINANCE**

One Manager shall be designated and assigned responsibility over and accountability for Budget and Finance, to include the Budget, Procurement, Grants Management, and; Finance sections. He/she will report directly to the Bureau Chief, Bureau of Administration and will have the following responsibilities:

Effective: August 25, 2013

- Oversees the Safety and Risk Management program administered throughout the Agency;
- Administers the Agency's annual operating budget for general funds and grants, including the preparation of the budget and financial analysis of the Agency's fiscal operations;
- Coordinates Agency payroll records, ensuring accuracy and timely distribution of pay checks;
- Prepares monthly billing and maintenance of the Agency's accounts receivable;
- Monitors and approves purchase requisitions;
- Coordinates efforts with Supply Services;
- Coordinates grant administration, ensuring that grant narratives are submitted in accordance to procedures.

### **2-103.6 ASSET MANAGEMENT**

One Manager shall be designated and assigned responsibility over and accountability for Asset Management to include:

- *Teletype and Records Division;*
- Technical Services;
- Vehicle Services;
- Property and Supply Services, and;
- Facilities Management.

### **2-103.6.a TELETYPE AND RECORDS DIVISION**

*The Teletype and Records Division of the Office of the Sheriff for Prince George's County is responsible for ensuring the integrity and security of the centralized records function.*

*The Teletype and Records Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Manager, Bureau of Administration. He/she, in addition to the duties listed in the position description, is responsible for the following:*

- *With the assigned Manager, Bureau of Administration, establish, implements and oversees Standard Operating Procedures (SOP's) ensuring the efficiency, integrity and security of an agency-wide, centralized records function;*
- *Provides the assigned Manager, Bureau of Administration with timely and complete information*

*concerning all activities under his/her control and area of responsibility;*

- *Provides direct supervision to the members in the Teletype and Records Section;*
- *Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met;*
- *Oversees and directs the processing, file maintenance, protection and scheduled expungement of all offense and incident reports to include data entry into the Agency Records Management System and filing the reports.*

### **2-103.7 SPECIAL OPERATIONS DIVISION**

The Commander, Special Operations Division is a sworn member of the Agency whose primary assignment may span outside the Bureau of Administration and throughout the agency. The Commander and his/her staff, reports directly to the Bureau Chief, Bureau of Administration and assumes the following duties and responsibilities:

- Coordinate the activation of the members of the Specialized Operations Division as needed. The Special Operation Division consists of the:
  - Viper Unit;
  - Specialized Services Team;
  - Hostage Negotiation Team, and;
  - Civil Disturbance Unit.
- Submission to the Governor's Office of Crime Control and Prevention (GOCCP) of the semi-annual report mandated by MD Code Ann., Public Safety Art., § 3-507 (B) (Required information pertaining to Specialized Services Team (SST) activation and deployments)<sup>7</sup>.

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<sup>7</sup> CALEA 43.1.5

**2-104 BUREAU OF FIELD OPERATIONS**

The Bureau of Field Operations is that component of the Agency which is responsible for Child Support Enforcement, Domestic Violence Intervention issues, Civil process and Warrant/Fugitive operations.

**2-104.1 BUREAU OF FIELD OPERATIONS BUREAU CHIEF**

The Bureau of Field Operations Bureau Chief is a sworn officer, having the rank of Lieutenant Colonel. He/she shall be responsible directly to the Chief Assistant Sheriff. The Bureau Chief will have the following duties and responsibilities:

- Provides the Chief Assistant Sheriff with timely and complete information concerning all the activities under the Bureau Chief's control and any information received having a significant impact upon the Agency, its areas of responsibility or its operations;
- Provides direct supervision of the Bureau Senior Command Staff (Captains);
- Continually monitors the functions and personnel under the command and control of the position of Bureau Chief in order to determine their proper functioning;
- Makes recommendations to Chief Assistant Sheriff for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency;
- Makes recommendations to the Chief Assistant Sheriff for development of both long and short-term goals establishment.

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**2-104.2 BUREAU OF FIELD OPERATIONS SENIOR COMMAND STAFF**

The Bureau of Field Operations Senior Command Staff are comprised of three sworn officers, having the rank of Captain. He/she/they shall be responsible directly to the Bureau Chief.

One Captain shall be assigned direct command responsibility over and accountability for Warrant Operations, including Warrants/Fugitive.

One Captain shall be assigned direct command responsibility over and accountability for Domestic Violence Operations including Domestic Violence Response, Domestic Violence Interventions, and the Evening Duty Officer(s).

One Captain shall be assigned direct command responsibility over and accountability for Civil Operations, to include the Civil / Landlord & Tenant Division and the Child Support Division.

In addition to accountability for command over their specifically assigned agency components, each Captain will have the following duties and responsibilities:

- Provides the Bureau Chief with timely and complete information concerning all activities under his/her control and area of responsibility;
- Formulates work methods and procedures to be followed by Bureau personnel;
- Evaluates personnel, systems, programs, and working conditions and taking the necessary actions to improve the image of the Bureau;
- Plans, organizes, assigns, directs and supervises the overall activities of Bureau operations.
- Coordinates both routine and emergency activities of the Bureau;
- Develops, maintains, and supervises records, logs and statistics of the Bureau;
- Provides guidance for subordinates in implementing new procedures and programs.

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**2-104.3 DOMESTIC VIOLENCE OPERATIONS**

One Captain shall be assigned direct command responsibility over and accountability for Domestic Violence Operations including Domestic Violence Response, Domestic Violence Interventions, and the Evening Duty Officer(s).

**2-104.3. a DOMESTIC VIOLENCE INTERVENTION DIVISION**

The Domestic Violence Intervention Division is commanded by (a) sworn officer(s) of the rank of *Lieutenant*. He/she/they will report directly to the *Captain for the Bureau of Field Operations*. He/she/they, in addition to the duties listed in the position description, is/are responsible for the following:

- Provides the *Captain* with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeants in the Domestic Violence Intervention Division;
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

**2-104.3. b DOMESTIC INTERVENTION / COMMUNITY SERVICES / VICTIM ADVOCATE UNIT**

The Domestic Intervention / Community Services / Victim Advocate Unit is supervised by a Community Developer. He/she will report directly to the assigned Captain, Bureau of Field Operations. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the assigned Captain, Bureau of Field Operations with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the employees in the Domestic Intervention/Community Services/ Victim Advocate Unit;
- Manage the day to day operations of the Domestic Intervention/Community Services/Victim Advocate Unit to ensure that Agency Mission and Goals are met.

**2-104.3. c EVENING / WEEKEND DUTY OFFICER<sup>1</sup>**

The Domestic Violence Intervention Evening / *Weekend* Commander/Duty Officer is a sworn officer of the rank of Lieutenant. He/she manages the affairs of the Agency during those hours during the week days *and weekends* when other command personnel are not immediately available. He/she will report directly to *and be scheduled by* the assigned Captain, Bureau of Field Operations. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the assigned Captain, Bureau of Field Operations (*and/or scheduled Weekend Senior Command Staff Officer*) with timely and complete information concerning all activities under his/her control and area of responsibility;
- Makes operational decisions which require an immediate response in order to deal with an ongoing, or rapidly developing situation;
- Manages overtime deployment to ensure maximum productivity;
- Ensures that timely notification is made in the event of a major incident;
- *Responds to and staffs the County Emergency Operations Center (EOC) as directed; and,*
- *Represents the Agency at community events when necessary and as assigned.*

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<sup>1</sup> CALEA 12. 1. 2 a, b, c, d

#### **2-104.4 WARRANT OPERATIONS**

One Captain shall be assigned direct command responsibility over and accountability for Warrant Operations, including Warrants *and* Fugitive Records.

##### **2-104.4. a WARRANT / FUGITIVE DIVISION**

The Warrant/Fugitive Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Field Operations. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the assigned Captain, Bureau of Field Operations with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeants in the Warrant and Fugitive Sections;
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

#### **2-104.5 CIVIL OPERATIONS**

One Captain shall be assigned direct command responsibility over and accountability for Civil Operations, to include the Civil / Landlord & Tenant Division and the Child Support Division.

##### **2-104.5 .a CIVIL DIVISION**

The Civil Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Field Operations. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the assigned Captain, Bureau of Field Operations with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeants in the Civil and Landlord/Tenant Sections;
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

#### **2-104.5. b CHILD SUPPORT ENFORCEMENT DIVISION**

The Child Support Enforcement Division is commanded by a sworn officer having the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Field Operations. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Prepares the Cooperative Reimbursement Agreement (Grant) to include providing assistance to Fiscal Affairs for the Child Support Enforcement Division budget;
- Provides the assigned Captain, Bureau of Field Operations with statistical reports concerning the Division's activities and progress;
- Provides leadership, command and control to the Child Support Enforcement Division members to ensure that Grant goals are met with regards to the service of all summonses and writs;
- Makes recommendations to the assigned Captain, Bureau of Field Operations for improvements in policies and procedures in order to enhance effectiveness and efficiency of the Division;
- Acts as the Agency representative to all other members of the Child Support and Family Relations systems e.g., Masters, Courts, and the State Office of Child Support.

**2-105 BUREAU OF COURT SERVICES<sup>1</sup>**

The Bureau of Court Services is that component of the Agency which is responsible for the security of the Courts, transportation of prisoners, and implementation of the Community Partnerships Section.<sup>2</sup>

**2-105.1 BUREAU OF COURT SERVICES  
BUREAU CHIEF**

The Bureau of Court Services Bureau Chief is a sworn officer, having the rank of Lieutenant Colonel. He/she shall be responsible directly to the Chief Assistant Sheriff. The Bureau Chief will have the following duties and responsibilities:

- Provides the Chief Assistant Sheriff with timely and complete information concerning all the activities under the Bureau Chief's control and any information received having a significant impact upon the Agency, its areas of responsibility or its operations;
- Provides direct supervision of the Bureau Senior Command Staff (e.g., Captain);
- Continually monitors the functions and personnel under the command and control of the position of Bureau Chief in order to ensure their proper functioning;
- Makes recommendations to Chief Assistant Sheriff for improvements in policies and procedures in order to enhance the effectiveness and efficiency of the Agency;
- Makes recommendations to the Chief Assistant Sheriff for development of both long and short-term goals establishment.

**2-105.2 BUREAU OF COURT SERVICES  
SENIOR COMMAND STAFF**

*A Captain shall be assigned direct command responsibility over and accountability for Court Services within the Circuit Court Division and Building Security Division, and;*

*A Captain shall be assigned direct command responsibility over and accountability for Court Services within the District Court and Transportation Division as well as broader services provided through the Community Partnerships Program.*

In addition to accountability for command over specifically assigned agency components, each Captain will have the following duties and responsibilities:

- Provides the Bureau Chief with timely and complete information concerning all activities under his/her control and area of responsibility;
- Formulates work methods and procedures to be followed by Bureau personnel;
- Evaluates personnel, systems, programs, and working conditions and taking the necessary actions to improve the image of the Bureau;
- Plans, organizes, assigns, directs and supervises the overall activities of Bureau operations.
- Coordinates both routine and emergency activities of the Bureau;
- Develops, maintains, and supervises records, logs and statistics of the Bureau;
- Provides guidance for subordinates in implementing new procedures and programs.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

<sup>1</sup> CALEA 73. 1. 1 c

<sup>2</sup> CALEA 11. 1. 3 a



### 2-105.3 CIRCUIT COURT DIVISION

The Circuit Court Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Court Services. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the Captain, Bureau of Court Services. with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeants in the Circuit Court Division;
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

### 2-105.4 BUILDING SECURITY DIVISION

The Building Security Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Court Services. He/she, in addition to the duties listed in the position description, is responsible for the following:

- Provides the Captain, Bureau of Court Services. with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeant and civilian supervisors in the Building Security Division;
- *Provides direct supervision to the Sergeant overseeing all canine handlers and canine operations within the Building Security Division;*
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

### 2-105.5 DISTRICT COURT AND TRANSPORTATION DIVISION

The District Court and Transportation Division is commanded by a sworn officer of the rank of Lieutenant. He/she will report directly to the assigned Captain, Bureau of Court Services. He/she, in addition to the position description, is responsible for the following:

- Provides the Captain, Bureau of Court Services. with timely and complete information concerning all activities under his/her control and area of responsibility;
- Provides direct supervision to the Sergeants in the District Court and Transportation Sections;
- Manages the day to day operations of the Division to ensure that Agency Mission and Goals are met.

### 2-105.6 COMMUNITY PARTNERSHIPS PROGRAMS<sup>3</sup>

Sworn and civilian personnel assigned to the Community Partnerships Section are directly responsible to the *assigned Captain, Bureau of Court Services* and will perform duties as indicated in the Position Description maintained in the Agency Personnel Division as well as other duties as assigned.

The Sheriff may, dependent upon availability of staffing, budget and other necessary resources, direct agency involvement in other community service programs. Examples of such programs, and the agency's respective roles, include the:

- DARE Program: In which the agency sanctions a Deputy Sheriff-led series of classroom lessons that teaches children at various grade levels how to resist peer pressure and live productive, drug- and violence-free lives.
- Deputy Sheriff Explorer's Program: In which the agency sanctions a combination of Deputy Sheriff-led educational/training, practical, competitive and recreational activities; allowing Explorers to broaden their understanding and knowledge of the law enforcement profession in general and learn the challenges and rewards of providing police services in their own community.
- TRIAD Program: In which the agency sanctions and participates in the partnership between law enforcement, senior citizens, and community groups for the sole purpose of promoting the safety of senior citizens and to reduce the fear of crime that senior citizens often experience.

**REFERENCE:** Personnel Law, Section 16-217

*The Prince George's County Code, Part 2, Title 17 Subtitle 18 (Police) Division I (County Sheriff) Section 18-103 (Sheriff's Office)*

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<sup>3</sup> CALEA 1. 1. 3

Effective: August 25, 2013

### 3-101 TIME REPORTS

The purpose of this order is to outline the Electronic Timesheet System (ETS) procedures for all individual employees and supervisors to use in the recording and reporting of hours worked and leave used by employees.

#### 3-101.1 POLICY

Supervisors shall monitor regularly and accurately account for time worked, leave used and requests for leave by their assigned personnel. Individual employees are responsible for verifying the accuracy of entries made on their electronic time reports.

Division Commanders are required to draft, have approved and implement more narrowly defined procedures as may be determined necessary due to specific operations within a given section or unit.

Nothing in this General Order shall alter any member's responsibilities as covered by other General Orders (i.e. General Order 8 – 101, Code of Conduct).

#### 3-101.2 PROCEDURES

##### 3-101.2. a General

Unless specifically instructed or approved otherwise by a supervisor, all employees must clock ("punch" or log) in and out daily using either the designated Scan Card pads, the Electronic Timesheet Portal on the Intranet, or by using the KIOSK computer for persons without assigned computers. Only designated employees shall use the Telephone Attendance Module (TAM) for reporting their in and out times.

Although the County has various locations where Scan Card pads are located for the purpose of clocking, employees are expected to clock at their assignment location, unless the employee has a supervisor's approval to clock at another location.

Unless specifically instructed or authorized otherwise by an appropriate member of their chain of command, personnel should punch-in no earlier than seven (7) minutes prior to the established shift, and; personnel should punch-out no later than seven (7) minutes after the established ending time of the shift.

Punches outside this 7-minute rule will only be accepted if the employee has authorization from an appropriate member of their chain of command.

Division Commanders (Lieutenants) shall approve all electronic timesheets for personnel below their rank and in their Chain of Command.

Bureau Chiefs (Lieutenant Colonels) shall approve all timesheets for personnel below their rank and in their Chain of Command and have the authority to approve time sheets of ALL personnel below their rank and in their Chain of Command.

Division Commanders and Lieutenant Colonels shall approve electronic timesheets no later than 1200 hours on the Tuesday following the end of each pay period.

##### 3-101.2. b ETS Timecard Window

The ETS on-line Timecard window is divided into three (3) main sections:

- 1) Punches;
- 2) Transactions, and
- 3) Timecard Totals.

##### 1) Punches Section:

Missed punches appearing on an employee's timesheet shall be corrected by the supervisor prior to approval by the Commander. Overtime and Compensatory time must be approved by the Division Commanders.

##### 2) Transactions Section:

Overtime and/or Comp time should not be manually added to the ETS System. That is, if the employee works over their scheduled hours, they still should only "punch in" and "punch out" one time each that day and the overtime or comp time will be reflected at the end of the pay cycle.

Prior to the end of the pay cycle Supervisors are responsible for capturing all Overtime or comp time with a Project Location Code and then moving that Overtime or Comp time to the appropriate Center Number, if applicable. If an employee is paid overtime or comp time, comments should be noted indicating the reason for overtime, including any associated information (e.g., court case number and defendant's name; prisoner transport SDN, etc.) and any additional pertinent details regarding the overtime.

##### 3) Timecard Totals Section:

Supervisors shall ensure each employee's hours present and/or hours of approved leave total 80 hours within the "Total Base Wages" row located in the "Timecard Totals" table (bottommost third of the ETS window).

### **3-101.2. c Overtime Entries**

Paper (“hard”) originals of all Overtime Request Forms and Grid Sheets are due from supervisors and/or Division Commanders to Budget & Finance by *1200 hours on the Tuesday following the end of each pay period.*

Unauthorized overtime will be removed from the employee’s timesheet and the reason will be noted in the comments of the employee’s ETS timecard.

If an employee is on scheduled leave, the appropriate leave will be reflected in the ETS system. The supervisor should make the appropriate entry into the ETS to reflect leave for an employee who has called in sick.

The employee and the supervisor *shall* ensure that the appropriate number of work hours is obtained in the system each day.

### **3-101.2. d Missed Punches**

An employee’s punch is not to be altered. If an employee has a missed a punch, the supervisor must make the necessary adjustment and notes in the comment field, documenting the reason for the employee’s missed punch.

Missed punches are to be addressed by supervisors daily.

Each employee has a personal responsibility to help ensure correct reporting of time and attendance activity in accordance with their published work schedule. Employees should not clock at a location, leave that location and continue to travel to their duty assignment location. Employees should not arrive at the duty assignment location, clock in; leave for breakfast, leave to park, etc. Employees are expected to immediately report to their designated assignment location within minutes of clocking in.

The Sheriff’s Office Personnel Section shall ensure employee assignments are maintained in a current status by making entries into the human resources/ payroll (Cyborg) database.

### **REFERENCES:**

Personnel Law, Section 16 – 221  
PGSC Administrative Procedure #284  
DSA Collective Bargaining Agreement

### **ATTACHMENTS:**

A – Overview of ETS Procedures  
B – Entry Codes, Explanations, and Examples

### 3-102 AUTHORIZATION OF OVERTIME

The purpose of this order is to ensure compliance with existing County policy and labor contracts regarding overtime compensation and approval for all Office of the Sheriff personnel. This order applies to instances wherein emergency or extraordinary circumstances compel, despite the best of scheduling efforts, that an employee perform work beyond, or in addition to, an 8 hour work day, or 80 hour pay period, for which monetary compensation must be authorized.

- Emergency circumstances shall mean those situations which are unforeseen and require that Office of the Sheriff employees perform overtime work in order for the situation to be resolved in a satisfactory manner.
- Extraordinary circumstances shall mean those situations, which although foreseen, and which may even occur frequently, cause work overloads upon current Office of the Sheriff staffing levels, and thus dictate the selective performance of overtime.

#### 3-102.1 POLICY

Overtime shall be authorized only in cases of emergency or extraordinary circumstances, wherein no other feasible means of management is available.

Only the Sheriff, Chief Assistant Sheriff, Bureau Chiefs, Deputy Bureau Chiefs, Assistant Bureau Chiefs or Duty Officers may authorize "call-back" pay.

Exclusive of "call-back" pay, Supervisors carrying the rank of Lieutenant or above may authorize all other overtime. It is intended that in most instances such authorization will be made by respective Division Commanders (Lieutenants).

Normally an individual shall not be authorized to work overtime, if that individual is on any type of leave status. However, if an individual is on pre-approved Sick Leave (for a scheduled doctors appointment, family sick/family member ill) when or where the employee is not personally ill, then the employee may be authorized to work overtime after completing their normal scheduled hours of productive work.

If an individual is authorized to work overtime in a section other than his/her own, that individual shall notify his/her regularly assigned supervisor.

No spouse of any married couple may be assigned to the same unit. No spouse who is authorized to grant overtime may schedule the other spouse to work overtime for them, except under an emergency situation. In the emergency situation before the spouse

is authorized to work overtime, permission must be received from the Bureau Chief of the Bureau in which the work is to be performed. In the event the Bureau Chief cannot be located, any Assistant Sheriff may grant permission.

*An employee shall only submit a request for court compensation overtime when:*

- 1) *As a result of actions taken during the course of employment with the Office of the Sheriff, the employee is scheduled to appear in court on the employee's day off, and;*
- 2) *The employee personally appears before the court on the scheduled date and time.*

#### 3-102.2 PROCEDURES

Division Commanders shall examine each instance on a case-by-case basis, in order to determine if an actual need exists for the expenditure of overtime moneys or compensatory time. In reaching such a conclusion, Division Commanders must determine that no other resources are available, and that the tasks cannot be reasonably handled by any other means.

In cases wherein Division Commanders authorize overtime, members shall report and justify such authorization by completion of two forms:

- 1) "Request for Overtime or Compensatory Time Earnings" (Attachment A), and;
- 2) "Overtime/Comp Time Request Form" (Attachment B).

The Division Commander or authorizing supervisor shall approve and sign the "Request for Overtime or Compensatory Time Earnings" and the "Overtime/Comp Time Request Form."

The member shall retain the "Request for Overtime or Compensatory Time Earnings" form and turn it in at the end of the pay period.

The "Overtime/Comp Time Request Form" shall be maintained by the member's supervisor and submitted along with the "Request for Overtime or Compensatory Time Earnings" and timesheet at the end of the pay period.

If overtime authorization is given during the evening or midnight shifts, the "Overtime/Comp Time, Request Form" and the "Request for Overtime or Compensatory Time Earnings" shall be due no

later than 1000 hours the following or that business day, respectively.

Multiple tasks shall not be submitted on the same "Overtime/Comp Time Request Form."

In situations requiring confidentiality on highly sensitive matters, a personal briefing to the Sheriff or Chief Assistant Sheriff may be made in lieu of a written "Overtime/Comp Time Request Form". At a minimum, the briefing shall cover those items found on the "Overtime/Comp Time Request Form".

All Office of the Sheriff personnel who are working Pre-approved overtime will report the following information to the Duty Officer prior to working overtime.

- Name
- Date
- Location of overtime
- Work hours (overtime)
- Duties
- Type of attire (uniform/plain clothes).

ATTACHMENT A – "Request for Overtime or Compensatory Time Earnings"

B – "Overtime/Comp Time Request Form"

### 3-103 STANDBY PAY

The purpose of this order is to define Standby Status, and the conditions of its use, for all sworn members of the Agency.

#### 3-103.1 POLICY

To ensure that proper procedures and notifications are followed for Standby Pay.

##### 3-103.1.a DEFINITIONS

**Standby:** Is a paid status which substantially restricts a Deputy's ability to freely move about the region to the extent that said Deputy is required to be capable of responding to the Office of the Sheriff Headquarters within one hour from the time of notification.

**Standby Pay:** Is compensation paid to employees on standby status.

#### 3-103.2 PROCEDURES

Standby status permits the Office of the Sheriff to mobilize or call out Deputies to deal with unusual occurrences.

Authorization for standby status must be approved by an officer of the rank of Captain or above, or the Duty Officer who will also maintain a schedule of all Deputies assigned to standby status.

Deputies who have not received authorization from an officer of the rank of Captain or above, or the Duty Officer will be ineligible for standby pay. All authorizations will be granted by official schedule or by an approved log entry at the direction of an officer of rank of Captain or above or the Duty Officer.

Activities while on Standby Status:

- No Deputies on standby status will consume alcoholic beverages;
- All Deputies on standby status will be able to be continuously reached via telephone or pager or assigned County car radio;
- All Deputies on standby status while away from such notification will provide Teletype with a means of positive contact;

- Deputies assigned to standby status will comply with the requirements concerning the Agency regulations for assigned vehicles;
- Deputies assigned to standby status may engage in any activity which would not hinder or interfere with their ability to respond immediately to call back;
- Deputies will insure that, if they must respond to duty, that they are properly attired and equipped to perform their duties.

Inability to perform while on standby status:

- When a Deputy on standby status becomes unable to comply with any of the provisions of this General Order, said Deputy shall immediately notify the officer (Captain or above or Duty Officer) who authorized the standby status or in their absence the commanding officer;
- The officer who authorized standby status or the commanding officer shall insure that:
  - The Deputy's role (standby status) is transferred to another Deputy as necessary;
  - The appropriate adjustment is made to the Deputy's time sheet.

Administrative Notification:

- Immediately following a period of standby, the Deputy who is requesting standby compensation shall complete a Request for Authorization of Overtime form as required. The officer who originally authorized the standby status will personally sign the Authorization for Compensation and submit same for approval as required with normal overtime.

REFERENCE: Collective Bargaining Agreement between Prince George's County and the Deputy Sheriff's Assoc. for Sworn Personnel

### 3-104 EMPLOYEE PERFORMANCE APPRAISALS

The purpose of this order is to establish and outline the policies, procedures and methods of review and evaluation of employee performance, as governed by County Administrative Procedure 217<sup>1</sup>.

#### 3-104.1 POLICY

It is the policy of the Office of the Sheriff to fulfill the important management responsibilities of: monitoring the work of Agency employees; ensuring employees understand their job assignments, offering employees the training they need to perform; appraising employee performance on a continuing basis; and, correcting performance that needs improvement.

The purpose of an established performance rating system is to provide supervisors and subordinates with an objective tool for:

- evaluating subordinate performance on a regular basis;
- promoting an understanding of job requirements and standards of performance;
- providing subordinates and supervisors with a two way avenue of communication, to apprise subordinates how well they are performing and meeting expectations;
- recognizing, encouraging and rewarding outstanding performance; and
- offering constructive criticism and making the rating a useful tool for developing employee improvement.

It is the policy of the Office of the Sheriff that the performance of all full-time personnel will be evaluated no less than annually<sup>2</sup>.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

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<sup>1</sup> CALEA 35.1.1

<sup>2</sup> CALEA 35.1.2

### 3-104.2 PROCEDURES

#### 3-104.2.a Performance Appraisal Process

The Performance Appraisal process is an objective and comprehensive evaluation of an employee's job-related performance over a specific period of time and based on criteria unique to the employee's position.

The Past Performance Appraisal (hereafter "PPA", Attachment 'A') and Performance Assessment Form (Attachment 'B') are used to evaluate an employee's performance based on duties described in the employee's Position Description (Attachment 'C').

At least 90 days before each full-time employee's anniversary date, the Office of the Sheriff Agency Personnel Coordinator shall notify the rated employee's supervisor. Upon notification, the rated employee's supervisor is to obtain from the Agency Personnel Coordinator the rated employee's PPA packet containing all necessary forms, enclosed within a Past Performance Appraisal Transmittal Envelope.

Past Performance Appraisal forms are considered to be CONFIDENTIAL under County Personnel Law; and therefore, all such documents shall: 1) remain inside the Past Performance Appraisal Transmittal Envelope when not in use and when being forwarded; and, 2) not be left in general access mailboxes, hallway office mail baskets, etc.

Note: The express purpose of establishing the 90-day timeframe is to provide all supervisors in the rated member's chain-of-command sufficient time to complete their individual responsibilities and in order for respective Bureau Chiefs to ensure the completed PPA forms and packet is returned to the Agency Personnel Coordinator, prior to the employee's promotion, demotion, transfer, or anniversary date.

Under normal circumstances, supervisors shall be required to report to the Agency Personnel Coordinator to sign for the PPA packet, enclosed in a Past Performance Appraisal Transmittal Envelope. The Agency Personnel Coordinator may forward and issue the supervisor electronic copies of the blank PPA forms, provided the supervisor signs for receipt of the documents.

Supervisors shall then prepare and complete the PPA at least thirty (30) days before the rated employee's promotion, demotion, transfer, or anniversary date provided they supervised

the employee for at least 90 calendar days. The appraisal shall cover the period of supervision beginning with the end date of the previous appraisal. Appraisals are to be based solely on the employee's performance during the past performance appraisal period<sup>3</sup>.

Note: The express purpose of establishing the 30-day deadline is to make certain all supervisors in the rated member's chain-of-command are provided sufficient time to complete their individual responsibilities and in order for respective Bureau Chiefs to ensure the completed PPA forms and packet is returned to the Agency Personnel Coordinator, prior to the employee's promotion, demotion, transfer, or anniversary date.

Commanders/Civilian Managers shall ensure that each newly assigned or transferred employee under their command receives and reviews a Position Description within 10 calendar days of the employee's assignment, to include Temporary Duty Assignments (TDY's) and appointments to an Acting position.

### **3-104.2.b Performance Appraisal Intervals**

#### **1) Anniversary Appraisals**

Personnel Law provides that on an employee's anniversary date, they will advance to the next step in the salary grade if the Sheriff certifies that the employee's performance has been at least satisfactory. When evaluating an employee for anniversary increase eligibility, the supervisor shall complete the Anniversary Merit Increase section of the PPA as follows:

- If the employee's overall work performance is at least satisfactory and the employee is not already at the maximum step in grade, the supervisor shall check the "Approved" block;
- If the employee's overall work performance is less than satisfactory, the supervisor shall check the "Not Approved" block;
- If the employee is already at the maximum step in grade or in the middle of a three-year step, the supervisor shall check the "Not Applicable" block.

An employee who has been on approved leave during an appraisal period shall be evaluated for performance demonstrated while working. Employees shall not be penalized for being on approved leave.

When an employee has been rated "Improvement-Needed," the supervisor shall conduct at least one follow-up appraisal no later than three months from the original anniversary date. The employee's performance will be reevaluated using a PPA Form.

*Dependent upon both availability and applicability, if the employee's performance has improved to at least a "Satisfactory" level, the employee may be eligible for a merit increase. When granted, merit increases are effective the first full pay period following the appraisal; and, are not retroactive to the employee's anniversary date.*

If at the time of the annual performance appraisal the employee received a performance-related disciplinary action (pay reduction or demotion), the disciplinary action may be rescinded and the employee returned to their former position and/or pay rate. The employee is not, however, eligible to receive a merit increase for that appraisal.

#### **2) Probationary Appraisals**

Supervisors shall provide probationary employees feedback and recommendations for performance improvement. These counseling sessions shall be documented in accordance with the procedures outlined within this directive and signed by the employee and supervisor.

The original will be forwarded to the Agency Personnel Coordinator to be placed in the employee's Agency Personnel File and the reviewer's Commander will give a copy of the form to the employee following signature of the PPA.

Additional Performance Assessment Forms may be provided to give the employee maximum opportunity to receive performance feedback before the probationary period expires.

##### **a) Sworn Employees**

The probationary period for Deputy Sheriffs is 12 months, beginning on the date of graduation from the Basic Training Academy.

The probationary period for Deputy Sheriffs hired after being designated and hired as Experienced Police Officers (EPO's) is 12 months, beginning on the date of hire with this agency.

<sup>3</sup> CALEA 35.1.1 b



b) Non-Sworn Employees

The probationary period for civilian personnel varies, according to the employee's class of work. Supervisors shall counsel all civilian probationary employees at the mid-point of the employee's respective probationary period.

**3) Permanent Status Approval**

Supervisors shall prepare a final PPA for each subordinate at least ten working days before the expiration of the probationary period, with exception of the specific conditions resulting in a request for Extension of Probationary Period (below).

Permanent status shall be approved when the employee's overall performance is Satisfactory or above. If the overall performance rating is less than satisfactory, the employee may be subject to discipline by step reduction, demotion, dismissal or the probationary period may, in very limited instances, be extended.

**4) Extension of Probationary Period**

The Sheriff may request approval from the Director, Office of Human Resources Management (OHRM) to extend an employee's probationary period subject to the following conditions:

- The request must be made at least 30 days before the employee's probationary period expires;
- The employee must have been absent from the position and on approved leave (due to circumstances beyond the employee's control) for a substantial period of time during the probationary period;
- The request must be written and state the specific facts and circumstances justifying the extension;
- The Sheriff must believe a proper appraisal of the employee's performance cannot be reasonably made before the employee's probationary period expires;
- The Sheriff must recommend an extension period equal to the period of the employee's absence, with a maximum period of six months;
- Both the Sheriff and the employee must sign the extension request.

If the employee refuses to consent to the extension, the supervisor (with the Sheriffs consent) shall attempt to evaluate the work performed by the employee.

**3-104.2.c Performance Appraisal Preparation<sup>4</sup>**

The Position Description ( Attachment 'C') lists all critical tasks/duties performed by an employee. The supervisor shall ensure the criteria used to evaluate the employee are specific to the employee's current tasks/duties. The supervisor and employee must review and, if necessary, revise the Position Description during the annual performance appraisal process.

The supervisor shall assign an overall appraisal rating, which accurately reflects the employee's performance during the rating period. These factors should be considered when rating each task/duty<sup>5</sup>:

- 1) Time spent completing the task relative to the whole job
- 2) Task criticality
- 3) Expertise with which employee performs the task

If during any rating period, an employee is assigned significant additional duties/tasks (to include Temporary Duty Assignments (TDY's) and/or appointment to an Acting position), the Commander or Civilian Manager overseeing supervision of the employee shall ensure the employee receives and reviews the relevant Position Description within 10 calendar days of the employee's assignment or appointment. If necessary, the supervisor or Commander / Civilian Manager overseeing supervision of the employee shall revise the Position Description accordingly and review it with the employee within 10 calendar days of the revision.

The employee should be issued and required to sign a new Position Description at the time of the annual performance appraisal, regardless of whether any changes have been made to the Position Description.

When a supervising employee is being rated and their tasks include the appraisal of subordinate employees, this shall be reflected in the Position Description. The person rating the supervising employee shall evaluate the quality of such appraisals as part of the PPA.

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<sup>4</sup> CALEA 35.1.1 c

<sup>5</sup> CALEA 35.1.1 a

### 3-104.2.d Performance Appraisal Review / Supervisor-Employee Interview

At least five days before finalizing the draft evaluation, the supervisor should allow and encourage the employee to provide his/her self-assessment for consideration by the supervisor. The supervisor must forward the draft Past Performance Appraisal up his/her chain of command for review and approval to the affected Division Commander / Civilian Manager prior to presenting the PPA to the employee.

Once approved by the respective Division Commander / Civilian Manager, the rating supervisor and affected employee shall conduct a joint review of the proposed ratings for each task/duty, current Position Description and PPA as part of the performance appraisal process<sup>6</sup>.

The supervisor-employee interview and review of the PPA shall include<sup>7</sup>:

- 1) Clarification of duties and responsibilities
- 2) Discussion of objectives and long-range goals
- 3) Recognition of high quality work performance
- 4) Resolution of problems, misunderstandings, and suggestions for improvement
- 5) Review of the knowledge, skills and abilities required within the employee's position
- 6) Discussion of the employee's career development, with attention to knowledge, skills and abilities required for positions considered by the employee
- 7) Review of any training completed by the employee during the rating period, including verification that the employee completed all MPCTC-mandated training
- 8) Overview of government-conducted and other educational opportunities available to the employee

With the employee's concurrence, the PPA may be finalized on the discussion date. If the employee disagrees with the PPA, the employee shall inform the supervisor at the time of review. The supervisor shall wait five working days following the discussion before finalizing and signing the appraisal, to allow the employee to include written comments. During this five-day period, the employee may submit written comments to the supervisor. Upon receipt of such comments, the supervisor shall attach the comments to the appraisal and may:

- Attach their own additional written comments addressing the employee's comments; and/or,
- Modify the proposed ratings based on the employee's comments

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<sup>6</sup> CALEA 35.1.7 a

<sup>7</sup> CALEA 35.1.7 b, c

### 3-104.2.e Signing the Appraisal Form

Upon completing the preceding supervisor-employee interview and PPA review procedures, the supervisor shall sign the PPA forms.

The employee must sign and date the form in all applicable places, acknowledging that the appraisal and Position Description discussions were conducted. The employee signature does not indicate agreement with the content. There is a block for the employee to check if they wish to indicate any disagreement with the appraisal.

The supervisor will then forward the completed and signed PPA packet, Performance Assessment Forms, Position Description, any attached comments, all other necessary documents, and any Exemplary Performance Award Nomination Forms with attachments to their own immediate supervisor, enclosed in the Past Performance Appraisal Transmittal Envelope.

The next person in the rating supervisor's chain of command (Reviewer) will review the documents, checking for consistency and fairness. After review, they shall sign the form and forward it to the next level of command.

Each subsequent Commander in the rating supervisor's chain of command will review all documents comprising the PPA without delay, checking for consistency and fairness. After review, they shall sign and forward the forms to the next level of command, directly.

In accordance with Personnel Law, the Sheriff may delegate to Assistant Sheriffs authority for final review of employee PPA's and signature as "Appointing Authority."

Following their final review and signing of the Performance Assessment Forms and Position Description, the rated employee's respective Bureau Chief (Assistant Sheriff) shall forward the entire contents of the completed PPA packet to the Agency Personnel Coordinator, directly.

A copy of the PPA shall be placed in the employee's Departmental personnel file and a copy shall be given to the employee.

### **3-104.2.f Appraisal Modification**

If the reviewer disagrees with any part of the appraisal, they may identify and justify proposed changes on separate paper and attach it to the appraisal.

The reviewer shall discuss these comments separately with the employee and the rating supervisor before submitting the appraisal to the next level of command. This will enable the employee and/or supervisor to comment on the reviewer's proposed changes.

The reviewer's Commander / Civilian Manager may modify the performance appraisal after considering all submitted comments. The Commander/ Civilian Manager may request additional information or meetings when necessary. Any changes that are made to the PPA must be discussed with the employee.

### **3-104.2.g Past Performance Appraisals by Multiple Supervisors**

When an employee has been supervised for at least 90 calendar days during an appraisal period by a supervisor who subsequently changes jobs, that supervisor shall evaluate the employee before leaving. The employees' PPA's should be completed within 30 calendar days of a change of supervisors.

Each performance appraisal should identify the number of months a rater supervised the employee.

Multiple appraisals are maintained in the employee's Departmental personnel file until the end of the rating period.

When an employee receives two or more performance appraisals due to multiple supervisors, the supervisor's Commander/Civilian Manager shall establish the overall performance appraisal for that rating period.

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### **3-104.3 Performance Assessments**

In addition to its role at various performance appraisal intervals, the Performance Assessment Form (Attachment 'B') may be used to document specific acts or a pattern of behavior, to include:

- Above average performance not necessarily warranting a higher honor
- Below average performance not necessarily warranting more severe disciplinary action
- Performance counseling sessions
- Probationary employee appraisals, except the final probationary appraisal.

When assigning an overall appraisal of "other-than-satisfactory," supervisors shall submit a Performance Assessment Form with the PPA. Justification for the higher or lower overall appraisal must include specific and objective examples of work performance. Reviewers and their Commanders/Civilian Managers shall use this form to justify finalization of the appraisal. Commanders/ Civilian Managers shall ensure justifications are specific and task related, not general statements about the employee's personal qualities.

#### **3-104.3.a Employee Counseling**

Supervisors shall meet with each subordinate at the beginning of each rating period for a counseling session. Such sessions shall include:

- Attempts to resolve problems or misunderstandings
- Current and new objectives
- Explanation of rating criteria
- Identification of performance standards for the subsequent appraisal period
- Clear communication of expected performance levels
- Review of position duties/tasks

Supervisors may counsel subordinates at any time as necessary. Supervisors should conduct, at minimum, an appraisal session with each subordinate at least midway in the appraisal year. Whenever a supervisor deems an employee's overall performance unsatisfactory, the supervisor shall advise the employee in writing via a Performance Assessment Form or memorandum, without any undue or unnecessary delay.

This notification shall list actions to be taken to bring performance to an acceptable level. Whenever possible, the notification shall be provided to the employee no less than 90 days before the end of the current rating period. If the unsatisfactory performance occurs less than 90 days before the end of the current rating period, the notification shall be provided to the employee as soon as possible.

Performance Assessment Forms completed as a result of such sessions are not official performance appraisals and, as such, are not subject to grievance by employees

### **3-104.3.b Retention of Forms**

#### *Retention of Past Performance Appraisal Forms*

The Office of the Sheriff shall maintain a copy of completed Past Performance Appraisal forms in the employee's Agency Personnel File.

#### *Retention of Performance Assessment Forms*

The contents of a Performance Assessment Form cannot be grieved or appealed. The supervisor shall counsel employees and, at their discretion, maintain records of such counseling. The supervisor will retain Performance Assessment Forms prepared between official PPA intervals. If the conduct or performance described in the form is not an issue at the time of the official performance appraisal, the rating supervisor shall remove the form from their records.

If the conduct described in the Performance Assessment Form is not corrected and is an issue at the time of the official appraisal, the supervisor should incorporate the content of the assessment forms with the performance appraisals. The Performance Assessment Form may also be referenced and attached to the performance appraisal.

Once the Performance Assessment Form has been used as documentation for a past appraisal, any copy shall be removed from the employee's Personnel File.

Official actions resulting from the counseling session and information included in the official PPA may then be grieved and appealed.

### **3-104.4 Grievance and Arbitration**

The Personnel Law defines a grievance as a complaint alleging that an act by the employee's supervisor, Sheriff or County Personnel Officer is unfair, inequitable, arbitrary, capricious or illegal.

An employee having a grievance relating to any matter affecting employment is guaranteed the right to pursue that complaint. Adverse actions, with respect to any matter affecting the working conditions, pay or status of the employee are excluded from the grievance procedure.

Employees covered by collective bargaining agreements shall pursue grievances consistent with the terms of their current contract.

Employees not covered by collective bargaining agreements shall pursue grievances in conformance with current County personnel law.

An employee with permanent status may grieve the denial of a merit step increase or may grieve the finalized performance appraisal according to procedures outlined in Personnel Law, Section 16-200, or the appropriate negotiated labor agreement.

#### **3-104.4.a Responsibilities of the Sheriff**

The Bureau Chief, Bureau of Administration shall:

- Coordinate grievance procedures for the Agency;
- Provide notifications to appropriate Agency components to change written directives in order to comply with legal decisions;
- Ensure distribution of information regarding decisions of administrative and judicial proceedings;
- Submit information for inclusion in training bulletins or in-service training sessions; and,
- Coordinate rater-training for new first-line and civilian supervisors on an annual basis<sup>8</sup>.

#### **3-104.4.b Monitoring Unsettled Grievances**

When the Sheriff is unable to resolve a grievance, the Sheriff shall maintain contact with the appropriate labor organization and monitor its progress to conclusion.

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<sup>8</sup> CALEA 35.1.1 d

**3-104.4.c** *Duties of Commanders / Civilian Managers in the Grievance Procedure*

When a Commander or Civilian Manager receives a grievance, they shall obtain a grievance case number from the Policy Compliance Division.

The receiving Commander / Civilian Manager shall ensure the written grievance contains the following information:

- Facts of the grievance
- Description of the specific act and harm done
- Remedy or adjustment sought

The Commander / Civilian Manager shall prepare a written notice to the grievor acknowledging receipt of the grievance, and the date and time received. They shall provide copies of the notice to the Sheriff and the labor organization representing the grievor.

**3-104.4.d** *Grievance Summaries*

When a grievance is satisfactorily resolved, the Commander / Civilian Manager who resolves the grievance shall submit a written summary of the grievance to the Sheriff.

If the Sheriff is the adjudicator, he or she shall execute a summary and maintain it.

Grievance summaries shall contain the following:

- Affirmations or denial of the allegations
- Analysis of the grievance
- Description of the specific wrongful act and harm done
- Type of remedy or adjustment made

Copies of all written material pertaining to the grievance, including the resolution, shall be sent to the PCD.

**3-104.4.e** *Maintenance of Grievance Summaries*

The Sheriff shall collect and maintain records of all grievances for three years, then forward them to the Bureau Chief, Bureau of Administration for disposition. All such files will remain secure in the Office of the Sheriff with access limited to the Sheriff or a designee.

**3-104.4.f** *Analysis of Grievance Records*

No later than February 1 of each calendar year, the Sheriff or a designee shall compile an analysis of all employee grievances submitted during the previous calendar year. The analysis shall:

- Identify Agency procedures that may cause grievances and recommend changes to avoid the recurrence of similar grievances; and,
- Ensure that the statistical analysis identifies: the total number of grievances; total number of grievances settled; and, a Bureau/Division breakdown of grievances.

The Sheriff shall forward a copy of this analysis to the elected president of each labor organization.

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### **3-104.5 Maintenance of Personnel Files**

Personnel files for each employee shall be maintained within the Personnel Section of the Employee Services Division, Bureau of Administration. Files shall be kept in a location having assured confidentiality and limited access

#### **3-104.5.a** *Personnel Services Division Responsibility*

The Agency Personnel Coordinator is the Agency's coordinator to the County Office of Human Resources Management (OHRM). Among other duties assigned, the Agency Personnel Coordinator shall protect the confidentiality of Personnel Files and:

- Ensure a Personnel File Access Log is attached to the inside front folder of each file
- Maintain the files in locked cabinets, located in or adjacent to their offices
- Perform an annual check of the file to ensure proper contents

#### **3-104.5.b** *Accessibility*

Access to the personnel files is limited to the following:

- The employee
- The Agency Personnel Coordinator
- The Sheriff and Chief Assistant Sheriff
- The employee's current Bureau Chief
- The employee's current Commander
- The employee's current supervisor
- Sworn members of the Internal Affairs Division
- Administrative Hearing Board (AHB) members
- Persons authorized by law or Administrative Procedure #262

Any persons accessing any employee's Personnel File shall complete a review entry in the Personnel File Access Log (Attachment F) affixed to the front of each file by the Agency Personnel Coordinator.

Court order for access to Department files shall be directed to the Chief Assistant Sheriff.

### **3-104.5.c** *File Contents*

Agency personnel files shall contain:

- Emergency notification information
- Employee Action Notifications
- Letters of commendation and awards
- PPAS and counseling forms

Agency personnel files may contain:

- Copies of workers' compensation forms
- Certificates of training
- I.D. photographs

Agency personnel files shall not contain:

- Finalized disciplinary actions or reports relating to finalized disciplinary actions
- Reports of investigation
- Disciplinary recommendations or actions
- Non-finalized disciplinary actions (after a reasonable period and if the employee requests removal)
- Written reprimands other than those associated with PPAs or documentation establishing a case for a pending disciplinary action

Verification of employment and salary shall be referred to the County 'Work Number' service (via phone: 1-800-367-5690 or online: <http://www.theworknumber.com> ).

#### **ATTACHMENTS:**

- A – Past Performance Appraisal (PGC #854)
- B – Performance Assessment Form (#2247)
- C – Position Description (PGC #544)
- D – Employee Information and Emergency Contact Information Form
- E – Driver's License Verification / Consent Form
- F – PGSO Personnel File Access Log

#### **REFERENCES:**

Personnel Law, Sections 16-182 – 16-185, 16-200  
PGC Administrative Procedures 213, 216, 217, 244  
Applicable Collective Bargaining Agreements

### 3-105 PERSONNEL EARLY WARNING SYSTEM

The purpose of this order is to establish policy and procedures for identifying employees who may be experiencing difficulties impacting upon their performance in the workplace and to provide resources to assist the employee at the earliest stages<sup>1</sup>.

#### 3-105.1 POLICY

It is the policy of the Office of the Sheriff to maintain a comprehensive Personnel Early Warning System as an essential component of good discipline in a well-managed law enforcement agency. The early identification of employees facing potential challenges and a menu of remedial actions can increase Agency accountability and offer employees assistance in correcting a problem.

The Personnel Early Warning System can help reduce instances of the Agency and the employee being faced with investigations of serious cases of misconduct only to find that there was an escalating pattern of less serious misconduct which could have been abated through earlier intervention.

Employees are the most important and crucial resource of the Agency. Supervisors will make every effort to identify employees who have issues that negatively impact their ability to effectively do their jobs and will make every effort to help employees to resolve such issues in an appropriate manner, consistent with Agency policy and procedures.

In the interests of consistency and fairness to all concerned, this policy will be administered through the Policy Compliance Division.

**REMAINDER THIS COLUMN SPACE  
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<sup>1</sup> CALEA 35.1.9

### 3-105.2 PROCEDURES

#### 3-105.2. a FIRST LINE SUPERVISOR RESPONSIBILITIES<sup>2</sup>

**First Line Review** - First line supervisors must be attuned to potential problems that may negatively affect an employee's work performance.

Supervisors, in addition to day-to-day contact and observation, will evaluate regularly collected material as indicators to determine whether there is a pattern of activity that indicates the existence of a problem<sup>3</sup>. These regularly collected materials may include, but are not limited to:

- Performance evaluations;
- Citizen or co-worker complaints;
- Work attendance / leave records;
- Disciplinary actions;
- Use of force incidents;
- Preventable Agency vehicle accidents; and / or,
- Employee Assistance Referrals

A supervisor shall take immediate appropriate action, consistent with Agency policies and procedures, whenever the supervisor directly observes inappropriate employee conduct.

When a supervisor becomes aware of a pattern of behavior that requires intervention efforts beyond informal supervisor / employee counseling, the supervisor will forward a memorandum, complete with a routing cover sheet, through the chain of command to the affected employee's respective Division Commander / Civilian Manager<sup>4</sup>.

The memorandum shall include:

- Details of the pattern of behavior that raised the concern;
- Details of any informal intervention efforts already attempted by the supervisor; and
- A list of any other witnesses to the behavior.

Where a supervisor of a different Division becomes aware of a pattern of behavior that requires intervention efforts, he/she may complete and forward a memorandum; however, the intervening supervisor must submit all documentation through the affected employee's supervisor for appropriate forwarding through the affected Deputy's Chain of Command.

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<sup>2</sup> CALEA 35.1.9. d

<sup>3</sup> CALEA 35.1.9. a

<sup>4</sup> CALEA 35.1.9. b

**3-105.2. b      COMMAND / MANAGEMENT  
RESPONSIBILITIES**

Upon receipt of a memorandum requesting and/or recommending intervention action, the employee's Division Commander / Civilian Manager will meet with the supervisor to discuss the perceived problem. The Division Commander / Civilian Manager will review all relevant records, reports and other files. The Division Commander / Civilian Manager will interview any witnesses and interview the involved employee to discuss possible courses of action and follow-up.

After this review of the matter, the Division Commander / Civilian Manager will decide if the supervisor should continue to monitor the problem, should further investigate the problem, or that immediate action needs to be taken.

If the Division Commander / Civilian Manager determines that immediate action needs to be taken, the Division Commander / Civilian Manager will then meet with their respective Bureau Chief to review the matter and determine an appropriate course of action to correct the problem or behavior and make a plan for follow-up.

The affected Bureau Chief shall consult with the Commander, Policy Compliance who shall assist in making a determination as to how best to proceed.

Intervention action may include, but is not limited to:

- Formal counseling and monitoring;
- Remedial training;
- EAP referral (to include psychological assessment services)<sup>5</sup>;
- Reassignment; or
- Disciplinary action.

In accordance with GO 8-106 (*Discipline*), supervisors preparing to impose discipline shall first contact and consult with Internal Affairs (IAD).

Under normal circumstances, proposed courses of corrective action and follow-up should not typically exceed a 3-month period.

After a proposed course of action and follow-up is decided upon, the Division Commander / Civilian Manager and supervisor will meet with the employee to further discuss the proposed course of action and the plan for follow-up.

A finalized action and follow-up plan will be presented in writing to the employee. The employee will receive a copy and sign a receipt acknowledging acceptance of the terms and conditions.

At the conclusion of this meeting the Division Commander / Civilian Manager will forward the finalized action plan, along with a cover memorandum, that details how the action plan and follow-up will be accomplished to the Commander, Policy Compliance, through their respective Bureau Chief.

The affected Bureau Chief will forward a memorandum detailing the problem, the proposed course of action and the follow-up plan along with the finalized action plan to the Commander, Policy Compliance. Follow-up reports or other related documents will also be forwarded as they become available.

No action in regard to the Early Warning System is subject to either the grievance or disciplinary process. Exception: If the action plan includes any recommended disciplinary action, such action will be taken in accordance with established policy concerning discipline.

**3-105.2.c      FOLLOW-THROUGH, REMEDIAL  
ACTIONS, MONITORING AND  
RESOLUTION<sup>6</sup>**

The employee's Division Commander / Civilian Manager will conduct monthly follow-ups by meeting with the employee and the employee's supervisor for a minimum of three months following the initial meeting.

The Division Commander / Civilian Manager, after each such meeting, will forward a memorandum detailing the progress being made toward a solution of the problem to the Commander, Policy Compliance, through their respective Bureau Chief.

At the conclusion of the three-month follow-up period, the employee's Division Commander / Civilian Manager will prepare a final memorandum in which he/she will evaluate the results and recommend whether to conclude or continue the action plan and follow-up. The affected employee's Division Commander / Civilian Manager will submit the final memorandum to the Commander, Policy Compliance, through their respective Bureau Chief.

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<sup>5</sup> CALEA 35.1.9. f

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<sup>6</sup> CALEA 35.1.9. e



**3-105.2.d      POLICY COMPLIANCE  
RESPONSIBILITIES**

The Commander, Policy Compliance or his/her designee shall be responsible for tracking follow-ups and for maintaining all documents and correspondence relating to matters involving the Early Warning System.

The Commander, Policy Compliance will insure a review and evaluation of the Personnel Early Warning System is conducted on an annual basis to determine the effectiveness of the system<sup>7</sup>. All initial and follow-up reports will be reviewed and input and commentary will be solicited from those employees who have been involved in the system during the previous year. This information will be evaluated and used, if needed, to revise the system in order to make it more responsive to the needs of the Agency and employees. This review will take place each July and a written report will be prepared by the Commander, Policy Compliance and presented to the Chief Assistant Sheriff by August 15.

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<sup>7</sup> CALEA 35.1.9. c

### 3-106 SPECIAL EVENTS<sup>1</sup>

The purpose of this order is to *establish procedures and guidance to ensure the agency has a written plan for handling special events*; and, to identify costs of special events that are designated operational activities requiring substantial use of temporary staff re-deployment and/or of financial resources.

Supervisors and Agency members are responsible for the fiscal planning, materiel procurement, disbursement of funds, accounting of monies, and time management pertaining to designated events<sup>2</sup>. Examples of these events include, but are not limited to:

- Security trials
- Sequestered juries
- Civil disturbances
- Large public demonstrations
- Protective details

#### 3-106.1 POLICY

*A written plan, setting out specific planning and operation requirements for each individual special event shall be developed for each special event in which the Office of the Sheriff will commit staffing and resources.*

In order to establish the cost of special events, affected personnel shall use assigned location code numbers.

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<sup>1</sup> CALEA 46. 2. 7

<sup>2</sup> CALEA 12. 1. 2 c

### 3-106.2 PROCEDURES

#### 3-106.2. a Special Event Plan

*A written plan is developed for each special event in which the Office of the Sheriff will commit staffing and resources. The affected Bureau Chief or his or her designee is responsible for developing written plans for major special events, to be maintained within as Standard Operating procedures. To ensure consistency, at a minimum, all plans will identify:*

- *A single person or position as the incident commander, supervisor and/or coordinator for each event;*
- *Location of the event*
- *Nature of the event*
- *Allocation of agency resources and personnel*
- *Means/methods of communication between participants*
- *Location of command post, if any.*

*Additionally, the plan should address the following problems and special circumstances, as warranted:*

- *Ingress and egress of vehicles and pedestrians;*
- *Parking space;*
- *Spectator control;*
- *Public transportation;*
- *Relief of personnel assigned;*
- *News media;*
- *Alternate traffic routes;*
- *Temporary traffic controls and parking prohibitions;*
- *Emergency vehicle access;*
- *Use of special operations personnel;*
- *Logistical requirements; and*
- *Coordination inside and outside the agency.*

**3-106.2. b Cost Identification**

The Sheriff reserves the prerogative to designate a given operational mission as a special event.

The Manager of Budget and Finance shall:

- Open a location code number through the County Office of Finance for each special event;
- Provide the location code number to the appropriate Division Commander;
- Make available the information on location codes and associated costs as they become available through County's financial reports and as they are requested.

Special Event Commander shall provide other affected Division Commanders with timekeeping data, including names, hours of straight time and overtime, and days assigned to the special event for their respective personnel.

Affected Division Commanders shall be responsible for ensuring that their divisions' time reports indicate:

- The number of hours each person worked on the special event;
- The appropriate account number of where the person was assigned. **EXCEPTION:** This would not apply to situations wherein the member is detailed to perform duties for a grant-in-aid program e.g., Warrant Sweep support for a Child Support Enforcement Operation. In such a situation, the account number of the member's regular position assignment would be entered;
- The location code number for that particular special event.

Budget and Finance is responsible for processing financial documents using the location code number on all transactions pertaining to the special event, including purchase requisitions, check requests, payment requests, and field purchase orders.

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**3-106.2. c After-Action Report**

*In addition to any Incident Report(s) required by GO 5-101 and 6-102, an After-Action Report shall be completed on either the Agency After Action Critique Form, (GO 4-120, Attachment A) or, an Inter-Office Memorandum and submitted to the Chief Assistant Sheriff, via the reporting member's respective chain of command, immediately after each major incident or special event.*

*A copy of both the Special Event Plan and the After-Action report shall be forwarded to the Accreditation Coordinator by the reporting member's respective Bureau Chief.*

**REFERENCE:**

*GO 1-102 (Standard Operating Procedures Manuals)*

*GO 5-112 (Administrative Reports Program)*

### 3-107 PURCHASING CARD PROGRAM

The purpose of this order is to establish procedures for the use of Agency's Purchasing Cards. The cards may be used to purchase items or services that are for Office of the Sheriff business only. It is intended to support the Agency's efforts to make small purchases of \$5,000, or less that are necessary for business operations.

#### 3-107.1 POLICY

The Purchasing Cards may be used to procure goods and services on behalf of the Agency. The procedure for the usage of the County Purchasing Cards shall be in accordance with established County Procurement policies and practices, in addition to the procedures outlined by this Agency.

#### 3-107.2 PROCEDURES

The Sheriff, or an assigned designee, will approve the list of employees authorized to use the County-provided purchasing cards. The Manager of Budget and Finance will maintain a copy of the Office's authorized signature listing.

The usage of the County Purchasing Card is the responsibility of the employee to whom the card is issued. Purchases can be made for any employee within the Office that presents the Cardholder with a valid, approved purchase request.

Prior to usage, the cardholder must ascertain the availability of funds from the Manager of Budget and Finance.

The Purchasing Card must **never** be used for the following prohibited transactions:

- Personal or non-business expenses;
- Cash advances, cash refunds, or traveler's checks;
- Meals, travel, or entertainment expenses;
- Weapons;
- Alcoholic beverages;
- Insurance;
- Items carried in the County's inventory;
- Gasoline or oil;
- Utility payments for County owned/leased facilities;
- Service contracts;
- Consulting services;
- Rent or lease of personal property;
- Rent, lease, or purchase of real property;
- Purchases which would constitute a violation of law or conflict of interest.

The cardholder must act prudently and exercise reasonable care in the use and storage of the purchasing card. The cardholder will be accountable for lost, stolen, or misplaced card. In the event that a purchasing card cannot be located, the cardholder must immediately notify the Manager of Budget and Finance via Lost and Stolen Notification Form as well as the Office of Central Services. An Incident Report must also be filed with the appropriate authority. The Agency Coordinator will immediately forward this form to the County's Program Administrator. The card will automatically be suspended.

Unauthorized usage of the County Purchasing Cards will result in revocation and additional disciplinary measures that may include assignment of wages, termination, and legal action in accordance with County Personnel Law.

The County Purchasing Card log shall be reconciled each month by the Manager of Budget and Finance.

The Manager of Budget and Finance shall maintain a file, which contains copies of the monthly reconciliation of each individual card purchase for auditing and record keeping purposes. The records will be retained for four years within the Office.

REFERENCE: County Administrative Procedure  
600

**3-108 REQUISITIONS, REIMBURSEMENTS AND PETTY CASH ACCOUNTS**

The purpose of this order is to provide guidelines for the handling of requisitions or reimbursements and to enhance overall efficiency in the management of Agency funds.

**3-108.1 POLICY**

The management and accounting of all requisitions, reimbursements and petty cash funds shall be in accordance with County Office of Finance guidance.

**3-108.2 DEFINITIONS**

**Inventory Items** – Those items normally maintained in stock by the County store and typically consisting of office supplies.

**Non-Inventory Items, Less than \$500** – Items not maintained in stock and with a purchase cost of less than \$500 require completion and Bureau chain-approval of a Non-Inventory Item Requisition Form (Attachment ‘B’).

**Non-Inventory Items, \$500 or more** – Items not maintained in stock and with a purchase cost of \$500 or more require completion and Bureau chain-approval of:

**3-108.3 REQUISITIONS**

Each Bureau Chief shall designate a Bureau Procurement Coordinator who shall serve as the Bureau liaison to Budget & Finance regarding procurement requisitions.

- a) **Inventory Items** are requisitioned via the County Inventory Item Listing (Attachment ‘A’). Individuals wishing to obtain or replenish needed items shall do so through their assigned Bureau Procurement Coordinator. Items requisitioned by the 5<sup>th</sup> of each month are typically scheduled to be delivered before the 15<sup>th</sup> of the following month.
- b) **Non-Inventory Items, Less than \$500** – Items not maintained in stock and with a purchase cost of less than \$500 are requisitioned via the Non-Inventory Item Requisition Form (Attachment ‘B’). Once completed, the requisition form must be submitted for approval through the respective Bureau chain-of-command approval. Once approved by the respective Bureau Chief, requisition forms are delivered to Budget & Finance by the designated Bureau Procurement Coordinator.
- c) **Non-Inventory Items, \$500 or more** – Items not maintained in stock and with a purchase cost of \$500 or more require submission of three (3) quotes from separate vendors and are requisitioned via the Non-Inventory Item Requisition and Quote Form (Attachment ‘C’).

Once completed, the requisition form must be submitted for approval through the respective Bureau chain-of-command approval. Once approved by the respective Bureau Chief, requisition forms are delivered to Budget & Finance by the designated Bureau Procurement Coordinator.

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**3-108.4 SECURITY OF RECEIVED ITEMS**

Members receiving or becoming aware of deliveries to the Office of the Sheriff during normal business hours shall ensure all deliveries are made directly to the Budget and Finance operations office. Outside normal business hours, the member shall immediately and directly contact the on-duty Commander or Weekend Duty Officer who shall then assume responsibility for ensuring the package is both kept safe and delivered directly to the Budget and Finance operations office at the beginning of normal business hours, the next business day.

### 3-108.5 REIMBURSEMENTS

Reimbursement of personal funds spent by employees shall be authorized only for expenditures wherein:

- Expenditure was absolutely necessary for the conduct of official business;
- Approval was obtained by the employee prior to the expenditure (unless documented emergency and/or extraordinary circumstances precluded prior processing and approval by the Manager, Budget & Finance);
- An original receipt, along with documentation as to all related circumstances, is submitted by the employee within two (2) working days after the expenditure or upon return from travel, and;
- No other feasible means of payment by the Agency was available to the employee, at the time of their expending their own personal funds.

Approval for either reimbursement or advance approval of personal expenditures may only be authorized by the following individuals:

- Sheriff
- Chief Assistant Sheriff,
- Chief – Bureau of Administration, and/or;
- Manager, Budget & Finance

#### a) **Extraditions Travel**

Extraditions travel will be conducted in accordance with procedures established by the Manager, Budget and Finance (Attachment 'D').

An individual requesting reimbursement for expenses incurred while on official business and/or completing pre-approved training shall submit the following documentation within two (2) working days after return from travel:

- 1) The Travel Request (PGC Form # 109) originally processed for conduct of the extradition in question;
- 2) All original receipt(s), and
- 3) A completed Inter-Office Memorandum requesting reimbursement and detailing:
  - the emergency or extraordinary circumstances necessitating the expenditure, and/or;
  - the person and method by which prior approval was received (i.e. – in person, phone or e-mail).

The Travel Request, memorandum requesting reimbursement and all attached original receipt(s) shall be sent thru the individual's Chain of Command to the Extradition Travel Coordinator.

Supervisors, Commanders, and Bureau Chiefs may concur, non-concur, or forward without comment. In any event, those in the individual's Chain of Command shall forward the memorandum and original receipt(s) to the Extradition Travel Coordinator without delay.

Upon receipt, the Extradition Travel Coordinator shall review the documentation and, if approved by him/her, amend the original Travel Request originally completed and forward all documentation to the Manager, Budget & Finance.

#### b) **Other Official Business and Training**

Travel related to training and other official business will be conducted in accordance with County regulations and procedures established by the Bureau Chief, Bureau of Administration and through the Manager, Budget and Finance.

Unless determined otherwise by the Bureau Chief, Bureau of Administration, all requests for external training shall include completion of the County Government Travel, Training and Seminar Request Form (Attachment 'E') and Training Commitment Agreement (Attachment 'F').

An individual requesting reimbursement for expenses incurred while on official business and/or completing pre-approved training shall submit an Inter-Office Memorandum requesting reimbursement with the original receipt(s) attached, within two (2) working days after the expenditure or upon return from travel.

The memorandum must detail either:

- a) the emergency or extraordinary circumstances necessitating the expenditure or;
- b) the person and method by which prior approval was received (i.e. – in person, phone or e-mail).

The memorandum and original receipt(s) shall be sent thru the individual's Chain of Command to the Manager, Budget & Finance.

Supervisors, Commanders, and Bureau Chiefs may concur, non-concur, or forward without comment. In any event, those in the individual's Chain of Command shall forward the memorandum and original receipt(s) to the Manager, Budget & Finance without delay.

### 3-108.6 PETTY CASH FUNDS

The establishment of petty cash funds and any program for the management of such accounts within the Office of the Sheriff shall only be at the direction of the Sheriff. The purpose of petty cash accounts is for those occasionally purchased items or services not exceeding thirty dollars (\$30.00) in cost.

When petty cash funds are determined to be necessary by the Sheriff, the petty cash funds shall consist of two (2) petty cash fund accounts within the Office of the Sheriff. Both accounts shall be maintained by the Manager of Budget and Finance or his/her designee.

The first petty cash fund account shall be used by members assigned to the following organizations and units:

- Executive Office of the Sheriff and all units reporting directly thereto.
- Office of the Chief Assistant Sheriff, all units reporting directly thereto, and the Bureau of Administrative and Support Services.

The second petty cash fund account is dedicated to the

- Bureau of Field Operations and the
- Bureau of Court Services.

Petty cash funds shall not be used for the following:

- Purchase of items or their equivalents carried in the County General Store;
- Procure merchandise from a vendor when the County is under contract with another vendor for the desired item;
- Purchase postage stamps in excess of the requirements necessary after normal business hours;
- Personal loans or for items for personal use or benefit;
- Reimbursement of sales taxes since the County is exempt from such taxes.

Petty Cash funds may be used for Agency travel when a Travel Request Form is not warranted.

Any member utilizing petty cash funds to make any purchase and/or receiving any reimbursement shall:

- First obtain pre-approval for the purchase from the respective Assistant Bureau Chief;
- Obtain in advance of the purchase the tax exempt identification number from the Manager of Budget and Finance;
- Obtain and turn into the Manager of Budget and Finance a vendor's cash receipt for the purchased item within 24 hours of the transaction;
- Sign the Petty Cash voucher issued by the Manager of Budget and Finance.

**REFERENCE:** County Administrative Procedure 330

County Administrative Procedure 640

General Order 9-103 (*Training Requests*)

#### **ATTACHMENTS:**

A – Inventory Item Listing

B – Non-Inventory Item Requisition Form

C – Non-Inventory Item Requisition and Quotes Form

D – Extradition Travel Procedures, PGSO

E – Travel, Training and Seminar Request Form (PGC Government, OMB)

F – Training Commitment Agreement (PGC Government, OHRM)

### 3-109 AGENCY INSPECTIONS PROGRAMS<sup>1</sup>

The purpose of this order is to: promote standards of professional excellence throughout the Office of the Sheriff; to ensure Agency wide compliance with policies and procedures, and; identify problem areas where corrective actions may be initiated *in the ongoing effort to improve operational efficiency and functional effectiveness in all activities.*

In order to fulfill the responsibilities of office, the Sheriff must at all times be familiar with the condition of facilities, equipment, and personnel within the Office of the Sheriff. To maintain this familiarity and awareness, there is established a program of inspection systems. The program includes the inspection of personnel, equipment, vehicles, supplies, office space, and other physical locations used by the Office of the Sheriff.

#### 3-109.1 POLICY

All members of the Office of the Sheriff are expected to comply with all administrative and operational systems, tasks, and requirements encompassed by written policy, procedure, and doctrine, e.g., General Orders, memoranda, County Administrative Procedures, training standards.

All command and supervisory personnel are charged on both a random and scheduled basis to continually inspect all that falls within their respective areas of responsibility. The supervisor, inspector or inspection party in all cases will show a constructive, impartial, and honest interest and will place as much emphasis on discovering exemplary performance or conditions as on discovering inadequacies.

#### 3-109.2 DEFINITIONS

**Inspection** – A formal or official examination including close scrutiny to verify compliance or correct mistakes. Inspections compare expectations with actual performance and provide the Sheriff with information to plan for improvements in the Sheriff's Office. Inspections may include evaluation of but are not limited to:

- Personnel.
- Vehicles.
- Firearms and Weapons (including Less Lethal)
- Equipment.
- Facilities.
- Records, to include Incident and Other Reports.
- Operational observations.

### 3-109.3 RESPONSIBILITIES

#### 3-109.3.a COMMANDERS

Each commander shall, when assuming a command, inventory the entire command and accept responsibility for all he/she finds at his/her disposal as a result of assumption of command. In like manner, each commander in preparation for turning over a command to another, shall inventory his/her command and formally give a detailed report and accounting of that which is to be turned over, via Inter-Office Memorandum. Each such inventory shall include personnel inspections, as well as equipment, supplies, vehicles, and physical spaces occupied by the command.

The Captain or civilian Manager respective to each chain of command will, at least quarterly:

- Meet with supervisors in order to maintain a close working relationship and personally communicate such directions as may be appropriate, and;
- Attend section meetings conducted by supervisors to witness the inspection of, or personally inspect Agency personnel.

#### 3-109.3.b SUPERVISORS<sup>2</sup>

- 1) Daily, supervisors will conduct visual inspections and give particular attention to<sup>3</sup>:
  - a) Physical appearance, condition, and grooming of employees;
  - b) Accountability and condition of issued equipment;
  - c) Utilization of property and overtime;
  - d) Whether employee efforts are producing desired results; and
  - e) Cleanliness and adequacy of facilities.
- 2) Supervisors will document, in writing, any deficiencies, exemplary performance, or conditions with the exception of minor or isolated infractions, which may be corrected verbally, in accordance with the provisions of General Order 8-106 .5 (*Non-Disciplinary Action*).

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<sup>1</sup> CALEA 53. 1. 1

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<sup>2</sup> CALEA 53.1.1.c, d, e

<sup>3</sup> CALEA 53. 1. 1. b



- 3) More serious or recurring infractions will be noted on a Performance Assessment Form, PGC # 2247 (Attachment 'C') and corrected immediately when possible.
- 4) Where significant deficiencies exist, supervisors will explain to and counsel the employee in accordance with the provisions of General Order 8-106 .5 (*Non-Disciplinary Action*), noting in writing the date and nature of the significant deficiency.
- 5) Corrective measures will be taken at the earliest opportunity. Neglect of or disobedience to the supervisor's orders will be reported promptly in accordance with the requirements of General order 8-106.9 (*Minor Violations and Summary Punishment*).
- 6) Supervisors are fully responsible for ensuring that follow-up corrective action or commendation is implemented immediately and documented.
- 7) Outstanding performance or conditions will be documented on a Performance Assessment Form, PGC # 2247 (Attachment 'C') and placed in the employee's performance file. Highly unusual and exceptional performance or conditions exceeding outstanding will also be reported in accordance with the provisions of General Order 3-112 (*Agency Awards Program*).
- 8) Supervisors will consider the necessity for special training or changes in Sheriff's Office policy or procedures, depending on the results of their inspections. Supervisors may submit suggested changes or additions to procedures in accordance with the provisions of General Order 1-102 (*Standard Operating Procedures*).
- 9) Supervisors may submit suggested changes or additions to directives or General Orders in accordance with the provisions of General Order 1-101 (*General Orders Manual*).
- 10) Each supervisor or their designee shall at least once during each pay-period inspect the equipment, cleanliness, forms, and functionality of offices within their supervision. It will be the responsibility of each supervisor to ensure that all offices within their supervision are supplied with the necessary forms and office supplies.
- 11) Supervisors will document and forward any equipment, form or other supply needs or repairs to the Administrative Aide for their respective Bureau Chief via Inter-Office Memorandum or e-mail. Upon receipt of requests for equipment

repairs/requests, the Administrative Aide or other designee of the Bureau Chief shall ensure that said requests / repairs are addressed in a timely manner.

- 12) When damage or problems with an agency vehicle or equipment come to the attention of supervisory personnel, that supervisor will determine if the vehicle / equipment can be operated until said problem can be corrected, or take the vehicle / equipment out of service. If a vehicle is taken out of service, the affected supervisor will make arrangements for a replacement vehicle and have the Agency Vehicle Coordinator notified directly via an Incident Report, in accordance with General order 7-105 (*Agency Vehicles*).

### **3-109.3.c EMPLOYEES**

- 1) All equipment, uniforms, supplies, vehicles, physical spaces and all other things owned or under the control of the Sheriff's Office, which are assigned to the keeping of an individual employee, are subject to inspection and audit by both Sheriff's Office personnel and outside agencies, who have been given the authority to conduct audits (e.g. Office of Central Services, Office of Special Audits and Investigations, etc.).
- 2) If an individual employee places any personal security device in place, the employee's immediate supervisor will be supplied with the means to access the security device for purposes of inspection. Any personal property of any kind, which is placed within the vehicles or physical spaces owned or controlled by the Sheriff is the responsibility of the individual employee placing it there. The Office of the Sheriff assumes no responsibility or liability for such items. All such items are subject to the inspection procedures of this Agency. No item, which would violate any rule, policy or law by its possession or use, will be allowed in vehicles, physical spaces, or in the possession of employees of the Office of the Sheriff' for Prince George's County.
- 3) Each Agency vehicle shall be inspected visually by that member to whom it is assigned and to ensure the vehicle is in safe operating condition and equipped with all materials needed to carry-out assigned duties:

- a) prior to beginning their tour of duty;
  - b) upon new assignment of a vehicle;
  - c) when turning in a vehicle for any reason, to include reassignment or pool vehicles.
- 4) Any damage or equipment problems will be reported immediately to the employee's immediate supervisor and documented on the appropriate Agency form.
  - 5) It will be the employee's responsibility to contact, directly, County Fleet Maintenance, and make arrangements to have the equipment problem repaired as soon as possible through County Fleet Maintenance.
  - 6) Agency personnel will visually inspect the interiors of their assigned vehicles prior and subsequent to transporting prisoners or passengers to ensure that no contraband, weapons, or any other items or objects have been left behind or purposely secreted by said prisoners or passengers.
  - 7) Any contraband, weapons, or other items shall be brought to the attention of the affected employee's immediate supervisor and documented in strict accordance with General Order 5-105 "Confiscated Property")

**3-109.3.d AGENCY ASSETS MANAGER**

The Agency Assets Manager shall, on a quarterly basis, submit to the Bureau Chief, Bureau of Administration, a report on the good order and overall effectiveness and efficiency of all Agency components, based upon his / her review of all inspection reports received by the Agency Management Division, as prescribed by this directive. Following his / her review, the Bureau Chief, Bureau of Administration shall forward the report to the Executive Office of the Sheriff, for dissemination to and subsequent review by the Commander, Policy Compliance Division and the Inspector General.

**3-109.3.e POLICY COMPLIANCE AND INSPECTOR GENERAL**

Every six months (e.g., every January and July), the Commander, Policy Compliance and the Inspector General shall complete and submit to the Chief Assistant Sheriff a joint report on the good order and overall effectiveness and efficiency of the entire Agency. The basis of this report shall include any pertinent information gathered through inspections and/or review of reports, as provided for in this directive.

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**3-109.4 LINE INSPECTIONS**

A comprehensive inspections program is a valid means of assessing departmental compliance that will assist the Sheriff in ensuring that the office is operating within established General Orders, Policies, Procedures, and Legislative Mandates.

All employees and physical resources of the Office of the Sheriff will be subject to line inspection, excluding the Sheriff and Chief Assistant Sheriff. This is an ongoing activity to ensure that employees are acting in accordance with Sheriff's Office requirements. Line inspections are the process by which a supervisor can review and observe activities and facilities to ensure proper compliance with policy.

The Commander, Planning, Research and Development shall maintain an Agency Schedule of Line Inspections (Attachment 'A') indexing, at a minimum:

- a list of Agency line inspections;
- their frequency;
- the form each supervisor is to use in documenting the inspection and;
- other General Orders referencing the subject of an inspection.

When conducting inspections, unsatisfactory conditions will be explained to the employee and correction required. The inspecting supervisor, or appropriate commander, will follow-up and ensure corrective action is taken. The timing of such follow-up will be dependent upon the perceived amount of time needed to successfully correct the deficiencies. In most cases, the follow-up should not exceed thirty (30) days. Safety deficiencies will be corrected immediately.

In addition to other reports itemized within the Agency Schedule of Line Inspections (Attachment 'A'), and/or as may be ordered by higher authority, supervisors shall conduct the following inspections and submitted documentation as prescribed:

**1) Monthly Inspections by each Supervisor – Personnel (Appearance, Uniform & Issued Equipment)**

Every month, each supervisor shall use the Personnel Inspection Report (Attachment 'B') to complete a documented inspection of each subordinate to ensure compliance with, at a minimum, General Orders 5-102, 7-101, 7-102, 7-106, 7-107, 7-108, 7-109, 7-110, 8-101, 8-102 and 8-104.

Effective: February 26, 2012

The preceding list is not intended to be all inclusive, and therefore; at the time of each monthly inspection, the supervisor shall also inspect and document the possession and condition of agency-issued equipment, to include (and not limited to):

- Official Agency Identification
- Badge
- Handcuffs
- Current MPTC Certification Card
- Radio
- Cellular telephone
- Valid Driver's License

#### **Maintenance and Distribution of Completed Monthly Personnel Inspection Forms**

- Following each month's mandatory personnel inspection, the inspecting Supervisor shall submit the original of each completed Personnel Inspection Report to their respective Division Commander or Civilian Manager;
- The respective Division Commander or Civilian Manager shall maintain the original of each Supervisor's Monthly Inspection Sheet completed during the current month;
- Prior to the 5<sup>th</sup> day of each month, every respective Division Commander or Civilian Manager shall forward to the Manager, Assets Management Division the original of each Monthly Personnel Inspection Sheet, from the previous month.

The Captain respective to each chain of command shall monitor this inspection process within their command(s).

#### **2) Monthly Inspection by each Supervisor – Agency Vehicles (both Assigned and Pool)**

Every month, the immediate Supervisor of each member assigned a vehicle is responsible for completing a documented inspection of each subordinates' vehicle, in strict accordance with General Order 7-105.

Each Division Commander and/or civilian Manager shall be responsible for retaining and distributing completed inspection forms, as prescribed by General Order 7-105.

Each Bureau Chief shall designate a Division Commander or civilian Manager as responsible for completing a documented monthly inspection of each vehicle assigned to or under the control of the Bureau (e.g., Division or Bureau "pool car"), whether the vehicle is temporarily assigned to an individual, or not.

#### **3) Quarterly Inspections – Agency Weapons (Lethal and Less Lethal)**

Every quarter, each supervisor shall complete a documented inspection of the agency handgun, handgun ammunition and all less lethal weapons issued to each subordinate. The purpose of this inspection is to ensure compliance with this directive and the operational readiness of the issued weapon(s). See General Order 7-107 (*Weapons and Use of Force*). Other inspections may be conducted by supervisory personnel, when appropriate.

#### **4) General Order Manual (GOM) Inspections**

All Supervisors shall at least once every six months inspect the GOM issued to each subordinate to ensure that Manuals are being kept up to date. They will make a notation of this review – either on the "Supervisor Review" sheet located in the front of the GOM in 3-ring binder format or, on the label of the GOM in CD format. Ideally, this inspection should be performed in conjunction with the corresponding quarterly uniform / personal appearance inspection. The Captain respective to each chain of command shall monitor this inspection process within their command(s). See General Order 1-101 (*General Orders Manual*).

#### **5) Body Armor Inspections**

Each supervisor shall, each January and July, inspect the body armor issued to each subordinate. Supervisors shall direct individuals with improperly fitting or damaged armor to obtain a replacement. Individuals with poor-fitting or damaged privately purchased armor shall be ordered to wear issued armor instead. See General Order 7-110 (*Protective Body Armor*).

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### 3-109.5 STAFF INSPECTIONS UNIT AND PROGRAM

#### Staff Inspections:

The role of staff inspections is to provide an objective review of Sheriff's Office administrative and operational activities, facilities, property, equipment, and personnel outside the normal supervisory and line inspection chain of command. Such in depth review of all components of the agency ensures the Sheriff that administrative procedures are being followed.

The Staff Inspections Unit is mandated to conduct formal, announced, scheduled inspections of all components of the Office of the Sheriff, excluding the Sheriff and Chief Assistant Sheriff.

- These mandatory inspections shall be scheduled as deemed necessary by the Office of Policy Compliance;

Staff inspections consist of in-depth examinations of particular functions or components of the Sheriff's Office. Inspectors assigned to conduct staff inspections must accomplish the inspection by utilizing any combination of interviews, document inspections, or observations as required. Inspectors conducting staff inspections must address the following<sup>4</sup>:

- 1) **Facilities:** The facility must be inspected to determine if it is being maintained in a neat, orderly, and professional manner and the space provided is adequate.
- 2) **Equipment:** Equipment must be inspected to determine if it is properly maintained and utilized.
- 3) **Compliance with Sheriff's Office Written Directives:** Employees must be observed in the performance of their assigned duties to determine if their actions comply with Sheriff's Office policies and procedures.
- 4) **Compliance with CALEA Standards:** Employees must be observed in the performance of their assigned duties to determine if their actions comply with CALEA standards. When appropriate, documentation showing compliance may be utilized to prove compliance. The Accreditation Manager must be contacted in order to confirm that timely forwarding of compliance documentation is occurring.

5) **Performance Indicators:** The records of the operational component must be examined to determine if required performance indicators are being maintained.

6) **Any other pertinent information** discovered or observed during the inspection regarding the operational component must be included in the inspection report.

- If the inspected organization/element receives an overall UNSATISFACTORY rating, said organization/element will be re-inspected;
- Within 20 days following such inspection, the Staff Inspector shall file a written report of his/her findings with the:
  - Sheriff
  - Chief Assistant Sheriff
  - Inspector General
  - Supervisor, Policy Compliance Division
  - respective Bureau Chief, and
  - respective organization / element Commander/Supervisor.
- The affected Commander/Supervisor shall comment, in writing thru the Chain of Command, to the Chief Assistant Sheriff within 10 days following the publication of the staff inspections report. Such comments shall include what remedies the Commander/Supervisor intends to undertake, with stated time frames, to rectify the deficiencies noted in the Staff Inspection Report. The Commander/ Supervisor's comments shall become part of the Staff Inspection Report.

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<sup>4</sup> CALEA 53.2.1.b  
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## Special Staff Inspections:

- The Staff Inspections Unit shall conduct such special formal or informal, announced or unannounced inspections as may be directed by the Sheriff, Chief Assistant Sheriff, or the Supervisor, Office of Policy Compliance;
- Special staff inspections shall focus upon any aspect or issue which relates to the Agency;
- Special staff inspections may or may not result in written reports, depending upon the circumstances and degree of formality and likewise, may or may not require written responses from the affected Commander/ Supervisor.

All sworn Deputies and Civilian personnel shall comply with any directive or reasonable request made by the Staff Inspector, and shall cooperate fully with the activities of the Staff Inspections Unit. In addition, direct communications, outside of regular channels is authorized with any member of the Agency. Accordingly, all members of the Agency who have suggestions may discuss them with the Staff Inspector. Such discussions will be kept in confidence.

The Staff Inspections Unit shall be under the direct supervision of the Supervisor, Office of Policy Compliance.

The Supervisor, Office of Policy Compliance, may direct further investigation of Staff Inspection's findings whenever a developing situation warrants such action.

REFERENCES: General Orders 5-101, -102;  
General Orders 7- 101, -102, -105,  
-107, -108, -109, and; -110.  
General Orders 8-101, 8-102, -105,  
and; -106.

## ATTACHMENTS:

- A – Agency Schedule of Line Inspections
- B – Personnel Inspection Report, Supervisor's Monthly (Appearance / Uniform / Issued Equipment)
- C – Performance Assessment Form, PGC Form 2247

### 3-110 ASSIGNMENTS AND TRANSFERS

The purpose of this order is to establish a uniform policy and procedure affording equitable consideration regarding personnel assignments and transfers for any member, both sworn and civilian.

#### 3-110.1 POLICY

Career development and career enhancement is beneficial for the individual and the organization. Therefore, equitable consideration will be afforded to any and all members who desire transfers.

Nothing in this General Order diminishes command prerogative or the rights of management to make exigent assignments or transfers that are compelled by the best interests of the Office of the Sheriff.

No spouse, or immediate family member, e.g., sister, brother, son or daughter, shall be assigned to the same Division or Section where supervision of those members may become compromised.

A Deputy may submit a "Request for Transfer" for consideration to his/her choice of assignments six months from the date of Maryland Police Training Commission certification. A "Request for Transfer" to a specialty unit, e.g., Specialized Services Team, K-9 Unit, may be made one year from the date of Agency Maryland Police Training Commission certification.

#### 3-110.1.a DEFINITIONS

**Transfer:** Means changing of an individual's *duty assignment resulting in changes of the employee's:*

- *Supervisor as well as,*
  - *Assigned work hours; and / or,*
  - *Scheduled days off.*

**Published Vacancy:** A specific position opening the filling of which, the Sheriff or Chief Assistant Sheriff determines a prescribed "Mechanism for Review" to be most appropriate (e.g., examination, interview or test prior to transfer to fill a position or assignment requiring specialized skills or minimum requirements).

**Mechanism for Review:** A selection process utilizing selection criteria based on the skills, knowledge, education, experience, length of experience or abilities determined as necessary to fill a position or vacancy.

### 3-110.2 PROCEDURES

#### 3-110.2.a Transfer Requests

An individual desiring to transfer may submit a "Request for Transfer" by way of Inter-Office Memorandum. (Attachment) The transfer shall be sent thru the individual's Chain of Command to the Chief Assistant Sheriff. Supervisors, Commanders, and Bureau Chiefs may concur, non-concur, or forward without comment. In any event, those in the individual's Chain of Command shall forward the "Request for Transfer" without delay.

The Chief Assistant Sheriff shall maintain custody of all transfer requests submitted. Requests shall be date stamped when received and shall remain on file for one year from the date received.

#### 3-110.2.b Published Vacancy

Whenever a vacancy occurs for which the Sheriff or Chief Assistant Sheriff determines a "Mechanism for Review" to be most appropriate, and the vacancy is to be filled, the Bureau Chief having the vacancy shall fill the vacancy in the following manner:

- He/she shall publish a vacancy announcement. The vacancy announcement shall describe the vacant position and include any minimum requirements (e.g., minimal shooting scores for SST, investigative experience for Policy Compliance).
- Vacancy announcements shall be distributed Agency Wide, and Section Supervisors shall post these announcements on work area bulletin boards.
- Announcements shall allow a closing date of at least 5 working days to allow those interested in a vacancy transfer to submit a "Request for Transfer".
- Following the closing date, the Bureau Chief having the vacancy shall review the "Request for Transfer" file.
- All applicants who meet the minimum qualifications for the vacancy shall be equally subjected to the same "Mechanism for Review." "Mechanism for Review" could consist of a review of personnel files, oral interviews, or any other appropriate means. The mechanism, whatever it may be, shall be consistently, equally, and fairly applied to all qualified applicants. The Bureau Chief having

the vacancy is not bound to fill the vacancy solely from the 'Request for Transfer' file. This file is to be considered as a supplementary rather than as sole means of Inter-Bureau personnel placement.

- The Chief Assistant Sheriff may be the approval authority for Inter-Bureau transfers.

### **3-110.3 REQUESTS FOR LEAVE**

Requests for leave by an employee after the publication date on the announcement of their transfer (as entered into the Electronic Timekeeping System, ETS), and for any leave date(s) occurring after the effective date of their transfer, shall be submitted by the employee directly to the supervisor or chain of command to which they are being transferred.

Supervisors receiving any request for leave by an employee for whom a transfer has been published and for any leave date(s) occurring after the effective date of the employee's pending transfer shall immediately forward notification of the employee's request to the gaining supervisor or chain of command for review.

Supervisors shall not approve or grant leave for dates after which the requesting employee is scheduled to be transferred to a different supervisor or command.

### **3-110.4 TRAINING**

Training schedules represent official assignments and it is the employee's responsibility to:

- 1) Immediately notify their new supervisor or chain of command as to any pending training for which they are scheduled, and;
- 2) Ensure that they report as scheduled, unless directed otherwise by a superior.

Supervisors / Commanders shall only modify or change an employee's training schedule through coordination directly with the Agency Training Coordinator.

**REMAINDER THIS COLUMN LEFT BLANK  
INTENTIONALLY**

### **3-110.5 ISSUED EQUIPMENT**

Issued equipment remains the property of the Agency regardless of changes to any employee's assignment. It is each employee's responsibility to, prior to the effective date of their transfer or reassignment, report to and turn-in to Supply Services any equipment items that had been previously issued, pursuant to a former assignment. Examples include but are not limited to specialized items such as: unmarked vehicles; cell phones; certain less lethal weapons, etc.

### **3-110.6 RESPONSIBILITIES PRIOR TO ASSUMPTION OF NEW ASSIGNMENT**

#### **3-110.6.a Individuals**

Individuals shall, prior to assumption of new assignments:

- 1) Brief their current supervisor as to any:
  - a) Unfinished tasks
  - b) Training related assignments
  - c) Prior scheduled commitments and
  - d) Equipment issued as a result of assignment to that unit (e.g., Taser, courthouse keys, MDT, etc.)
- 2) Contact the supervisor and/or Commander for the section where reassigned and:
  - a) Receive a shift schedule or other information, as appropriate, and;
  - b) Brief their pending supervisor as to any:
    - i. Unfinished tasks
    - ii. Training assignments or
    - iii. Scheduled commitments
- 3) Report to Supply Services Section for issue / turn-in of equipment as necessary (e.g., cameras, etc.)
- 4) Report to Agency Vehicle Coordinator for issue / turn-in as necessary (e.g., marked or un-marked, specific equipment, etc.)

- 5) Report to the Budget and Finance section for issue / turn-in of equipment as necessary (e.g., cell-phones, etc.)

### **3-110.6.b Supervisors and Commanders**

Supervisors and Commanders shall, prior to assumption of new assignments by themselves or individuals under their supervision or Command:

- 1) Make appropriate adjustments and/or coordinate arrangements so as to ensure completion of unfinished business and/or fulfillment of prior scheduled commitments.
- 2) Inventory, account for, and report directly to the Agency Assets Management Division / Supply Services Section any and all transfer of equipment issued to and/or maintained by their respective unit or Command (e.g., certain less lethal weapons, Tasers, specialty vehicles, MDT's, etc.).
- 3) Provide both their immediate supervisor and successor with a briefing and status report on
  - a) Ongoing projects or unfinished tasks
  - b) Existing and anticipated schedules
  - c) Previous assignments or commitments
  - d) Equipment issued to or maintained by their unit or Command
  - e) Significant personnel issues, and;
  - f) Routine responsibilities categorized by frequency, e.g.:
    - Daily
    - Weekly
    - Monthly
    - Quarterly
    - Semi-Annual and/or
    - Annual assignments

ATTACHMENT: Inter-Office Memorandum  
Request for Transfer



### 3-111 RETIREMENT/RESIGNATION

The purpose of the order is to establish guidelines and procedures for members of the Office of the Sheriff to follow prior to retiring or resigning.

#### 3-111.1 POLICY

All Office of the Sheriff personnel shall follow these procedures to ensure that a final paycheck is received prior to leaving. There are certain procedures that will not apply to some of the civilian members of the Agency, but to others, e.g., Technicians and Security Officers, they may apply.

#### 3-111.2 PROCEDURES

- 1) The employee shall submit a letter of retirement or resignation to the Chief Assistant Sheriff giving at least two weeks notice. The letter should state what the date of the employee's final date of service will be.
- 2) Pick up a retirement or resignation packet from the Sheriff's Office Personnel Section and fill out the appropriate paperwork. There will be a "Checklist and Sign-Off Sheet" (Attachment 'A') in the packet that must be signed by the various sections and turned in by the employee, prior to the employee's final date.
- 3) The employee shall make arrangements with Supply Services to obtain a list of any Agency equipment or issued property items ever signed for by the employee (to include Courthouse parking pass). Any equipment the employee is unable to turn in must be paid for, by the employee, prior to the employee's final day.
- 4) Make an appointment with Supply Services to turn in all issued equipment. (See Item # 10 regarding additional requirements for members ever assigned to a specialized unit and mandatory requirements for turn-in of equipment to the Unit Supervisor.)
- 5) Make appointment with the Agency Armorer to turn-in all issued firearms / weapons.
- 6) Sworn members must make an appointment with Internal Affairs, Policy Compliance Division to turn in their Sheriff's Identification Card.
- 7) Upon notification of a pending retirement by a sworn member, the Commander, Personnel Division shall determine if the retiring Deputy is approved for issuance of a Agency retirement identification. The Commander, Personnel Division should consult with

the Commander, Policy Compliance; and, if a determination is made that issuance of an Agency retirement identification shall not be approved, the Commander, Personnel Division shall notify the Bureau Chief, Bureau of Administration in writing and shall include the reasons for which issuance of an Agency retirement identification is to be denied.

- 8) Sworn members must make an appointment with the Agency Personnel Section to have a retirement Identification Card made if applicable.
- 9) Contact the Sheriff's Executive Assistant to schedule an exit interview with the Sheriff. The employee will receive an interview sheet in the packet of information that the employee receives from the Personnel Section.
- 10) If the employee is or has been a member of a specialized unit and has had additional equipment (not issued through Supply Services) the employee must make arrangement to turn it in to the Unit Supervisor.
- 11) Contact the Budget and Finance Section to make sure there are no outstanding debts still owed to the County and provide the Budget and Finance Section with the information of the address to which the employee wants their final check mailed to.
- 12) Turn in issued cell phone to Budget and Finance.
- 13) If the employee has or had a Sheriff's Courthouse Pass, any keys that operate doors in the Courthouse, a Courthouse Key Card, or any other equipment dealing with the Courthouse, the employee must turn them into the Commander of Building Security.
- 14) Just prior to leaving, the employee shall turn in any access and/or Key Card and any keys the employee may have for Headquarters to the Chief Assistant Sheriff's Administrative Assistant.
- 15) Complete an exit interview with the Sheriff.
- 16) After all information and items have been turned in and signed off, the employee shall turn in their completed form to the Sheriff's Personnel Section for final review.

ATTACHMENT A: Retirement Procedures Checklist and Sign-Off Sheet

REFERENCE: General Order 7-101, (Agency  
Personnel Identification, Issuance and  
Security Provisions; Retired Deputy  
Identification)

### 3-112 AGENCY AWARDS PROGRAM

The purpose of this order is to formalize recognition of sworn and civilian members of the Agency for superior performance of duty and meritorious ideas or suggestions. This program recognizes individual specific acts of superior performance of duty in the area of law enforcement or public safety regardless of the employee's duty status or classification as well as individual ideas and suggestions which result in measurable monetary savings to the County and the Office of the Sheriff, or measurable improvement to operational efficiency. This program recognizes other individuals who have contributed to the betterment of law enforcement or public safety. *This program also recognizes the efforts of our members who have served or who are currently serving in the military.*

#### 3-112.1 POLICY

The Office of the Sheriff Awards Program, Awards Board is hereby established. Agency awards, including their criteria and methods of recognition are defined in this order.

##### 3-112.1.a SWORN PERSONNEL

###### "Deputy Sheriff of the Year"

The Deputy Sheriff of the Year Award is selected from nominations within the Office of the Sheriff, and from those honored by various civic and community organizations. The Deputy Sheriff of the Year Award:

- Shall be forwarded to the Sheriff for final approval;
- Shall consist of the Charles "Chip" Francis Award Plaque, and a written citation;
- Shall be presented at the Annual Awards Ceremony.

###### "Medals of Valor"

Medals of Valor are the Office of the Sheriff's highest awards, issued to those who perform heroically under difficult and dangerous circumstances. Awarding of the Valor Awards must be carefully monitored, so that acts of valor associated with the medals are never compromised. This award shall be bestowed at one of three sub-levels, depending upon the circumstances:

- **Gold "Medal of Valor"**: The highest Agency award for valor, may be awarded in recognition of courageous actions involving **extreme** personal risk

which is clearly above and beyond the call of duty. The Gold Valor Award:

- Shall consist of a uniform metal bar; gold with inscribed letters denoting "Valor" and a written citation;
- Shall be presented at the Annual Awards Ceremony and at other events designated by the Sheriff.
- **Silver "Medal of Valor"**: The second highest Agency award for valor, may be awarded in recognition of courageous actions involving **great** personal risk which is above and beyond the call of duty. The Silver Valor Award:
  - Shall consist of a uniform metal bar; silver with inscribe letters denoting "Valor" and a written citation;
  - Shall be presented at the Annual Awards Ceremony and at other events designated by the Sheriff.
- **Bronze "Medal of Valor"**: The third highest Agency award for valor, may be awarded in recognition of courageous actions involving **unusual** personal risk beyond that which is normally expected. The Bronze Valor Award:
  - Shall consist of a uniform metal bar; blue with gold trim and gold letters denoting "Valor" and a written citation;
  - Shall be presented at the Annual Awards Ceremony and at other events designated by the Sheriff.

###### "Lifesaving Award"

The Lifesaving Award is awarded in recognition for saving, or attempting to save, the life of another when such lifesaving was directly related to the efforts and resourcefulness of the nominee. The Lifesaving Award:

- Shall consist of a uniform medal bar; white with gold trim and a red cross in the center, and a written citation;
- Shall be presented at the Annual Awards Ceremony and at other events designated by the Sheriff.

### **“Award of Merit”**

The Award of Merit is awarded for a specific act of outstanding duty. Actions should have included some or all of the qualities of diligence, initiative, efficiency, self-reliance, tenacity and remarkable devotion to the Office of the Sheriff or community. The Award of Merit:

- Shall consist of uniform metal bar; white with *inscribe letters denoting “Merit, a certificate and a written citation;*
- Shall be presented at the Annual Awards Ceremony and at other events designated by the Sheriff.

### **“Military Service Award”**

*The Military Service Award will honor our members who have served or are serving in the United States Military. The ribbons will not distinguish the branch of service, but will have a combat designation for those who served in combat. The Military Service Award:*

- *Shall consist of a uniform metal bar; blue in color for regular Military Service or blue and white for those members who served in combat;*
- *Shall be awarded to members who are currently enlisted, warranted, or commissioned in the military or who have been honorably discharged.*

*Deputies must provide a copy of their DD-214 and other supporting documents. In order for Deputies to receive the combat designation award, they must meet the eligibility requirements set forth by The American Legion.*

*Supervisors shall confirm eligibility, and then complete and forward an Awards Nomination Form on the Deputy's behalf, attaching required documentation.*

*It is the Deputy's responsibility to initiate this process.*

### **“Award of Commendation”**

The Award of Commendation is awarded for service in any job related or community action worthy of recognition. The Award of Commendation:

- Shall consist of a certificate and letter from the Sheriff;
- Shall be presented in the Sheriff's Office, or at the Sheriff's discretion, the Annual Awards Ceremony.

### **“Outstanding Service Award”**

The Outstanding Service Award is awarded for displaying exceptional dedication in the performance of duty. The Outstanding Service Award:

- Shall consist of a certificate and letter from the Sheriff.
- Shall be presented in the Sheriff's Office, or at the Sheriff's discretion, the Annual Awards Ceremony.

### **“Commander's Commendation Award”**

The Commander's Commendation Award is awarded for displaying any noteworthy performance of duty *and is awarded* by the nominee's Chain of Command. This award is intended to give swift recognition for noteworthy performance. The Commander's Commendation:

- Shall consist of a written citation from the nominee's Command Staff describing the noteworthy incident(s) and will be placed in the nominee's personnel file;
- Shall be presented to the nominee at the first available Command Staff Meeting;
- Shall be submitted to the Awards Board for further consideration of any of the aforementioned annual awards.

### **"Memorial Medal"**

The Memorial Medal is awarded posthumously to a Deputy in recognition of the ultimate sacrifice, whose death resulted from the performance of duty, or an effort to save the life of another. Also, at the discretion of the Sheriff, the Memorial Medal may be awarded to any Deputy who was killed or dies, accidentally or otherwise, when not in the line of duty. The Memorial Medal presentation:

- Shall be determined by the Sheriff as appropriate.

### **3-112.1.b CIVILIAN PERSONNEL**

#### **"Civilian of the Year"**

The Civilian of the Year Award nomination process is identical to the process for sworn personnel. The Civilian of the Year Awards shall consist of plaque and a written citation and shall be presented

at the Annual Awards Ceremony and at other events designated by the Sheriff.

**"Medal of Valor"**

The Award of Valor has the same criteria as for sworn personnel as well as the method of recognition.

**"Lifesaving Award"**

The Lifesaving Award has the same criteria as for sworn personnel as well as the method of recognition.

**"Award of Merit"**

The Award of Merit has the same criteria as for sworn personnel as well as the method of recognition.

**"Military Service Award"**

*The Military Service Award has the same criteria as for sworn personnel as well as the method of recognition.*

**"Award of Commendation"**

The Award of Commendation has the same criteria as for sworn personnel as well as the method of recognition.

**"Outstanding Service Award"**

The Outstanding Service Award has the same criteria as for sworn personnel as well as the method of recognition.

**"Commander's Commendation Award"**

The Commander's Commendation Award has the same criteria as for sworn personnel as well as the method of recognition.

**3-112.1.c AWARDS ACCOUTEMENTS**

**"Medal of Valor Award"**

- Gold - Uniform medal bar; gold with inscribed letters denoting "VALOR";
- Silver - Uniform medal bar; silver with inscribed letters denoting "VALOR";
- Bronze - Uniform medal bar; blue with gold trim and gold lettering denoting "VALOR";

- A wall plaque, denoting the proper award level will be awarded to those civilians who do not wear a uniform.

**"Lifesaving Award"**

- Lifesaving Award - Uniform metal bar; white with gold trim and a red cross in the center;
- A wall plaque, denoting the proper award level will be awarded to those civilians who do not wear a uniform.

**"Award of Merit"**

- Award of Merit - Uniform metal bar; white with gold trim and gold lettering denoting "MERIT";
- A wall plaque, denoting the proper award level will be awarded to those civilians who do not wear a uniform.

**"Military Service Award"**

- *Military Service Award - Uniform metal bar; blue in color for regular Military Service or blue and white for those members who served in combat;*
- *A wall plaque, denoting the proper award level will be awarded to those civilians who do not wear a uniform.*

**3-112.1.d INCENTIVE AWARDS**

A reward may be monetary and/or in the form of annual leave, as circumstances and the impact of the idea, suggestion or action may dictate, in accordance with Administrative Procedures.

Monetary award for idea or suggestion:

- Awarded for a specific idea or suggestion which, when utilized, results in a measurable savings of money to the County and/or the Office of the Sheriff;
- Awarded for a specific idea or suggestion which, when utilized, results in a measurable improvement to the operational efficiency of the Office of the Sheriff;
- The reward shall consist of:
  - A non-base salary payment of up to \$1,000 to reflect the impact of the suggestion;

- A written citation and certificate signed by the Sheriff; and may include;
- An "Award of Commendation."

Non-monetary reward for an idea or suggestion:

- Awarded for a specific idea or suggestion which, when utilized, results in a measurable improvement to the operational efficiency of a section, division or bureau within the Office of the Sheriff.
- The reward shall consist of:
  - The granting of up to 5 days annual leave, to reflect the impact of the suggestion;
  - A written citation and certificate signed by the Sheriff; and may include;
  - .An "Award of Commendation."

A reward, as outlined above, may also be granted in conjunction with any of the previously described Annual Awards.

### 3-112.1.e OUTSIDE RECOGNITIONS

The Awards Board may also recommend persons form outside the Office of the Sheriff for recognition. This recognition may take one of the following forms:

- Sheriff's Award of Excellence – For actions comparable to those deserving of the Award of Valor;
- Sheriff's Award of Achievement – For actions comparable to those deserving of the Commanders Award or Lifesaving Award;
- Sheriff's Award of Commendation – For actions comparable to those deserving of an Award of Commendation.

### 3-112.2 PROCEDURES

Award nominations may be submitted by any member of the Office of the Sheriff, sworn or civilian.

Written nominations shall be submitted via the Chain of Command to the Awards Board, or directly to the Awards Board, ATTN: Awards Board Recorder. Nominations shall be made by completing the Award Nomination Form (Attachment) and shall include specific circumstances, cite examples, make references

to any IR# or SDN, include a copy of IR and recommend a specific type of award.

The Office of the Sheriff's Awards Board:

- The Sheriff may appoint personnel as Board Members as he deems appropriate. Such members shall serve terms determined by the Sheriff;
- Shall meet at least quarterly and shall make written recommendations to the Sheriff regarding any pending nominations;
- All members, including the Recorder, shall be voting members with the exception of the Chairman who shall vote only in the event of a tie vote;
- A quorum shall consist of the Chairman and at least 50 percent of the remaining membership;
- The Chairman shall determine, within the parameters of this order, the Board's internal procedure.

ATTACHMENT: Award Nomination Form

REFERENCE: Administrative Procedure 216

### **3-113 EMPLOYEE HEALTH, PHYSICAL FITNESS AND LIGHT DUTY**

The purposes of this order are to describe the agency's policy regarding general health and physical fitness to perform job tasks identified for sworn employees; define light duty status; and, establish guidelines and procedures to be followed for all Agency personnel<sup>1</sup>.

#### **POLICY**

It is the policy of the Office of the Sheriff to encourage employees to maintain a healthy lifestyle and each employee is required to maintain a level of general health and fitness sufficient to carry out the essential duties of his/her position. General health and physical fitness for sworn employees involves performing job tasks identified for law enforcement personnel and which may exceed those required of other occupations.

The policy of this Agency is to provide temporarily incapacitated employees with productive employment consistent with the Agency's needs and the employee's specific incapacitation. In the case of a sworn member, the policy is designed to insure the safety of the incapacitated Deputy, fellow Deputies, the public, and to address liability issues.

An employee is considered to be in a light duty status when he/she is unable to perform the duties and responsibilities required by his/her full-time position, and has been released by the attending physician to perform duties other than those assigned by the regular job description.

To the extent possible, every effort shall be made to provide employees who are injured in the line of duty with temporary light duty assignments in accordance with their medical limitations. This practice shall in no way be construed to mean light duty is guaranteed. Employees whose injuries are not work related shall be given light duty assignments when such work is available. If a light duty assignment is unavailable for an employee injured outside the line of duty, the employee shall be required to use leave.

Only the Sheriff or his / her designee can authorize the reporting or tracking (e.g., ETS timesheet) of any employee in a "disability" or "injured-on-the-job" (IOJ) status. Supervisors and others shall not report any employee in a "disability" or "injured-on-the-job" (IOJ) status without prior, written authorization from the Sheriff or his / her designee.

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<sup>1</sup> CALEA 22.3.2

### **3-113.1 GENERAL HEALTH AND PHYSICAL FITNESS**

Employees are encouraged to maintain a level of fitness which permits them to effectively carry out their duties and responsibilities, as determined by a mental health or health care professional. The Prince George's County government periodically sponsors various medical examinations and screenings at little or no cost to employees.

All Agency employees are encouraged to use the Office of the Sheriff Fitness Center which provides facilities and equipment for cardiovascular and weight training and which all Agency employees may use free of charge.

#### **3-113.1.a Procedures**

The Office of the Sheriff, through the Prince George's County government, requires a physical examination, at its expense, as part of the hiring process for new Deputy Sheriffs. The results of medical examinations are maintained separate from employee personnel files.

Standards of fitness shown to be directly related to the tasks performed by Deputy Sheriff include abilities to:

- React quickly in emergency situations
- Use physical force to effect and maintain an arrest and physical custody of another person
- Operate a motor vehicle at high speeds
- Run, climb and lift objects
- Use a firearm

Employees classified as Deputy Sheriffs, regardless of present job assignment, must be able to perform all the above described duties to be considered for Full Duty. If they cannot perform these duties they must be placed on Temporary Light Duty (Light Work) or No Duty by the attending physician.

#### **3-113.1.b Supervisory Responsibilities**

Employees' work and attendance records are to be monitored for signs of health problems related to fitness.

When a supervisor determines, by observation, that there is an essential duty that an employee is unable to perform, and it appears that the reason for the employee's inability is the result of the employee's health or fitness, the supervisor will notify the employee and report the specific deficiency, in writing, to the Bureau Chief, Bureau

of Administration, by way of a Performance Assessment Form, PGC # 2247 (Attachment 'A').

Whenever transmitting the Performance Assessment Form, the supervisor must use a mailing envelope clearly marked and handled as confidential.

The Bureau Chief, Bureau of Administration, will determine if it is necessary to refer the employee to a physician, at the expense of the Agency or County government, to determine the employee's fitness for duty.

Physical examinations required by the Agency will be paid for by the Agency or the County government. Employee initiated physical examinations shall be at the employee's expense, unless otherwise provided for through regulation or in their medical plan. The results of medical examinations are maintained separate from employee personnel files.

### 3-113.2 LIGHT DUTY ASSIGNMENTS

#### ***Non-discrimination of employees during Pregnancy.***

*The Office of the Sheriff prohibits discrimination against any employee on the basis of any disability, to include any term of pregnancy. Pregnancy is a temporary medical condition for which the Office of the Sheriff shall, upon certain certification from a health care provider, afford the employee with reasonable accommodations. Such reasonable accommodations include temporary transfer or re-assignment to a less hazardous or less strenuous position during the time-period of the medical condition. Moreover, all policies and practices involving matters such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.*

*The Assistant Sheriff, Bureau of Administration, through the Commander over Training and Employee Services, shall ensure notices regarding information concerning employees' rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy are posted in conspicuous locations (e.g., each Information bulletin board) throughout workspaces maintained by the Agency.*

#### **3-113.2.a Procedures**

The procedures for considering/placing a sworn or civilian employee in a light duty position or *affording other reasonable accommodation* are as follows:

- 1) The employee being released for light duty shall report to his/her supervisor and provide the supervisor with *the following forms, documenting* a physician's release for light duty:
  - a) *Attending Physician's Notification, PGC Form 5147 (Attachment 'B');* and, *if the employee is a sworn Deputy, also*
  - b) *Physician Notification Form (Attachment 'C')*
- NOTE: The Physician Notification Form is used for Deputy Sheriffs only.
- NOTE: In lieu of an Attending Physicians Statement, the employee may submit a signed statement from the attending physician.

*Regardless of the form(s) used, the employee's light duty medical release documentation must include, at a minimum:*

- a) *The date the reasonable accommodation became medically advisable;*
  - b) *An explanatory statement as to the medical advisability of the reasonable accommodation;*
  - c) *The probable duration of the reasonable accommodation;*
  - d) *The restrictions imposed on the employee during the light duty assignment, and;*
  - e) *The date for the next medical evaluation.*
- 2) The supervisor shall complete *their respective portions of the form(s)* in accordance to General Order 5-102 and submit *all completed forms* with the physician's statement through the Chain of Command to the *Bureau Chief, Bureau of Administration;*
  - 3) The supervisor shall coordinate and monitor the employee's light duty assignment, to include the monitoring of sworn members' annual firearms qualifications and in-service training requirements.

During every calendar year, sworn members are required by law to complete annual firearms



qualifications; a minimum number of annual in-service training hours, and; any other annual in-service training requirements prescribed by MPTC. If a Deputy is unable to complete their annual firearms qualification on a yearly basis, his/her police powers will be suspended pending qualification or termination.

Any sworn member who fails to complete their annual firearms qualification or required MPTC-required training during any calendar year and while in any extended leave status (e.g., extended light-duty, no-duty, FMLA, etc.) shall, prior to returning to any full-duty position, be required by their supervisor to first report directly to the Agency Training Coordinator in order to complete a firearm qualification, prior to resuming any full-duty assignment.

The Division Commander over any sworn member who, for any reason, fails to complete their annual firearms qualification or other MPTC in-service requirements during any calendar year shall establish and maintain direct contact with the Agency Training Coordinator, pending the member's qualification or termination.

All sworn employees in light duty assignments are subject to the following provisions:

A Deputy in a light duty status shall be provided an assignment consistent with documented medical limitations. In some instances, the Deputy's current assignment may satisfy the light duty requirements;

The uniform shall not be worn during light duty assignments unless authorized by the Sheriff;

Secondary employment in a law enforcement or security capacity shall not be allowed unless authorized by the Sheriff or Chief Assistant Sheriff;

A Deputy in a light duty status shall take no law enforcement action unless failure to do so would likely result in the serious injury or death to the Deputy or another person;

Agency vehicles are issued in order that the Agency fulfills its constitutional and statutory obligations. As such, members on no duty status shall not operate Agency vehicles;

A Deputy in a light duty status shall attend in-service training, but refrain from participating in any physical training or activity. A Deputy in a light duty status cannot receive MPTC-training credit for completing most "practical application" type training drills and/or exercises. Therefore, supervisors and the Training Coordinator should work closely with one another in order that light-duty members are rescheduled for such practical training, as soon as is possible.

**ATTACHMENTS:**

A – Performance Assessment Form (PGC # 2247)

B – *Attending Physician's Notification (PGC Form 5147)*

C – *Physician Notification Form*

**REFERENCE:** COMAR 12. 04. 01, Section 12 (Annual In-Service Training & Qualification)

*General Order 5-102  
(Occupational Illness & Injury)*

General Order 7-105 (Agency Vehicles) 'Other Prohibitions'

### **3-114 AMERICANS WITH DISABILITIES ACT**

The purpose of the order is to establish guidelines for serving the public covered under the Americans with Disabilities Act. *This order shall require compliance with the Federal Americans with Disabilities Act and ensure accessibility to programs and services provided by this Agency.*

#### **3-114.1 POLICY**

It shall be the policy of this Agency to follow the Federal guidelines in the Americans with Disabilities Act (ADA).

#### **3-114.2 PROCEDURES**

Much of our service to the public is taken to the client's doorstep, but we must also be mindful of the challenges faced by disabled persons who come to our facilities or who are under our care and protection while under arrest. (*Attachments A and B*)

This order is not intended to be a complete explanation of all the nuances of the ADA. All personnel should be aware of physical barriers that exist that may need to be altered, adjusted or removed for the disabled public and/or employees. *If all attempts at communications have failed and an interpreter is needed for a deaf or hard of hearing person, contact the Teletype Section (301-780-8500). If more information is needed, contact the Compliance Office/ADA Coordinator.*

The *Office of Policy Compliance* is designated as the Compliance Office for ADA matters. The *Staff Inspector/EEOC* is designated as *the ADA Coordinator* for ADA matters.

REFERENCE: Americans with Disabilities Act (1990)

ATTACHMENTS: A – *Guide for Law Enforcement Officers*  
B – *Policy Statement Regarding Effective Communication with People Who are Deaf and Hard Of Hearing*

### 3-115 INFECTION CONTROL PROGRAM

The purpose of this *directive* is to establish guidelines and provide training to eliminate or minimize employee and community exposure to communicable diseases and to prescribe procedures to be followed in the event of an exposure.

#### 3-115.1 POLICY

*It is the policy of the Office of the Sheriff to employ and comply with the Infection Control Program developed and implemented by the Prince George's County Health Department. This program has been developed in accordance with the Occupational Safety and Health Administration (OSHA) – Blood-borne Pathogens (BBP) Standard.*

The Prince George's County Health Department is responsible for managing the Agency's Infection Control Program and shall designate an Infection Control Officer (ICO) and other individuals or contract vendors responsible to establish, monitor and ensure compliance with vaccine schedules, post exposure evaluation with follow-up, and record keeping.

*It is the policy of the Office of the Sheriff to employ work practice controls and standard precautions which reduce the likelihood of exposure to communicable diseases by altering the manner in which a task is performed. Examples of work practice controls include prohibiting direct contact with blood and body fluids or other potentially infectious materials, and hand-washing.*

#### 3-115.2 DEFINITIONS

**BLOODBORNE PATHOGEN (BBP):** Pathogenic microorganisms that are present in human blood and can cause disease in humans.

**CONTAMINATED:** The presence or reasonably anticipated presence of: blood, body fluids or other potentially infectious or biological materials (OPIM's) on an item or surface.

**OTHER POTENTIALLY INFECTIOUS MATERIALS (OPIM's):** Any body fluid that is visibly contaminated with blood; all body fluids in situations where it is difficult or impossible to differentiate between body fluids; and any unfixed tissue or organ (other than intact skin) from a human, living or dead.

### 3-115.3 PROCEDURES, POST-EXPOSURE

Employees who are exposed to a communicable disease, blood, other body fluids or other potentially infectious materials (OPIM's) while on duty shall:

- 1) Notify their immediate supervisor in accordance with General Order 5-102;
- 2) Obtain Authorization for and Acquire Treatment within two (2) hours of the exposure:
  - a) **DURING REGULAR BUSINESS HOURS (0800-1630 HOURS)**
    - i. Employee or Supervisor calls the Infection Control Office at 301-583-1974
    - ii. Employee or Supervisor **MUST SPECIFY** it is a "county employee exposure" and request to speak with the designated Infection Control Officer / On-Duty Nurse\*
    - iii. ICO will either fax or, the employee can pick-up, the Authorization Form and hand carry the form to the nearest Concentra Medical Center (see Attachment 'A')
    - iv. Employee reports to the Concentra Medical Center with a photo ID and the Authorization Form for evaluation within two (2) hours of exposure.
  - b) **AFTER REGULAR BUSINESS HOURS (1630-0800 HOURS), WEEKENDS OR HOLIDAYS**
    - i. Employee or Supervisor call the Concentra Medical Center's Steeple Chase or Lanham office (Note: if either center is closed the employee should be directed by voicemail to contact the Arbutus location);
    - ii. Employees should not respond to any of these locations without first speaking with a Concentra staff member;
    - iii. Exposed employee reports to Doctor's Community Hospital Emergency in Lanham, MD only after contacting and being directed by the afterhours nurse, telephone (202) 510-1824;
    - iv. AFTER-HOURS NUMBER for the Infection Control Officer / On-Duty Nurse (202) 510-1824.
- 3) Report the incident in compliance with General Orders:
  - a) 5-101 (Incident Report);
  - b) 5-102 (Workplace Illness or Injury); and
  - c) 5-109 (Infection Control Exposure Report)

### 3-115.4 SUPERVISORS RESPONSIBILITIES

Supervisors are responsible for the following:

- Ensuring employees comply with *the infection control* procedures outlined in this General Order;
- Notifying the ICO immediately of all reported communicable disease exposures;
- Ensuring that *an* employee is properly relieved from his/her assigned duties or post *following* an exposure to communicable disease;
- Coordinating, communicating and assisting the ICO with employee infection control concerns and exposure follow-up;
- Monitoring the condition and availability of personal protective equipment (PPE) and ensuring minimum requirements are maintained at all times;
- Notifying the ICO immediately of communications (written confirmed or suspected communicable exposure notices) from Hospitals, Medical Examiners Office and Medical Centers related to possible exposure to communicable diseases;
- Upon request from the ICO, the supervisor shall provide written list-identifying employees who may have been involved in an incident or transported an Individual with a contagious disease;
- Ensuring the employee completes the Infection Control Exposure Report and forwards the completed form to the Infection Control Officer no later than 24 hours post-incident for documentation, counseling and follow-up services, as appropriate.

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### 3-115.5 EMPLOYEE RESPONSIBILITIES

Employees are responsible for the following:

- Complying with the infection control *procedures* outlined in this General Order;
- Attending mandatory education and training programs and complying with any testing programs, as appropriate;
- *Complying with all notification, post-treatment and reporting requirements to include: notifying the ICO and seeking treatment within 2 hours of the exposure, if not sooner;*
- Cleaning the injured area with soap and running water or germicidal hand-washing solution. After thoroughly cleaning the wound, apply alcohol, betadine or hydrogen peroxide;
- Completing the Infection Control Exposure Report in accordance with General Order 5-109 and forwarding the completed form to the ICO immediately after the incident for documentation, counseling and follow-up, as appropriate;
- Scheduling and maintaining appointments with the designated physician or medical facility regarding post-exposure follow-up, PPD skin tests, prophylaxis drugs, and medical treatments, as recommended;
- Completing Occupational Injuries or Illness Reports in accordance with General Order 5-102 for work related injury or illness as the result of a confirmed occupational exposure and forwarding the completed packet to the Office of the Sheriff's Personnel Office (failure to seek follow-up care regarding exposure may jeopardize Workers' Compensation claims);
- Maintaining confidentiality of source persons regardless of an exposure to communicable diseases, blood and body fluids or other potentially infectious materials (OPIM's). E.g., do not provide source person's identity or medical diagnosis such as TB over the radio system;
- Notifying staff *of outside institutions (e.g., hospital and / or jail staff)* to utilize proper isolation precautions when transporting Individuals with known or suspected communicable diseases;
- Utilizing sick leave when experiencing non-work related fever, flu-like symptoms, vomiting, diarrhea, lesions, rashes of unknown origin and/or productive cough to minimize the risk of transmission of communicable diseases to other employees and to the public we serve.

### 3-115.6 INFECTION CONTROL OFFICER (ICO)

The Infection Control Officer (ICO) *designated and / or contracted by the Prince George's County Health Department* is responsible for:

- Providing 24-hour communicable disease exposure advice, post-exposure follow-up, and referral to the Physician or nearest medical center, as appropriate;
- Documenting pre and post-test counseling and medical treatment for exposure to communicable diseases, blood and body fluids, or other potentially infectious materials (OPIM's);
- Conducting an annual risk assessment and review of the program's effectiveness. The risk assessment determines the risk of transmission of TB during the provision of services by area or work group;
- Coordinating employees' new hire and annual education and training programs, including but not limited to annual employee's PPD skin test placement, as appropriate;
- Documenting and notifying employees involved in an exposure incident to determine the extent of the exposure, if any. The employees will be referred to the physician as appropriate;
- Maintaining related safety and compliance reports including Medical Records for documentation of PPD skin test administration and interpretation, prophylaxis and/or treatment and pre- and post-test counseling records;
- Ensuring that employees and prisoners with suspected or confirmed TB are evaluated promptly to minimize the amount of time employees and other prisoners are exposed;
- Obtaining copies of the pre-employment physical examinations, immunizations and PPD skin tests, as appropriate, for investigation of communicable disease exposure incidents, workers compensation claims, and immunization reviews and PPD skin test screenings;
- Reporting and documenting employee's failure to keep follow-up appointments and treatments to the Manager of Budget and Finance, for the Agency;
- Providing counseling; to include at a minimum, information related to HIV, HBV, HCV, Standard Precautions, and emotional or medical concerns;

- Documenting the circumstances surrounding the exposure and follow-up with employees to ensure appropriate counseling, serology testing and medical treatment, as appropriate;
- Determining the exposure code and level of exposure. The following information shall be documented: (1) Type of exposure, e.g., percutaneous injury, mucous membrane or non-intact skin; (2) Duration of exposure; (3) Length of time since the exposure incident (for example immediate vs. several hours); (4) Source of the exposure; and (5) Vaccination status of the member.

### 3-115.7 NON-EMERGENCY INQUIRES

The Infection Control *Program* telephone *numbers (Attachment 'A')* may be used for non-emergency inquiries not related to an immediate exposure emergency (e.g., medical file retrieval, training schedules, etc.).

### 3-115.8 STANDARD PRECAUTIONS

An approach to infection control in which all human blood and body fluids are treated as if known to be infectious with bloodborne pathogens, including but not limited to, Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV) and Hepatitis C Virus (HCV). Therefore, appropriate personal protective equipment (PPE) shall be worn for all procedures/tasks where there may be a potential or anticipated exposure to blood and body fluids or other potentially infectious materials (OPIM's).

HANDWASHING IS THE MOST EFFECTIVE MEANS TO PREVENT THE SPREAD OF INFECTION. WEARING GLOVES DOES NOT MEAN YOU DON'T HAVE TO WASH YOUR HANDS!

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### 3-115. 9 PERSONAL PROTECTIVE EQUIPMENT

Personal Protection Equipment (PPE) shall be worn for any task or procedure in which direct contact with blood or body fluids or other potentially infectious materials (OPIM's) of the Individual is anticipated. Examples of PPE are gloves, masks, and eye protection.

**Gloves** shall be worn when an open wound is known to exist on your hands. Open wounds or rashes must be covered with a waterproof dressing.

- Disposable exam gloves must be worn whenever exposure to blood and body fluids or other potentially infectious materials;
- Heavy gauge (reusable gloves) can be used when cleaning the unit or equipment. These gloves should be washed in the same manner as hands are washed, but both inside and out. These gloves should be discarded if they become cracked torn, punctured, or otherwise show signs of deterioration.

**Mask and eye protection** (goggles, or glasses) shall be worn when splashing of blood and body fluids or other potentially infectious materials (OPIM's) is likely, to prevent mucous membrane exposure of the eyes, nose, and mouth.

**PPE DISPOSAL: ALL CONTAMINATED DISPOSABLE ITEMS SUCH AS GLOVES, MASKS AND DRESSINGS MUST BE PLACED IN A RED BAG AND LEFT AT THE HOSPITAL FOR PROPER DISPOSAL.**

### 3-115. 10 MANDATORY EQUIPMENT<sup>1</sup>

All Agency Vehicles (special units, cruisers, transport vans and buses) must be equipped with the following minimum quantities of infection control equipment. All employees operating a vehicle are responsible for restocking and replacing expired dated items in the vehicles prior to returning the vehicles to service.

- Gloves, Disposable exam gloves, one (1) box
- Surgical Masks, Disposable, six (6) each
- Foamed alcohol Hand Degermer, two (2) (One in use and one spare)
- Antibacterial Towelettes, one (1) box
- Clear Plastic bags, two (2) each

- Trash bags, two (2) each
- Gloves, Latex, Heavy Duty (cleaning), two (2) pair
- Paper towels, one (1) roll or package
- Red bags, two (2) each
- Goggles, one (1) pair
- Resuscitation Device

The infection control equipment should be stored with the "first aid kit" that is carried on each agency vehicle. It is the responsibility of each employee assigned a vehicle to ensure that his or her vehicle is adequately equipped with the infection control equipment.

### 3-115. 11 HANDWASHING

The following procedures should be followed when washing hands:

- Hands shall be washed before and after touching blood and body fluids or other potentially infectious materials (OPIM's);
- Hands shall be washed before eating, drinking, applying cosmetics, and changing contact lenses and after using the lavatory facilities;
- Hands shall be washed immediately or as soon as feasible after removal of gloves or other personal protective equipment (PPE);
- Foamed alcohol hand de-germer and antibacterial towel-ettes shall be used when hand-washing facilities are not readily available.

When towel-ettes or alcohol foam de-germer are used, cleanse hands for 60 seconds and wash hands with soap and running water as soon as possible.

### 3-115. 12 FOOD AND SPECIMENS

Eating, drinking, smoking, applying cosmetics or lip balm, chewing gum and handling contact lenses is prohibited in areas where there is a risk of occupational exposure to blood and body fluids or other potentially infectious materials (OPIM's).

Storage of food and drinks are prohibited in places where blood and body fluids or other potentially infectious materials (OPIM's) are kept.

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<sup>1</sup> CALEA 41. 3. 2

### **3-115. 13      EQUIPMENT AND CLOTHING**

All specimens of blood and body fluids or other potentially infectious materials (OPIM's) must be contained in leak-proof containers or bio-hazardous plastic bags during handling and transport.

Equipment that may become contaminated shall be inspected for blood and body fluids or other potentially infectious materials (OPIM's) on a regular basis and decontaminated as necessary.

Removal of blood and body fluids or other potentially infectious materials (OPIM's) from skin and/or clothing must be done as soon as possible.

Work Uniform contaminated with blood and body fluids or other potentially infectious materials (OPIM's) must be removed as soon as possible for more thorough cleaning.

The Employee is responsible for cleaning and replacement of contaminated uniforms.

Firearms that are soiled with blood or body fluids will be placed, after the weapon is deemed in a safe condition, in a clear leak proof bag and taken to the Armorer for cleaning. Armorer will issue new equipment until cleaning is complete. If contamination occurs after normal business hours contact the Evening or Weekend Duty Officer.

Radios or equipment that is touched or handled while wearing gloves contaminated or soiled with blood or body fluids or other potentially infectious materials (OPIM's) must also be considered contaminated until disinfected.

### **3-115. 14      VEHICLE AND EQUIPMENT DISINFECTION PROCEDURES**

All vehicles contaminated with blood and body fluids and other OPIM's will be removed from service and immediately cleaned/disinfected. The involved individual will be responsible for the cleaning of their vehicle. If the individual is incapable of cleaning their vehicle, their immediate supervisor will ensure vehicle is cleaned/disinfected.

All areas of the vehicle such as walls, benches, floors and handles, where contact with blood and body fluids or other potentially infectious materials (OPIM's) is likely, must be thoroughly pre-cleaned with soap and water or approved germicide detergent solution then wiped dry. Cracks and crevices must be scrubbed with a brush.

An approved germicidal detergent solution may be used, but must be mixed and labeled with the date

the mixture was mixed and the discard date. (See *Manufacturer's Instructions*)

A solution of nine parts water to one parts bleach may be substituted for the name brand disinfectant solution. Once mixed, bleach must be discarded within 24 hours.

The use of heavy gloves or double gloving is necessary when performing clean-up procedures and mixing disinfectant solutions.

**REMEMBER: NEVER PLACE A RED BAG OR CONTAMINATED ITEMS IN REGULAR OR UNMARKED TRASHCANS!**

### **3-115. 15      POST EXPOSURE PROPHYLAXIS**

In accordance with recommendations made by the Centers for Disease Control (CDC) the Agency will make a Post Exposure Prophylaxis (PEP) Program available to all employees who have been exposed to blood or other potentially infectious fluids during the performance of their duties.

The contracted Infection Control Officer (ICO) will provide this agency's Post Exposure Prophylaxis (PEP) Program. The Program includes a 24 hour post exposure hotline for counseling and treatment services. This includes any necessary administration of PEP medications for high-risk HIV exposures. These medications must be administered within 2 hours from the initial time of exposure to ensure effectiveness once it is deemed appropriate by the on-call medical professionals.

### **3-115. 16      MANAGEMENT OF EMPLOYEES WITH BLOODBORNE DISEASES**

All employees shall follow Standard Precautions. Therefore, neither mandatory nor voluntary screening programs for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV) and other blood-borne diseases are warranted. Employees infected with a blood-borne disease shall not be prohibited from work/practice solely on the basis of their blood-borne pathogen infection/disease.

### **3-115. 17      LABORATORY TESTING AND INFORMED CONSENT**

Laboratory testing shall be obtained on employees as soon as feasible, after informed consent is obtained, in order to determine HBV, HIV, and HCV status. If employee consents to baseline blood collection, but does not consent at that time to HIV serological

testing, the laboratory shall be instructed to save the blood sample for at least 90 days. If the employee elects to have the baseline blood sample tested within that time frame, such testing shall be done as soon as feasible.

### **3-115. 18 EVALUATION OF SOURCE INDIVIDUAL(S)**

The ICO or his / her designee shall obtain Source Individual information. This shall include Individual identification, route(s) of exposure and the circumstances under which the exposure incident occurred, if feasible.

Laboratory testing shall be done on the source individual as soon as feasible, after informed consent is obtained in order to determine HBV, HCV, HIV status. If the source Individual's HBV, HCV, and HIV status is known, these tests do not need to be repeated. When law does not require the source individual informed consent, the source individual's blood shall be tested and the results documented.

### **3-115. 19 VACCINATION AND IMMUNIZATION PRACTICES**

The ICO will administer a Vaccination Program, which includes the PPD skin testing, Tetanus, Measles, Mumps and Rubella (MMR), Varicella (VZV) and Hepatitis B vaccination (HBV). Documentation of immunizations, such as Hepatitis B, MMR, Varicella and Tetanus vaccination, will be maintained, as appropriate.

All vaccine and screening test shall be administered by a licensed physician or licensed health care professional.

**Hepatitis B Vaccine (HBV)** is a safe and effective vaccine that was developed in 1982. The vaccine stimulates the production of antibodies that are necessary for providing immunity against Hepatitis B Virus (HBV) infection. Research indicates that 90 percent of those receiving the vaccine will develop adequate titer (antibody levels).

- The Hepatitis B vaccine is recommended for all employees with anticipated occupational exposure to blood and body fluids or other potentially infectious materials (OPIM's). Exceptions are employees who have received the complete vaccine series, have antibody testing that indicates immunity, or have a medical contraindication for the vaccine;

- The Hepatitis B vaccine is offered at no cost, within ten working days of initial assignment, during education and training sessions and annually. The Hepatitis B vaccine is administered as a series of three (3) injections at 0, 1 and 3-month intervals;
- Employees who accept or refuse the Hepatitis B vaccine must sign a consent or declination statement (waiver). The declination statement (wavier) can be rescinded at any time and the Hepatitis B vaccine shall be provided at no cost to the member;
- Compliance with the vaccine schedule is the employee's responsibility.

#### **Measles, Mumps and Rubella Vaccine**

- Employees shall provide written documentation of immunity to measles at the time of hire or at their scheduled health screening, as appropriate;
- Employees may be provided the MMR vaccination post exposure, as indicated.

Tetanus Toxoid Vaccines will be administered at no cost to employees for prophylaxis and management of any breaks in the integrity of the skin due to work related injuries.

- For a minor wound with low potential of contamination, Tetanus Toxoid Booster dose will be given if no booster has been administered within the last 10 years;
- For wounds with a high potential of contamination, Tetanus Immune Globulin will be given regardless of when the last booster was administered.

**Influenza (Flu) Vaccine** will be offered annually on a voluntary basis to all employees during flu season (October-December).

#### **Varicella Vaccine (Chickenpox)**

- Employee's immunity to varicella will be reviewed and documented at pre-employment and during their scheduled health screenings. Varicella immunity can be documented by proof of prior immunization, reliable history of varicella infection, or a positive serologic titer;
- If a member is determined to be non-immune to varicella, he/she will be offered the varicella vaccine at no cost unless medically contraindicated;



- The vaccine is administered as a series of two (2) injections at 0 and 4-8 week intervals. Employees, who develop local or generalized skin lesions after vaccination will be evaluated by the Physician and may be placed off duty until lesions are dried, crusted over and healed;
- If an employee receives a work-related exposure to varicella or shingles and is found to be non-immune to varicella, he/she will be offered the varicella vaccine and/or be placed on mandatory work restriction from the 10th through the 21st day post-exposure, as appropriate;
- If an employee receives a non-work related exposure to varicella or shingles or a work-related exposure to varicella and has declined vaccination; the employee must use sick leave to be paid for mandatory time off from the 10<sup>th</sup> - 21<sup>st</sup> day post-exposure, as appropriate.

### **3-115. 20 TUBERCULOSIS EXPOSURE CONTROL PLAN**

Tuberculosis (TB) is a significant problem in correctional facilities in the United States. Effective TB prevention and control of cases in such facilities is necessary to reduce TB transmission and make the correctional environment safer for prisoners, employees, and the communities into which the prisoners are released.

This Agency has implemented the Tuberculosis Exposure Control Plan developed by the Contracted Infection Control Officer. This program has been developed in accordance with Centers for Disease Control and Prevention (CDC) Guidelines for the Prevention of Tuberculosis in Health Care Facilities.

#### **3-115. 20. a PPD SKIN TESTING PROGRAM**

During the pre-employment and annual training programs, employees at risk for exposure to TB, including those with a history of Bacillus Calmette Guerin (BCG) vaccination, shall receive a Mandatory PPD skin test upon hire and annually unless a previously positive skin test can be documented. All PPD skin test shall be placed and interpreted by the Infection Control Officer.

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### **3-115.20.b TWO-STEP PPD TESTING PROGRAM**

Employees who have not had a documented negative PPD skin test result within one year of employment shall have a two-step PPD skin test. The two-step PPD skin test procedure is outlined below:

Step 1 - An initial PPD skin test will be placed and read within 48-72 hours. If the initial test is positive, the person is considered infected.

Step 2 - If the initial PPD skin test is negative, second PPD skin test will be placed one to three weeks later and read within 48-72 hours of placement. If the second PPD skin test is positive, the person is considered infected. If the second PPD skin test is negative, the person is considered uninfected.

Medical care is provided free of charge for all work-related PPD skin test conversions.

### **3-115.20.c NEGATIVE PPD SKIN TEST**

PPD skin test negative employees shall undergo PPD skin testing annually or periodically as determined by the TB risk assessment.

PPD skin test negative employees shall undergo PPD skin testing whenever they are exposed to a confirmed TB employee and appropriate precautions were not observed at the time of exposure.

PPD skin test negative employees who have had a PPD skin test performed at another medical facility within three (3) months may provide (written) medical documentation of the test results. The documentation must include the date the PPD skin test was administered, the PPD skin test results with the induration measured in millimeters (readings of "negative" **will** not be accepted), and signature of the licensed provider

### **3-115.20.d POSITIVE PPD SKIN TESTS**

Employees with a documented history of positive PPD skin test, adequate treatment for disease, or preventive therapy for infection are exempt from further screening. These employees must promptly report the development of any prolonged pulmonary symptoms to the Infection Control Officer for an immediate medical evaluation referral, as appropriate.

Any newly hired employee with a history of a positive PPD skin test shall complete a questionnaire regarding symptoms of TB at the time of hire and on an annual basis. A physician shall evaluate an employee who reports symptoms suggestive of TB.

### 3-115.20.e PPD SKIN TEST CONVERSIONS

Employee with a newly recognized positive PPD skin test result or PPD skin test conversion should be evaluated promptly for active TB. The health assessment shall include a clinical examination and a chest x-ray.

Employees shall be placed in an appropriate leave status from work if the medical history clinical examination or chest x-ray is compatible with active TB.

Employees cannot return to work until the following criteria are met: 1) a diagnosis of active TB is ruled out; or 2) a diagnosis of active TB is established, is being treated, and a determination has been made by a physician that the employee is not infectious.

### 3-115.2.f PPD SKIN TEST INTERPRETATION

The Infection Control Officer shall evaluate all PPD skin tests within 48-72 hours after placement of the PPD skin tests for written documentation of test results.

Only authorized medical professionals (Infection Control Officer) with the appropriate training shall interpret and document all PPD skin test results.

Employees who are without evidence of active TB, may refuse prophylactic treatment for positive PPD skin test results.

### 3-115.20.g TB EXPOSURE AND FOLLOW-UP PROCEDURES

TB exposure is defined as contact with an employee or prisoner who has confirmed laryngeal or pulmonary TB, in the absence of respiratory protection or use of engineering controls.

Employees with previously known positive PPD skin test reactions do not require repeat PPD skin test or chest x-rays unless they have symptoms suggestive of TB (e.g., cough or fever). If symptoms develop, the employee shall be referred to the physician, as appropriate.

Employees with a history of a negative PPD skin test reaction shall have a PPD skin test immediately after an exposure.

Employees with documentation of a negative PPD skin test performed within 3 months preceding exposure shall be exempt from the baseline PPD skin testing. If the initial PPD skin test results are

negative, the PPD skin test shall be repeated at 12 weeks after the exposure to ensure the employees have not converted to PPD skin test positive. If any employees convert during the 12-week check, the employees shall be referred to the physician and must complete Workmen's Compensation forms.

Employees without documentation of a negative PPD skin test performed within three months preceding exposure should have a PPD skin test immediately after the exposure. If the initial skin test is negative, the PPD skin test shall be repeated in 12 weeks post-exposure to assure the employees have not converted to PPD skin test positive. If any employees convert during the 12-week check, they shall be referred to the physician and must complete Workmen's Compensation Forms.

### 3-115. 21 EDUCATION AND TRAINING PROGRAMS

Education programs will be coordinated by the Infection Control Officer in-conjunction with the *Office of the Sheriff* Training Section. Mandatory refresher training will be conducted annually<sup>2</sup>.

The training consists of, but is not limited to:

- A general explanation of OSHA bloodborne pathogens standard, exposure prevention and work restriction practices, and modes of transmission of communicable diseases;
- Principles and practices of infection control that reduce the risk for transmission. This includes information concerning infection control measures, policies and procedures;
- Information on the Hepatitis B Vaccine including, information on its efficacy, safety, method of administration, benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;
- Potential for occupational exposure to persons who have suspected or confirmed infectious TB. Information concerning the prevalence of TB in the community and work environment and the PPD skin test program;
- Importance of notifying the Infection Control Officer if employees or prisoners are diagnosed with active TB;

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<sup>2</sup> CALEA 33.5.1

- Information on the appropriate person to contact for communicable disease exposure incidents, including, but not limited to, medical follow-up;
- Responsibility of the ICO to maintain confidentiality of the medical record, ensure the employees receive appropriate treatment, and that the employees are non-infectious before returning to duty.

### 3-115.22 RECORDKEEPING

**Medical Records:** The Infection Control Officer shall establish and maintain an accurate record for each employee with occupational exposure. This record shall include:

- Employee's name and social security number;
- Copy of employee's Hepatitis B Vaccination status including the dates of all Hepatitis B vaccinations;
- A copy of all results of examinations, medical testing and follow-up procedures;
- The ICO shall establish and maintain an accurate record for each employee with TB exposure:
  - Copy of PPD skin test status, documentation on the routes of exposure, and circumstances under which the exposure occurred;
  - A copy of all records related to TB exposure incidents including results of examination, medical testing, follow-up procedures, and health care professional's written opinion;
  - A copy of the results of the source employee's test results/infectivity, where feasible and not prohibited by state or local law.

All medical records shall be maintained for the duration of employment plus thirty (30) years.

All employees' medical records regarding exposure shall be kept confidential and are not disclosed without the member's written consent.

All files shall include results of the Source Individual's HIV, HBV, and HCV infectivity, if feasible and not prohibited by state or local law.

All files shall include a description of the employees duties related to the exposure incident. All files shall include documentation on the routes of exposure and

the circumstances under which the exposure occurred, including device specific information, if the incident is device related. All medical records shall be provided upon request for examination and copying to the member, legal representatives, and OSHA representatives, where required by law.

**Training Records:** The Infection Control Officer shall establish and maintain an accurate record of education and training records for employees.

Employee training records shall be maintained by the Infection Control Officer for a minimum of three years from the date on which the training occurred. This record shall include:

- Date of the training, the names and rank/qualifications of persons conducting the training;
- The names and rank of all persons attending the training session.

### 3-115.23 MULTI-AGENCY EXPOSURE INCIDENTS

All multi-agency (Sheriff, Police, Fire, Corrections and Municipal Police) exposure incidents, counseling treatment and referral services shall be coordinated by the *Prince George's County Health Department and / or the designated ICO.*

#### REFERENCES:

*General Orders*

*5-101 (Incident Report)*

*5-102 (Workplace Illness or Injury)*

*5-109 (Infection Control Exposure Report)*

#### ATTACHMENTS:

A – *Concentra Locations and Post-Exposure Treatment and ICO Notification Procedures Handout*

### 3-118 EMPLOYEE ASSISTANCE PROGRAM

The purpose of this order is to establish guidelines and procedures for all Office of the Sheriff personnel pertaining to the Prince George's County Government Employee Assistance Program or when dealing with emergency and crisis situations involving members of the Office of the Sheriff and their families.

#### 3-118.1 POLICY

It is the policy of the Office of the Sheriff, in conjunction with the Prince George's County Government (County), to provide a confidential and comprehensive Employee Assistance Program (EAP) to assist employees in resolving, managing or otherwise overcoming distressing personal problems that adversely impact employee performance. Unresolved employee personal problems, such as substance abuse, family problems, and emotional distress often cause disruptions in the workplace, and inevitably interfere with job performance, and can ultimately detract from the quality of the professional and personal lives of Agency employees. The EAP gives employees a convenient and confidential means to address and resolve personal problems which may be affecting job performance without fear of embarrassment or reprisal.

#### 3-118.2 DEFINITIONS

**Employee Assistance Program (EAP)** – a program designed to provide confidential assessment, referral and other appropriate assistance to employees who are experiencing personal problems.

**Agency EAP Coordinator** – that individual within the Agency assigned responsibility for administering the provisions of the County EAP, within this Agency. The EAP Coordinator is responsible for ensuring the County EAP program is correctly and appropriately implemented within the Agency, answering questions and providing guidance on the EAP within the Agency.

**EAP Referral, Voluntary (Self)** – The EAP is intended to support an employee's voluntary efforts to receive assistance and any employee may contact the EAP when they so choose.

**EAP Referral, Mandatory (Supervisory, Formal)** – Referrals to EAP based on a documented decline in job performance (e.g., a developing absenteeism or tardiness pattern or unusual or abnormal behavior that is a direct threat to the employee, co-workers, or the public, or a positive drug/alcohol test administered pursuant to Personnel Procedure 224).

### 3-118.3 EMPLOYEE ASSISTANCE PROGRAM<sup>1</sup>

#### Eligibility and Scope of Service

As established by Personnel Procedure 223, the Prince George's County Government provides an Employee Assistance Program (EAP) that is available to serve all employees of the Prince George's County Sheriff's Office and eligible members of their household.

The designated Agency EAP Coordinator within the Office of the Sheriff is the *Commander, Training & Personnel Services*. The Agency EAP Coordinator serves as the Agency Liaison to the County EAP Coordinator, within the Office of Human Resources Management (OHRM) and as such, the Agency EAP Coordinator is authorized to coordinate Mandatory EAP Referrals directly with the County EAP Provider. Questions regarding the EAP should be directed to the Agency EAP Coordinator.

The EAP provides a no cost, confidential service through telephonic counseling and office visits for assessment, referral and short-term counseling services.

Confidentiality is assured. The County does not nor will it receive information about individuals who use this program. All records of contacts with the EAP and its representatives are strictly confidential and are filed by a case number rather than by name. Information from these files can only be released with written permission of the employee or family member. The only exceptions to maintaining confidentiality are if an individual poses a clear and immediate danger to themselves, to others or if the individual has been requested by the Agency to contact the EAP for an Agency mandated evaluation.

The EAP is available 24 hours a day, seven days a week from an independent firm and through experienced professional counselors who will assist employees with problems that may arise from an emergency or disaster. The EAP is available during alternate hours to allow employees to seek assistance outside assigned work hours.

Participation in the EAP is not intended as a substitute for normal employee performance counseling or necessary disciplinary action.

Participation in the EAP does not relieve any employee from their responsibility to comply with all applicable General Orders, policies, procedures and/or orders by Agency supervisors.

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<sup>1</sup> CALEA 22.2.6.a

### **3-118.4 CONFIDENTIALITY PROVISIONS<sup>2</sup>**

The Agency EAP Coordinator maintains a record-keeping system carefully designed to protect the identity of employees utilizing EAP services, while facilitating timely problem assessment, case management and follow-up. All EAP records are kept separate and apart from an employee's personnel file and the confidentiality of substance abuse records is maintained in accordance with all applicable State and Federal regulations. Reports regarding the attendance of employees who are referred to the EAP by a supervisor will only contain information about the employee's:

- 1) initial contact with the EAP and agreement or refusal to participate in the program;
- 2) attendance record for EAP appointments;
- 3) follow through on treatment recommendations;
- 4) need for further treatment; and
- 5) EAP termination date.

No report of a request for employee assistance will be made to any other member of the Agency unless the Agency EAP Coordinator determines, after consulting with the employee and/or EAP provider/counselor, that the employee should not return to duty.

### **3-118.5 RECORDS RETENTION**

The EAP record maintained by the Agency EAP Coordinator consists of the EAP Supervisory Referral and Consent for Release of Confidential Information forms. The forms are retained by the Agency EAP Coordinator for a two-year period and are maintained only for those employees referred to the EAP by management. The Office of the Sheriff and the Agency EAP Coordinator are not the custodian(s) of confidential case files regarding an employee's treatment. The EAP provider retains confidential employee case files for a period in keeping with industry standards for retention of such records.

### **3-118.6 PROGRAM PROVISIONS**

Employee participation in the EAP is not considered as a factor in determining an employee's job security, performance appraisal or promotional eligibility. Employees are encouraged to use the EAP voluntarily when they feel they might need professional help or guidance.

All records regarding counseling, referral and treatment of an employee or family member are kept in strictest confidence. No personal or medical information is

released without the employee's written authorization unless any of the following exceptions are evidenced:

- 1) The client reveals a child abuse or child neglect problem;
- 2) The client is in the state of a bona fide medical emergency and needs medical attention;
- 3) The client commits or threatens to commit a crime;
- 4) The client presents an imminent danger to self or others; or
- 5) Disclosure is otherwise required by law.

Supervisory referrals to the EAP shall be based on a documented decline in job performance, a developing absenteeism or tardiness pattern, unusual or abnormal behavior that is a direct threat to the employee, co-workers, or the public, or a positive drug/alcohol test administered pursuant to Personnel Procedure 224. In the case of a supervisory referral, the Agency EAP Coordinator will periodically notify the Sheriff and / or Chief Assistant Sheriff whether an employee has kept scheduled appointments and has complied with treatment recommendations.

Participation in the EAP is not intended as a substitute for normal employee performance counseling or necessary disciplinary action. Supervisors are encouraged to discuss and consult with their superiors, members of the Policy Compliance Division, department personnel representatives or the Agency EAP Coordinator, on issues regarding progressive discipline and intervention techniques for resolving performance and conduct related problems. Supervisory referrals to the EAP may occur in conjunction with, as well as independent of, any disciplinary measures.

The EAP is intended to support an employee's voluntary efforts to receive assistance. An employee who is referred to the EAP by a supervisor is required to attend sessions as defined within the employment agreement made by the employee. The Agency EAP Coordinator will notify the supervisor of the employee's attendance or non-attendance at the initial session.

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<sup>2</sup> CALEA 22.2.6.c

Pursuant to Section 16-222(a)(9) of the Personnel Law, an employee may be granted administrative leave for initial assessment during the work day to participate in the EAP with prior approval of the Sheriff or Chief Assistant Sheriff. If an employee chooses not to inform his / her supervisor of participation in the EAP, an employee may request sick or annual leave, pursuant to the procedures outlined in Personnel Procedure 284. Leave arrangements beyond the initial appointment are to be arranged between the employee, the Agency EAP Coordinator and the appropriate Agency supervisor. Employees may request sick leave for subsequent visits or treatment. If sick leave is not available, employees may request a sick leave advance, annual leave, or leave without pay, pursuant to the procedures outlined in County Personnel Procedure 284 (Employee Leave).

### **3-118.7 EAP REFERRAL PROCEDURES<sup>3</sup>**

As a means of providing employees with a confidential and comprehensive Employee Assistance Program (EAP), the Office of the Sheriff has established the following procedures for handling EAP referrals:

#### **3-118.7.a Voluntary (Self) Referral, EAP**

Any employee who wishes to do so is encouraged to contact the EAP via the toll-free 1 (877) 334-0530 (<http://www.apshealthcare.com>) for a confidential, free appointment with an EAP provider. Additionally, any employee may also contact the Agency EAP Coordinator with any questions regarding the EAP, either directly or, via use of the Employee Assistance Program Contacts Form (Attachment A). The County does not nor will it receive information about individuals who use this program.

Employees who refer themselves to the EAP may do so by requesting annual or sick leave in accordance with Personnel Procedure 284 or attending during hours not scheduled for work.

#### **3-118.7.b Informal Referral, EAP**

Supervisors, managers and co-workers can suggest to another employee that EAP is available, at any time.

When appropriate, supervisors should encourage employees to accept assistance through the EAP.

Supervisors should not attempt to resolve the personal problems of employees.

#### **3-118.7.c Supervisory Referral, EAP**

Supervisory referrals to the EAP shall be based on a documented decline in job performance, a developing absenteeism or tardiness pattern, unusual or abnormal behavior that is a direct threat to the employee, co-workers, or the public, or a positive drug/alcohol test administered pursuant to Personnel Procedure 224.

- 1) Prior to initiating an EAP Supervisory Referral, the supervisor shall contact and discuss their documentation supporting the referral with the Agency EAP Coordinator.
- 2) Subsequent to initial contact and consult with the Agency EAP Coordinator; and at the time of initiating a Supervisory Referral, the supervisor must complete and submit a Supervisor Referral Form (Attachment B) to the Agency EAP Coordinator.
- 3) Whenever transmitting the Supervisory Referral form, the referring supervisor must use a confidential mailing envelope.
- 4) Upon authorization by the Agency EAP Coordinator, the referring supervisor is responsible for:
  - a. Discussing with the employee the basis for the referral and ensuring that the mandatory nature of the referral is understood by the employee;
  - b. Providing the employee with the EAP toll-free number and advising the employee of the requirement to contact the EAP within two days from the date of referral;
  - c. Advising the employee of the requirement they must sign a Release of Confidential Information Consent form (to be obtained from the Agency EAP Coordinator); and
  - d. Instructing the employee to schedule an appointment with the Agency EAP Coordinator, within two days from the date of receiving notice regarding the supervisory referral, in order to sign the Consent form.
- 5) Upon receipt of the completed Supervisor Referral form, the Agency EAP Coordinator will contact the healthcare provider to make the formal referral and provide background information regarding the basis for the referral.

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<sup>3</sup> CALEA 22.2.6.b, d, e



The signed Consent form will then be faxed to a counselor at the healthcare provider/facility, by the Agency EAP Coordinator.

Once the Consent form has been received, the counselor will contact the Agency EAP Coordinator to verify its receipt.

The counselor will also notify the Agency EAP Coordinator of the employee's initial contact with the healthcare provider and periodically (usually bi-weekly) advise of the employee's status in the Program.

Upon termination from the EAP, the Counselor will advise the Agency EAP Coordinator, in writing, of the employee's termination from the EAP and whether the employee successfully completed treatment recommendations.

A letter of case completion will then be sent to the referring supervisor by the Agency EAP Coordinator.

- 6) If a personal problem of an employee is adversely affecting work performance, the supervisor has the responsibility to identify job-related objectives for improved performance and, if appropriate, refer the employee to the EAP for assistance.
- 7) When appropriate, supervisors should encourage employees to accept assistance through the EAP.
- 8) Supervisors should not attempt to resolve the personal problems of employees.
- 9) An employee whose performance continues to be unsatisfactory due either to an unwillingness to participate in the EAP or unresponsiveness to assistance is subject to disciplinary actions in the same manner as any other employee whose performance or conduct is unsatisfactory.
- 10) Administrative leave may be granted to an employee referred to the EAP to attend the initial assessment session. Leave for subsequent counseling sessions should be arranged in accordance with Personnel Procedure 284.
- 11) In the case of a supervisory referral, the Agency EAP Coordinator will periodically notify the Sheriff and / or Chief Assistant Sheriff whether an employee has kept scheduled appointments and has complied with treatment recommendations.

### **3-118.8 PROGRAM EVALUATION**

An annual evaluation of the Agency EAP program will be conducted by the Agency EAP Coordinator and submitted to the Chief Assistant Sheriff. The evaluation process will involve establishing criteria for measuring success of the program, providing feedback for the identification of improvements, demonstrating the cost effectiveness of the program and providing justification for changes needed to improve effectiveness.

### **3-118.9 EAP TRAINING<sup>4</sup>**

All Agency supervisors shall receive documented training regarding the EAP program services, supervisor's role and in supporting employees participating in the EAP, and identification of employee behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.

All Agency employees shall receive documented training regarding the EAP program services and employee's responsibilities in utilizing the program, as directed by the Bureau Chief, Bureau of Administration. Agency employee EAP training may be conducted by newsletter, memo or formal in-service classroom training, as directed by the Bureau Chief, Bureau of Administration.

### **ATTACHMENTS**

A – Employee Assistance Program Contacts Form

B – Supervisor Referral Form

### **REFERENCES**

PGC Personnel Procedure 223, Employee Assistance Program

PGC Personnel Procedure 284, Administration of Employee Leave

General Order 5-102, Occupational Injuries or Illnesses

General Order 6-101, Notification of Major Incidents

General Order 8-106, Discipline

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<sup>4</sup> **CALEA 22.2.6.f**

### 3-119 AGENCY PEER SUPPORT GROUP

*The purpose of this order is to establish guidelines and procedures for all Office of the Sheriff personnel pertaining to the Agency Peer Support Group (PSG).*

#### 3-119.1 POLICY

*To help ensure employee wellness, there is established within the Office of the Sheriff a Peer Support Group (PSG).*

*While the primary objective of the PSG is to help ensure employee wellness, the PSG is in no way to be considered a replacement for professional mental health treatment or other licensed provider services available through the Employee Assistance Program (EAP).*

#### 3-119.2 CORE PRINCIPLES OF SUPPORT AS OPPOSED TO ASSISTANCE / INTERVENTION

*The agency cannot function at its best without the help and support of all personnel. Arising out of our collective commitment to our Agency values of Trust, Respect, Integrity, Professionalism and Public Service, it is the duty and responsibility of all Agency members to bring what they believe to be concerns or problems to the attention of a supervisor.*

*At the same time, those same values make it the responsibility of all members to not participate in gossip, rumor-mongering or divulging sensitive information about others unnecessarily.*

*In fact, it is when one learns of such sensitive information being revealed about other Agency members that one should consider, before repeating the information to anyone else, if activation of either the Peer Support Group (PSG) or the Employee Assistance Program (EAP) is the most appropriate Agency response.*

*Many situations involving Agency members can create delicate balances and not-so-clear boundaries as to whether the Peer Support Group (PSG) or the Employee Assistance Program (EAP) is the most appropriate Agency response.*

***When in doubt, Agency members and supervisors should consult either the Agency EAP Coordinator and/or the Bureau Chief, Bureau of Administration, directly.***

### 3-119.3 PROCEDURES

*For the purposes of this order, the terms critical incident and/or crisis may include:*

- *The death or major illness or serious injury of any current or retired employee of the Office of the Sheriff and their families;*
- *Serious injury or death to members of other law enforcement agencies;*
- *Natural disasters, a mass casualty or terrorist incident which have devastating effects on any employee or family member;*
- *Any other significantly traumatic event that may cause a member or members to have difficulty coping.*

*PSG members may also be called upon to assist members with transition and re-acclimation to Agency-assigned duties, following return from extended absences to include illness, injury or, military deployment.*

#### 3-119.4 PSG ACCESS PROCEDURES

*The Agency is supportive of caring for its members in times of distress, grief and emergencies. At the same time, the Agency remains respectful of employee rights to privacy, discretion and confidentiality in strictly personal or family-related matters.*

*To help maintain this balance, there are two primary methods by which PSG support and assistance may be accessed by members: request by the individual and/or notification to the PSG by a co-worker.*

##### ***a. Individual Member Request***

*Members are encouraged to take advantage of all appropriate external and internal resources such as Peer Support, when coping with an individual or family crisis. Therefore, any member may make a request for PSG support or assistance directly to the Agency EAP Coordinator (Manager, Agency Assets Division) or the Bureau Chief, Bureau of Administration.*

##### ***b. Co-worker Referral or Notification***

*A peer support recommendation may also be made by a fellow employee (when they become aware another employee is coping with an individual or*



family crisis) and by relaying all available details either through their chain of command or directly (e.g., via e-mail) to:

- the Agency EAP Coordinator; or
- the Bureau Chief, Bureau of Administration.

Co-workers should use their best discretion, and place an emphasis on their fellow employees' rights to privacy and confidentiality, when deciding how and when to make PSG notifications or referrals.

- Upon notification that an employee is coping with an individual or family crisis situation, the Agency EAP Coordinator (Manager, Agency Assets Division) or Bureau Chief, Bureau of Administration, shall immediately and directly:
  - Formulate and implement the appropriate Agency response (e.g., activation and response by Agency PSG; referral via the EAP; or, a combination of both PSG response and EAP referral; and
  - Notify the Chief Assistant Sheriff with all available facts and the Agency response.
- A Peer Support Group member, upon notification from the Agency EAP Coordinator (Manager, Agency Assets Division) or Bureau Chief, Bureau of Administration, shall:
  - Contact the affected member or family to ascertain what assistance is needed and/or desired and make additional notifications accordingly;
  - If the situation dictates (line of duty death notifications, for example), make himself/herself known and available to the Sheriff (or his designee) and await further instructions.

Nothing in this procedure shall alter any member's responsibilities as covered by other General Orders or applicable Standard Operating Procedures.

With the prior approval of the Sheriff or the Assistant Sheriff, PSG members may be called upon to provide mutual aid and support to entities outside the Office of the Sheriff (e.g., members of other public safety agencies).

### **3-119.5 COMPOSITION AND SELECTION**

- The Peer Support Group (PSG) may be made up of Agency member volunteers, sworn and/or civilian;
- PSG members shall receive training in order to respond, support, and assist co-workers and/or groups of employees undergoing a crisis or exposed to critical incidents.
- Participation within the Peer Support Group is strictly voluntary and volunteers are not compensated for their time.
- Operations and activities of the PSG shall be governed by guidelines and Standard Operating Procedures to be established by the group's committee and amended from time to time, as authorized by the Bureau Chief, Bureau of Administration;
- Members interested in joining the PSG should request consideration via Inter-Office Memorandum, through their respective chain-of-command and addressed to the Bureau Chief, Bureau of Administration. Members should outline their request by including the following factors which are to be taken into consideration when selecting members for the PSG:
  - Experience, knowledge or specialized training
  - Present work assignment
  - Availability

The Sheriff, Chief Assistant Sheriff or Bureau Chief, Bureau of Administration may remove a member from the PSG if continued participation has an adverse effect on the employee, their behavior or work productivity.

### **3-119.6 CONFIDENTIALITY**

It shall be the duty of all Peer Support Group members, while acting in a PSG capacity, to keep any and all information communicated to them during PSG processes as confidential. Any debriefing, defusing, or one-on-one interventions, including any topics discussed and/or members involved, shall be maintained in the strictest confidence unless compelled to do so by law or

*court order. Confidentiality may be broken only when:*

- 1) A participant demonstrates a clear and present danger to himself/herself or another; or*
- 2) A participant discloses participation in a crime.*

### **3-119.6        TRAINING**

*Members selected for participation within the PSG will receive appropriate peer support group training, which will be updated periodically, as approved and / or directed by the Bureau Chief, Bureau of Administration.*

### 3-121 ADMINISTRATION OF LEAVE<sup>1</sup>

The purpose of this order is to establish guidelines for *the administration of various types of leave afforded employees, in most cases, with prior supervisory approval.*

#### 3-121.1 POLICY

*Administration of the Office of the Sheriff's leave program shall be in accordance with the provisions of Personnel Law and any applicable labor agreement. It shall be the policy of the Agency to grant leave to employees whenever possible, in accordance with County regulations. All supervisors shall strive to grant leave when requested, however it may not always be possible to do so, due to operational requirements.*

#### 3-121.2 PROCEDURES

##### 3-121-2. a Annual Leave / Compensatory Leave

Annual leave and compensatory leave must be requested and approved in advance by the employee's supervisor and shall be used in increments of one-half (1/2) hour. Approval shall be *based and* contingent upon operational necessity *and staffing commitments (e.g., in-service training, court appearances, or length of leave period requested)*. No leave may be used before it is earned and credited to the employee's leave account. Compensatory time shall be requested and used prior to using annual leave.

When requesting annual leave and/or compensatory leave, employees shall submit a leave request, via the Electronic Timesheet System (ETS), for less than five (5) days, to their supervisor as soon as they are aware of the time of expected use.

Annual leave and/or compensatory leave for five (5) or more days shall be requested at least fourteen (14) calendar days in advance, but no more than ninety (90) calendar days, of the anticipated leave period. Any leave request for more than ten (10) consecutive days must be approved by the Bureau Chief.

Supervisors are required to make a timely response to a leave request. If a supervisor does not respond to an employee's request for leave within three (3) business days after the leave request is submitted, but no later than the day before the leave is to begin, whichever is earlier, the employee shall request the leave from the next highest supervisor.

When emergency situations arise requiring annual leave, every effort shall be made to grant the request provided the employee notifies his/her supervisor not more than one (1) hour before the employee's normal work reporting time that day. An employee may be required, upon return to work, to furnish proof of the emergency as requested by a supervisor.

*Once earned, employees shall be permitted to use compensatory leave within a reasonable amount of time. Employees may be required to use FLSA compensatory leave prior to County compensatory leave based on applicable regulations and negotiated labor agreements*

##### 3-121-2. b Sick Leave

###### Uses

Sick leave is provided to all full-time and part-time employees to be used for, but not limited to, the following purposes:

- So the employee may rest and recover from sickness, temporary disability, or serious health condition that prevents the employee from performing the essential functions of the employee's job;
- Necessary medical or dental appointments for the employee which cannot be scheduled during non-working hours;
- To allow the employee to remain at home because of quarantine confinement;
- To allow the employee to remain at home to provide necessary medical care and attention to the employee's family member provided that the term "family member" shall include an employee's spouse, parent, mother or father-in-law, or biological, adopted, foster or step children or legal wards;
- Necessary medical or dental appointments for "family members" which cannot be scheduled during non-working hours;
- For birth of a child of the employee and care for such child;
- For placement of a minor child with the employee for adoption or foster care;
- For a death of a family member, not to exceed five (5) working days, (except as provided for in section 7 of the civilian employee's contract) provided that the term "family member" shall

<sup>1</sup> CALEA 22.2.2 e

include the employee's spouse, child, parent, grandparent, grandchild, brother, sister, stepbrother, stepsister, brother- or sister-in-law, mother- or father-in-law, son- or daughter-in-law.

- In accordance with the provisions of the Family and Medical Leave Act.

### **Notifications**

When an employee knows in advance that he/she needs to use sick leave (e.g., doctor's appointment, scheduled surgery, dental appointment, etc.) the employee shall submit a leave request form to his/her supervisor so adequate staffing can be maintained.

An employee who intends to use unscheduled sick leave must make the following notifications, to include the reasons for the member's absence, at least two (2) hours prior to the employee's normal work reporting time:

- 1) The employee shall notify the Teletype and Records Division directly, via phone, and;
- 2) The employee shall notify his / her immediate supervisor via the most direct and expeditious manner possible (e.g., phone contact, voice message or e-mail).

Bureau Commanders may require and establish more detailed notification procedures and/or greater lead times for notification.

Notification shall be made each day the employee intends to use sick leave unless the employee is under a physician's care for an extended period or an employee has a medical emergency or a death in the family. The employee shall notify his/her supervisor when an extended period of time is necessary.

If an employee fails to notify his/her supervisor, the employee shall be charged absence without leave (AWOL) for the period extending from the normal work reporting time up to the time the employee notifies his/her supervisor.

### **Certification of Illness**

*Supervisors may require an employee to submit a physician's certificate of illness or other documentation to support and/or substantiate the employee's use of sick leave. When an employee's supervisor has reasonable cause to believe that an employee is abusing sick leave privileges, the supervisor shall require written certification of illness from a licensed physician, or other appropriate verification where necessary, to be presented upon returning to duty.*

### **Denial of Sick Leave**

*In any instance wherein an employee's sick leave request is denied, time absent from work is charged to the employee's annual leave balance. If the annual leave balance is insufficient to cover the absence, the deficiency may be charged as either Absent without Leave (AWOL) or Leave without Pay (LWOP). In all circumstances, LWOP must be requested at least two weeks in advance and approved prior to use.*

### **Employer-Mandated Sick Leave**

*The Sheriff may place an employee on sick leave whenever a medical opinion confirms that the employee's medical condition may seriously impair their ability to perform their duties or may jeopardize the health or safety of the employee or other persons.*

### **3-121-2. c Leave Balances, Annual and Sick**

*Instances in which an employee is absent from work without sufficient leave can lead to financial and other personal challenges which may be avoidable. Therefore, if at the end of any pay-period, any fulltime employee with 3 years or more tenure is found to have less than a combined total of 80 hours of sick or annual leave, the affected supervisor shall submit a report via his/her chain of command to the Commander over Personnel Services, outlining the circumstances and the actions that will be taken to prevent any foreseeable situation in which the employee may be absent from work without sufficient leave (e.g., Employee Counseling as provided for under GO 3-104; EAP Referral (either Voluntary or Mandatory); providing the employee with paperwork pertaining to requests for either FMLA or leave donations, etc.)*

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY**

**3-121-2. d      Personal & Discretionary Leave**

*Personal and discretionary leave may not be carried over from one wage year to another, unless stated otherwise in labor agreements or salary schedules.*

*Personal leave is granted in accordance with negotiated labor agreements and Personnel Law. Personal leave may be taken in four-hour increments during the wage year in which it is earned.*

*Discretionary leave is granted in accordance with negotiated labor agreements or applicable County salary schedules. Discretionary leave may be taken in one hour increments during the wage year in which it is earned, unless stated otherwise in labor agreements or salary schedules.*

*To prevent situations wherein requests for personal and discretionary leave cluster at the end of the year, causing staffing difficulties, the below procedures are hereby established:*

- *All members are encouraged to take personal and discretionary leave prior to using annual leave;*
- *Supervisors are expected to set an example by taking personal and discretionary leave prior to using annual leave;*
- *Supervisors are charged to properly plan so as to avoid having a preponderance of their personnel taking personal and discretionary leave near the conclusion of the wage year;*
- *Although the choice of the day to be taken for personal or discretionary leave is initially that of the individual, needs of the Agency may allow the supervisor to grant a different day than that requested;*

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY**

**3-121-2. e      Administrative Leave**

*Administrative Leave can only be approved by the Sheriff or Chief Assistant Sheriff and must be approved in advance of use. The Sheriff may grant administrative leave to any full or part-time employee for any one of the following reasons and / or activities:*

- *Jury duty*
- *Voting*
- *Pending the Sheriff's decision when an AHB has recommended termination*
- *Pending results of an internal investigation*
- *Time away from the job on the date of an injury or occupational disease for medical treatment*
- *To attend educational courses directly related to an employee's duties (Requests must be approved in advance by the County Personnel Officer and not exceed 20 working days per year)*
- *To participate in law enforcement related competitions where the participants act as Departmental representatives and no inherent safety issue exists*
- *To donate blood*
- *To investigate alleged acts of employee criminal misconduct, in accordance with Personnel Law Section 16-193(c)(2)(1)(2)*
- *To undergo a medical examination ordered by the Sheriff*
- *During the five day period required by Personnel Law 16-201, when the employee's presence at work is deemed to not be in the agency's best interest*

***An employee requesting Administrative Leave shall submit a memorandum outlining the prescribed justification for their request through their respective chain of command and to the Bureau Chief, Bureau of Administration. Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff for submission to the Sheriff.***

Once an employee has received verification that he/she has been granted administrative leave, each individual and per-instance request to use such leave shall be reviewed, monitored and accurately reported (e.g., on the employee's ETS timesheet) by the employee's supervisor. If an employee attempts to utilize administrative leave without first obtaining approval of the Sheriff or Chief Assistant Sheriff, the employee shall be charged absence without leave (AWOL) for the period of *time absent from normal work reporting times.*

### **Administrative Leave for Educational Purposes**

Administrative Leave for Education can only be approved when:

1. Taking educational courses directly related to the employee's work, as determined by the Sheriff or Chief Assistant Sheriff, and then;
2. Approved in advance by the County Director of Human Resources Management, and;
3. Shall not exceed a total of twenty (20) working days (or 160 hours), or the prorated hourly equivalent thereof for part-time employees, in any one annual leave year.

*An employee requesting Administrative Leave for educational purposes shall complete in their entirety and then submit through their respective chain of command the following documents – at least fourteen (14) calendar days, but no more than ninety (90) calendar days, in advance of the first anticipated use of leave:*

1. Employee Request for Educational Leave, (Attachment A);
2. Inter-Agency Request for Administrative / Educational Leave, (Attachment B); and
3. Information documenting how the course(s) to be taken is/are directly related to the requesting employee's work.

Both completed request forms, along with all necessary supporting documentation, shall be sent thru the individual's Chain of Command to the *Bureau Chief, Bureau of Administration*;

- o Supervisors, Commanders, and Bureau Chiefs comprising the requesting employee's chain of command shall indicate their concurrence or non-concurrence with the request.
- o The affected Division Commander shall forward his/her assessment as to the impact they foresee granting the request will have on Agency operations; and, should they concur, outline the steps and measures which the affected Commander will put in place to ensure operations aren't adversely impacted.
- o In any event, those in the individual's Chain of Command shall forward both request forms, along with all necessary supporting documentation, without delay;

*Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the*

*request to the Chief Assistant Sheriff for submission to the Sheriff.*

### **3-121-2. f Bereavement Leave**

*Bereavement leave shall be administered in accordance with the provisions of Personnel Law and any applicable labor agreement. Bereavement leave may be taken by an employee following the death of the employee's:*

- Spouse
- Child (including biological, adopted, foster, stepchild, or legal ward)
- Parent
- Grandparent
- Sibling (e.g., Brother or Sister)
- Grandchild
- Brother or sister-in-law
- Son or daughter-in-law
- Father or mother-in-law

*Sworn employees and G-scale employees may use up to 5 days of bereavement leave. Civilian employees represented by the Deputy Sheriffs Association may use up to 4 days of bereavement leave.*

*In the event of the death of an employee's spouse, child, or parent, the first three leave days shall be administrative leave. The remaining days will be charged to the employee's sick or annual leave balance or as leave without pay.*

*In the event of the death of an employee's grandparent, grandchild, brother, sister, brother/sister-in-law, father/mother-in-law, son/daughter-in-law, the first leave day shall be administrative leave. The remaining days will be charged to the employee's sick or annual leave balance or as leave without pay.*

### **3-121-2. g Military Leave**

*Employees who are members of the National Reserve or Guard and are ordered to active duty will receive up to 15 days (120 hours) of paid military leave per leave year. In addition, employees ordered to extended active duty in the military may be eligible to receive supplemental pay upon exhaustion of all annual, personal, compensatory, and discretionary leave. Employees who are members of the National Reserve or Guard and are ordered to domestic emergency duty related to disaster relief or civil disturbance shall also be granted up to 15 days (120 hours) of military leave for each such domestic emergency, unless longer periods are authorized by law.*

**3-121-2. h Military Leave without Pay (LWOP)**

The Sheriff may approve military LWOP when an employee is ordered to active duty in the military during a war or national emergency. The Sheriff may also approve military LWOP when an employee has exhausted his or her annual entitlement of military leave with pay. The employee is entitled to return to the position he or she held when granted the military LWOP. The employee must, within 90 calendar days of an honorable discharge, request that the Sheriff restore his or her position. The request shall be submitted through the member's respective chain of command to the Bureau Chief, Bureau of Administration. Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff for submission to the Sheriff.

**3-121-2. i Parental Leave**

**General Eligibility**

Parental leave shall be granted by the Sheriff to eligible employees who are able to earn annual leave, for the responsibilities associated with the birth of the employee's natural dependent child or the adoption of a child. (Dependent child shall mean a minor who the employee is entitled to claim as a dependent for federal income tax purposes.) Parental leave may be taken under a method involving a reduced workday or workweek, an intermittent work schedule or any combination thereof.

Employees may use up to 40 hours of parental leave for the birth or adoption of a child. Parental leave may be taken in combination with other types of leave or LWOP. Employees need not use all 40 hours of parental leave at one time. However, all parental leave must be taken within 12 months of the birth or adoption of the child. The leave may not be taken in advance of the birth or adoption.

An employee requesting parental leave shall submit the Request for Parental Leave through their chain of command to the Bureau Chief, Bureau of Administration at least 30 days in advance of the requested dates of use. The Bureau Chief, Bureau of Administration shall review the request to ensure compliance with provisions of the County administrative procedures. Request for Parental Leave forms are available from the Agency Personnel Services Coordinator.

Employees approved for Parental Leave shall submit written evidence of birth or adoption of a child, if requested by the Sheriff or his / her designee.

**3-121-2. j Family & Medical Leave (FMLA)**

Time absent from work for family and medical leave is charged against the employee's annual or sick leave balances. If the leave balances are insufficient to cover the absence, the employee will be placed in a job-protected LWOP status.

Employees who are eligible to earn annual leave, have been employed for at least 12 months, and have been paid for a minimum of 1,040 hours during the previous 12 months shall be eligible for up to 15 workweeks of family and medical leave during any 12 month period. For purposes of parental responsibilities associated with the birth or adoption of a dependant child, family and medical leave shall be granted to employees eligible to earn annual leave regardless of length of service with the County.

Family and medical leave may be taken in any combination of paid leave and job protected LWOP, in increments as small as ½ hour. The 15 weeks may be taken continuously or:

- As a reduced workday or workweek
- On an intermittent basis
- Via a combination of these methods

**FMLA Uses**

An employee may use family and medical leave:

- For a sickness, disability, or serious health condition which makes the employee unable to perform the duties of his or her position;
- For the birth of a child and to care for such child;
- Due to the placement of a minor child with the employee for adoption or foster care;
- To care for a spouse, child, parent or parent-in-law with a serious health condition;
- A serious health condition is an illness, impairment, injury, physical condition, or mental condition that involves inpatient care in a medical facility or continuing treatment by a recognized health care provider.

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### **Requesting Family & Medical Leave**

Request for Family and Medical Leave forms are available from the Agency Personnel Services Coordinator.

Employees shall complete the Request for Family and Medical Leave Form and forward it through the chain of command to the Bureau Chief, Bureau of Administration. A memorandum, identifying the circumstances for which the employee needs the leave, shall be attached to the request form.

If the need is foreseeable, the employee shall request the leave at least 30 days in advance.

### **FMLA Leave Authorization**

Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request and memorandum to the Chief Assistant Sheriff, for submission to the Sheriff. Use of family and medical leave will be denied if the requirements are not met.

If the criteria are met, the Sheriff shall grant the request and forward the Request for Family and Medical Leave Form to the County Personnel Officer. The employee's Commander/Civilian Manager will be notified of the approved leave by receiving a copy of the official response and shall in turn ensure that the requesting employee is notified.

When an employee uses three (3) or more consecutive days of sick leave, the employee's Commander/Director shall immediately contact the Agency Personnel Services Coordinator to determine if the leave should be designated as family and medical leave. The employee will be notified in writing of the decision and of the employee's rights and responsibilities.

### **Certification of Serious Health Conditions**

An employee may be required to submit a physician's certification to support the use of family and medical leave. The employee shall present this certification when requested. The documentation shall be provided on the Certification of Health Care Provider/Family and Medical Leave Act of 1993.

When an employee uses medical leave due to a disability or a serious health condition preventing him or her from performing his or her duties, the County, at its expense, may require a second or third opinion and a fitness for duty report. The Employee Injury Form must be completed before the employee can return to work.

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### **FMLA Employee Leave Status**

Time absent from work for family and medical leave is charged against the employee's annual or sick leave balances. If the leave balances are insufficient to cover the absence, the employee will be placed in a job-protected LWOP status.

### **FMLA Employee Benefits & Protection**

Use of family and medical leave cannot result in the loss of any employment benefit that accrued before the start of an employee's leave. The employee must be restored to his or her original or equivalent position with equivalent pay, benefits, and other terms upon his or her return to work.

While an employee is on LWOP status for approved family and medical leave, the County will continue to make contributions to the employee's health and life insurance plans, provided the employee elects to continue the required employee contributions.

### **3-121-2. k Advanced Leave**

The Sheriff may grant an employee up to a maximum of 10 working days of advanced leave per leave year. The advance may be annual leave, sick leave, or a combination of the two. When an employee returns to work, any remaining days of advanced leave will be deleted from his or her leave balance.

### **Advanced Annual Leave**

An employee who does not have any annual leave may request an advance of annual leave of up to 10 days. As the employee earns new leave, any leave that was advanced shall be repaid. If an employee separates from County employment with a negative leave balance, he or she shall be indebted to the County for the monetary value of the leave advance.

### **Advanced Sick Leave**

An employee, having used all accumulated sick leave, may either use his or her annual leave or be automatically advanced sick leave up to an amount equal to the employee's accumulated annual leave balance, thus encumbering the annual leave. The employee may not use the encumbered annual leave until he or she has earned sufficient sick leave to offset the advance. The employee may also request an advance of sick leave of up to 10 days. As the employee earns new leave, any leave that was advanced shall be repaid. If an employee separates from County employment with a negative leave balance, he or she shall be indebted to the County for the monetary value of the leave advance.

Effective: August 25, 2013



## **Requesting Advanced Leave**

Employees requesting advanced leave shall submit a memorandum identifying the circumstances for which the employee needs the leave and forward it through the employee's respective chain of command, to the Bureau Chief, Bureau of Administration.

When an employee submits an advanced leave request, his or her supervisor shall:

- Verify that the need for leave is stated;
- Verify the leave balance and eligibility for the advanced leave request; and,
- Attach a cover letter of concurrence or non-concurrence for the request and a summary of the employee's leave status.

Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request and memorandum to the Chief Assistant Sheriff, for submission to the Sheriff. If the criteria are met, the Sheriff shall grant the request and the employee's Commander/Civilian Manager will be notified of the approved leave by receiving a copy of the official response and shall in turn ensure that the requesting employee is notified.

### **3-121-2.1 Leave Without Pay (LWOP)**

Employees may request LWOP when sick and/or annual leave balances have been exhausted. An employee must exhaust all accrued sick leave before he or she is eligible for family and medical LWOP. Leave without Pay (LWOP) is not to be confused with Absence without Leave (AWOL).

The Sheriff may grant LWOP with the concurrence of the Director, OHRM. Once approved LWOP begins, the employee must remain in LWOP status for the entire approved period, unless the Sheriff approves an early return.

The authority to approve Leave without Pay shall remain with the Sheriff or Chief Assistant Sheriff and shall not be delegated, except as hereinafter provided: An Assistant Sheriff during the time when that Assistant Sheriff is formally detailed as "Acting Sheriff".

### **Reasons for Granting LWOP**

LWOP may be granted, for periods of up to one year per request, to allow an employee:

- To be retained after accumulated sick and/or annual leave has been exhausted;

- To participate in educational programs not authorized under administrative leave provisions when participation will contribute to the employee's effectiveness;
- Who has applied for a Workers' Compensation temporary award to be placed directly on LWOP without requiring the exhaustion of sick or annual leave balances;
- Who has been on approved sick or annual leave, to be retroactively placed on LWOP after receipt of a Workers' Compensation temporary total award.

LWOP may be granted for a period not exceeding 30 calendar days per request for personal reasons. The Sheriff may grant use of LWOP for a period not exceeding 15 weeks for family and medical leave.

### **LWOP Request Procedures**

Any member desiring to be placed in a Leave without Pay status shall submit a memorandum of request, through the chain of command, to the Bureau Chief, Bureau of Administration.

- Employees must explain the need for LWOP in the written request to the Sheriff and it shall be submitted at least two weeks prior to the date that the LWOP is to begin. If retroactive LWOP is desired, it must be requested within 30 calendar days of a workers' compensation award.
- The request must include reason or justification e.g., pending medical retirement while receiving Worker's Compensation benefits.

Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff, for submission to the Sheriff. The Sheriff may approve or deny the request, in whole or in part.

Only after approval may the member be carried in a LWOP status.

The member should consult with the County Office of Personnel, Pensions and Benefits Division, (883-6330) to ensure that any desired benefits are safeguarded. Failure to obtain proper approval could result with the member's absence being charged against accumulated leave balances or with an AWOL status.

**3-121-2. m Leave Transfer / Donation to another Employee**

*In accordance with Personnel Law, Section 16-221 and Administrative Procedure #284, an active County employee ('donor') may voluntarily donate accrued leave (i.e., categorized as new or old leave from available sick or annual leave balance) to another eligible County employee's sick leave. The recipient employee ('recipient') must either be currently absent or anticipating an extended future leave of absence.*

*Permission to use these donations by a member of the Office of the Sheriff must be approved in advance by the Sheriff. Donations can only be used when there is a zero balance in all leave categories available to the recipient; and, this includes accruals that may be pending as part of the biweekly payroll process.*

*When an employee's sick and annual leave balances have been exhausted during a protracted illness, he or she may request:*

- *Up to 10 days of advanced sick leave;*
- *A leave donation from another employee;*
- *Approval to use family and medical leave without pay (FMLA-LWOP – FMLA pre-approval is required);*
- *LWOP*

*The employee's supervisor shall submit a memorandum requesting the leave donation through the chain of command to the Bureau Chief, Bureau of Administration.*

*Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff, for submission to the Sheriff.*

*Leave donations must be voluntary and may be transferred from either annual or sick leave balances.*

*Once transferred, leave donations cannot be returned to the donor. Donors cannot secure leave advances to transfer leave to another employee.*

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**County Procedures Governing Donated Leave**

*In order to ensure the most effective, efficient and consistent administration of employee leave donations and withdrawals, the Office of Human Resources Management (OHRM), the Office of Management and Budget (OMB) and the Office of Finance (Finance) established the following processes and procedures, effective August 1, 2012.*

*The system for administration of leave donations is divided into the following four categories of steps (1 through 4):*

**1) Qualification Review**

- a) *The recipient must qualify under the County's Family Medical Leave Act (FMLA) provisions to use donations.*
- b) *Unless otherwise indicated, the maximum number of donated hours per request will coincide with the FMLA Guidelines which are up to six hundred (600) hours or fifteen (15) weeks in a one year period (dates of FMLA eligibility). All FMLA hours (inclusive of donations, leave without pay (LWOP) or other personal leave of the employee) will be combined to determine compliance with the FMLA thresholds.*
- c) *The Office of the Sheriff Personnel Services Coordinator will submit FMLA paperwork to OHRM for approval of the recipient's FMLA qualification. OHRM must receive and approve the request before donations can be used. While FMLA certifications may be retroactive, FMLA leave that is funded by donations will only be prospectively applied. The Sheriff (or his / her designee) will continue to approve the use of donated leave after the recipients' FMLA qualification has been approved by OHRM.*
- d) *Should the employee need hours beyond the 600 hours or the 15 week threshold, OHRM will evaluate any additional donation requests on a case by case basis.*

**2) Record-keeping**

- a) *Upon receipt of an approved FMLA qualification from the Agency Personnel Services Coordinator (or OHRM), the Office of the Sheriff Budget Coordinator will forward all approved leave donations (inter-*

agency, intra-agency, and separations) to the County Office of Finance for processing and recordkeeping.

- b) The County Office of Finance will coordinate directly with the Office of the Sheriff Budget Coordinator to record and monitor any donation activity, in order to ensure this function is centralized within the Office of the Sheriff.
- c) There will be a lifetime limit for each donor of 1,000 hours. There will be a lifetime limit for each recipient of 2,000 hours.

### **3) Pre-Existing Leave Donations**

- a) The Office of the Sheriff Budget Coordinator will submit a list of all outstanding leave donation forms to the Director of the Office of Finance, when requested. The list is to include:
  - Donor name and employee number,
  - The Sheriff's original approval,
  - Period covered and date OHRM approved the employee's FMLA, and,
  - Balance of donated hours (estimate) as of August 1, 2012 for each employee.
- b) Carryover of any remaining donated hours as of August 1, 2012 will be subject to the new Qualification Review standards outlined in Step 1.

### **4) Donations by Separating or Separated Employees**

- a) All authorized donations will remain available to the recipient for up to one (1) year after the date of the donor's separation. This leave will be subject to the 600 hour FMLA annual cap, as well as, the FMLA status of the recipient employee.
- b) Effective August 1, 2012, any prior donated hours from either unfunded sources or failure of the recipient to meet the FMLA criterion expired (e.g., if a separated donor made a donation from his / her accrued new sick leave, that donation expired August 1, 2012).

Procedures for donation, management, request and issuance of donated leave hours internal to the Office of the Sheriff and as provided for through collective bargaining (DSA Agreement) are maintained in Attachment 'C' to this directive.

### **3-121-2. n Absent Without Leave (AWOL)**

An employee Absent without Leave is subject to disciplinary action for abandoning his or her position, in accordance with the Agency disciplinary system.

#### **Conversion of AWOL to Other Leave**

Time in an AWOL status may be converted to annual leave, sick leave, or LWOP, with the Sheriff's approval. The employee must submit legitimate proof that the unauthorized absence was due to extenuating circumstances beyond his or her control, through the chain of command, to the Bureau Chief, Bureau of Administration.

Upon confirmation the requested conversion is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff, for submission to the Sheriff.

### **3-121-2. o Abuse of Leave**

Disciplinary action shall be taken in accordance with General Order 8-106 ('Discipline') if there is reason to believe there has been abuse of agency and/or county leave policies or regulations (to include inappropriate use or inadequate verification, when directed). In determining the severity of the discipline, the following shall be considered:

- The nature and gravity of the offense;
- The employee's sick leave record;
- The employee's work record;
- Any other factors including, but not limited to, extenuating or mitigating circumstances presented by the employee.

### **3-121.2. q Other Leave**

Any other leave not specified in this order or General Order 3-104 shall be in accordance with County Administrative Procedures, the Maryland Law Enforcement Officer's Bill of Rights (LEOBR) and/or negotiated Union Contracts.

**REFERENCES:**

County Administrative Procedure 284

*County Personnel Law, Sections 16-220 –228*

*DSA Collective Bargaining Agreements*

*Maryland Code 13-705 & 13-707)*

*Family and Medical Leave Act of 1993*

**ATTACHMENTS:**

A – Employee Request for Administrative / Educational Leave, Internal (PGSO)

B – Inter-Agency Request for Administrative / Educational Leave, OHRM

C – *Leave Bank Procedures, Agency Internal*

### 3-122 LANGUAGE INTERPRETERS

The purpose of this order is to establish a uniform policy and procedure affording equitable consideration for *employees* interested in receiving TEC pay as a certified language interpreter.

#### 3-122.1 POLICY

The Bureau Chief, Bureau of Administration is responsible for the overall administration and management of the Language Interpreter Program and is designated as the Program Administrator. The Bureau Chief, Bureau of Administration is responsible for the testing procedures and certification process. Prior to each testing cycle, the Bureau Chief will make a determination as to which languages will be approved for the Language Interpreter Program. All members are required to comply with the specific requirements of the program. Equitable consideration will be afforded to any and all members who desire to participate in this program.

#### 3-122.2 PROCEDURES

- 1) Any *employee* desiring to become a certified language interpreter and receive TEC pay, must submit a "Request for Certification for Language Skills Form" (Attachment A).
- 2) This form must be submitted by April 1<sup>st</sup> of each year, to be eligible for the following fiscal year. A check made payable to *the Prince George's County Government*, shall accompany each form to cover the cost of the test. *Interested employees are to contact the Personnel Services Section in advance to determine the current cost of the test.* Upon successful certification, this fee shall be reimbursed along with the TEC pay.
- 3) The form and check shall be sent thru the individual's Chain of Command to the Bureau Chief for the Bureau of Administration.
- 4) Supervisors, Commanders, and Bureau Chiefs may concur, non-concur, or forward without comment. In any event, those in the individual's Chain of Command shall forward the "Request for Certification for Language Skills Form " and check without delay.

Any *employee* seeking TEC pay as a language interpreter shall be required to comply with one of the following:

- Provide documentation of language proficiency from a recognized languages services program;
- Pass an oral proficiency examination administered by the Foreign Services Institute.

*Employees* who are already certified language interpreters and who have received language skills TEC pay for the prior fiscal year must complete and submit the "Language Interpreters Renewal Form" (Attachment B) to receive TEC pay for the next fiscal year. This form must be submitted by April 1<sup>st</sup> of each year, to be eligible for the following fiscal year. This form shall be sent through the individual's Chain of Command to the Bureau Chief for Bureau of Administration and Support Services.

*Employees* certified as meeting the eligibility requirements for the language skills TEC pay will be compensated according to the current DSA Contract.

ATTACHMENT A – Request for Certification for Language Skills Form

B – Language Interpreters Renewal Form

### 3-124 MILITARY DEPLOYMENTS AND REINTEGRATION<sup>1</sup>

The purpose of this order is to establish procedures and provide guidance when Agency employees undergo military activation or deployments.

#### 3-124.1 POLICY

The Sheriff recognizes the importance of military service and specifically the commitment of the National Guard members and reservists employed by the Agency. This policy is established to provide necessary scheduling flexibility for those affected, while maintaining adequate resources to accomplish the goals and mission of the Prince George's County Sheriff's Office.

It is the policy of the Office of the Sheriff, to reasonably accommodate the special and unique circumstances which can confront veteran-employees, defined as those employees who are members of the armed forces Reserve Component (i.e., military reservists or members of the National Guard).

It is essential that paperwork pertaining to the out-processing or return-processing of veteran-employees be handled with the highest of priorities and in the most timely manner.

Whenever possible, Agency Supervisors, Commanders, and Bureau Chiefs should remain flexible in assisting members undergoing deployment to meet the requirements of this directive during assigned working hours (i.e., if necessary, adjust shift or assignment to allow the employee to turn-in equipment or meet with OHRM, etc.).

Of primary significance throughout the veteran-employee's activation are: effective, timely and two-way communications between the veteran employee and the Agency; establishing various and strong points of contact; minimizing the points at which Agency equipment must be turned-in; and, a formalized process for the turn-in, storage and re-issuance of Agency equipment.

The Office of the Sheriff shall also comply with all federal and state laws outlining the rights, responsibilities and requirements pertaining to Agency employees who serve as citizen/soldiers, most notably but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Any employee of this Agency who receives or has previously received a dishonorable discharge from any military service will not be eligible for protection under USERRA.

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<sup>1</sup> CALEA 22. 2. 8  
OFFICE OF THE SHERIFF  
PRINCE GEORGE'S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL

### 3-124.2 ADVANCE NOTIFICATION OF DUTY

Due to the critical nature of the employee's position within the Prince George's County Sheriff's Office and the possible necessity of reaching an employee while on military leave, the employee must provide certain information to his supervisor or Division Commander / Manager. The following information will be provided: at the time of hire, when an employee joins the armed forces or when a reservist changes reserve units:

- Name of the employee's reserve unit commander;
- Location of the employee's reserve unit; and
- A phone number where the commander of the military unit may be reached by the employee's Division Commander / Manager.

### 3-124.3 MODIFICATION OF DUTY STATUS

Employees actively deployed by the military shall be "Assigned to Non-Officer Status" (NOS) with the Maryland Police Training Commission (MPTC) by the Office of the Sheriff Training Coordinator.

By definition, NOS is a "non-active duty" status with MPTC which temporarily relieves the Deputy's law enforcement powers but, does not affect his/her ability to remain certified<sup>2</sup>.

Employees actively deployed by the military are subject to the following Agency restrictions:

- The Office of the Sheriff uniform shall not be worn during active military deployment unless authorized by the Sheriff;
- Secondary employment in a law enforcement or security capacity by any member during his/her active military deployment shall not be allowed.

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<sup>2</sup> COMAR 12.04.01.01 (15).

Effective: July 1, 2015

### 3-124.4 PROCEDURES

#### 3-124.4.a PRE-Deployment Procedures

##### ***Veteran-Employee's Responsibilities, Upon Receipt of Military Orders***

Employees of the Sheriff's Office who are called to active duty are required to notify their immediate supervisor immediately upon receiving military activation and/or deployment orders and prior to the beginning of the absence. Supervisors shall promptly forward the information through the chain of command to the Chief Assistant Sheriff.

The Notification of Military Deployment (Attachment 'A') shall be sent thru the individual's Chain of Command to the Assistant Sheriff, Chief - Bureau of Administration

To establish consistency, and for the convenience of veteran-employees, the standardized Notification of Military Deployment / De-activation (Attachment 'A') should be used as a routing cover whenever time permits;

The veteran-employee should check the form indicating their "Military Deployment" and attach copies of any written military activation and/or deployment orders to the Notification of Military Deployment routing cover;

Copies of any written military, activation and/or deployment orders should remain attached to the packet as it passes through the employee's respective chain of command;

It is of the utmost importance that every Notification of Military Deployment reaches the Assistant Sheriff, Chief - Bureau of Administration as promptly as possible. Therefore; Supervisors, Commanders, and Bureau Chiefs may forward each with or without comment but, in all cases, those in the employee's Chain of Command shall forward each such packet without delay.

The veteran-employee shall then:

- 1) Print out, utilize and make all appointments necessary for completion of the Military Deployment Checklist (Attachment 'B'). The Checklist is established for the convenience of veteran-employees and in order to maintain consistency and smooth the transition through both the pre- and post-deployment processes;
- 2) Be responsible for contacting the Personnel Analyst within the Pensions & Investments Division of the Prince George's County Office of Human Resources and Management (OHRM) and scheduling an appointment to hand deliver to the Analyst:

- a) Copies of any written military activation and/or deployment orders; and,
- b) The employee's completed Authorization for Deduction of Pension Plan Contributions (Attachment 'C')

The Personnel Analyst within the Pensions & Investments Division of the Prince George's County Office of Human Resources and Management (OHRM) shall be the veteran-employee's human resources point of contact, outside the Office of the Sheriff<sup>3</sup>;

- 3) The veteran-employee shall contact the Sheriff's Executive Assistant to schedule a pre-deployment interview with the Sheriff or his/her designee<sup>4</sup>;
- 4) The veteran-employee and family members should refer to the deployment tips, checklists and other resources available via: <http://www.esgr.mil/>

#### ***Distribution of Military Deployment Notifications***

Upon receipt and approval by the Assistant Sheriff, Chief - Bureau of Administration, the Administrative Aide, Bureau of Administration shall forward copies of the Notification of Military Deployment packet as follows:

Copy 1: Office of the Sheriff Personnel and Employee Services

Copy 2: To the Chief Assistant Sheriff and the Sheriff

Copy 3: Commander, Training and Personnel Services

Copy 4: Manager, Asset Management Division

Copy 5: The member of the Agency Peer Support Group, designated by the Assistant Sheriff, Chief - Bureau of Administration as the veteran-employee's Agency Point-of-Contact<sup>5</sup>

Copy 6: Budget and Finance, Payroll Coordinator

Copy 7: Policy Compliance – Internal Affairs

Copy 8: President, Deputy Sheriff's Association

<sup>3</sup> CALEA 22. 2. 8. b

<sup>4</sup> CALEA 22. 2. 8. c

<sup>5</sup> CALEA 22. 2. 8. a



- 1) The Office of the Sheriff Personnel and Employee Services Coordinator shall:
  - a) Assess and communicate to any affected supervisors and Commanders any foreseeable impact the veteran-employee's deployment may have on their scheduled or any outstanding performance appraisals;
  - b) Obtain a copy of the veteran-employee's completed Authorization for Deduction of Pension Plan Contributions (Attachment 'C') from the Personnel Analyst within the Pensions & Investments Division, OHRM.
  - c) Place a copy of BOTH the Notification of Military Deployment (Attachment 'A') AND the employee's Authorization for Deduction of Pension Plan Contributions (Attachment 'C') in the employee's Agency Personnel folder; and, coordinate any remaining personnel processing with OHRM, as necessary;
- 2) The Executive Assistant to the Sheriff shall use their copy of the Notification of Military Deployment to assist in setting up the employee's pre-deployment interview with the Sheriff or his/her designee<sup>6</sup>;
- 3) The Office of the Sheriff Training Division shall use their copy of the Notification of Military Deployment to:
  - a) Establish a written plan to account for and track the employee's in-service training, reintegration / refresher sessions and/or weapons re-qualifications (lethal and less lethal) which may be anticipated during both the pre- and post-deployment phases; and,
  - b) Notify the Maryland Police Training Commission (MPTC), according to MPTC regulations.
- 4) The Office of the Sheriff Asset Management Division shall use their copy of the Notification of Military Deployment to streamline, document and account for the turn-in and re-issuance of equipment issued to the employee during both the pre- and post-deployment processes;
- 5) The member of the Agency Peer Support Group (PSG) selected by the Assistant Sheriff, Chief - Bureau of Administration shall be the Designated Agency Point-of-Contact to the veteran-employee<sup>7</sup>; and as such, should use the PSG copy of the Notification of Military Deployment to establish and maintain contact with the veteran-employee during
  - 6) The Budget and Finance Division, Payroll Coordinator shall use their copy of the Notification of Military Deployment as notice of potential change(s) in the veteran-employee's payroll / reporting status;
  - 7) The Commander, Policy Compliance Division shall use the copy of the Notification of Military Deployment in determining if there are any Internal Affairs matters pending and which may be impacted by the veteran-employee's anticipated absence;
  - 8) The veteran-employee shall *utilize Attachment 'E'* to notify the State's Attorney's Office (SAO) via (301) 952-3500 *as to the dates of deployment* so that appropriate action(s) may be taken by the SAO in any pending cases or trials involving the veteran-employee during his/her deployment;
  - 9) In instances where timeframes prevent the veteran-employee from doing so, the veteran-employee's Supervisor shall make the requisite notifications to the SAO within three (3) business days of receiving notice of the employee's deployment.

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<sup>6</sup> CALEA 22. 2. 8. c

<sup>7</sup> CALEA 22. 2. 8. a



## Out-processing and Turn-in of Agency Equipment<sup>8</sup>

In utilizing the Military Deployment and Reintegration Checklist (Attachment 'B'), the veteran-employee shall, prior to their deployment date:

- 1) Make an appointment with Supply Services to turn in all required equipment items, to include Agency vehicle.

Note: Checklists are not intended to be all-inclusive and, depending upon assignments or other factors, turn-in of specialized equipment or items issued for training, testing or evaluation may be necessary.

- 2) Immediate supervisors are responsible for monthly inspection of Agency vehicles; and, the checklist for the last inspection (completed either at the time of or within 30 days of the vehicle turn-in) must be provided to the Agency Vehicle Coordinator, at the time of turn-in;
- 3) Make appointment with the Agency Armorer to turn-in all issued firearms / weapons (including all lethal and less lethal devices);
- 4) If the employee is or has been a member of a specialized unit and/or has had additional equipment (not issued through Supply Services) the employee must make arrangement to turn it in to the Unit Supervisor (examples include laptop devices, fingerprint scanner readers, body-worn cameras, etc.);
- 5) Turn in issued cell phone and any docking station security key to any desktop laptop computer(s) to the Agency IT Coordinator;
- 6) Unless instructed otherwise by the Agency Fixed Assets Manager or the Agency IT Coordinator, any office laptop or desktop computer issued to the deploying employee shall remain secured to the employee's normally designated workstation / office space. (Agency computers, to include laptops, tough-books, iPads or laptops do not "go with" any employee deployed militarily);
- 7) If the employee has any Sheriff's Courthouse Pass, any keys that operate doors in the Courthouse, a Courthouse Key Card, or any other equipment dealing with the Courthouse, the employee must turn them into the Commander of Building Security.
- 8) Contact the Sheriff's Executive Assistant to schedule and complete a pre-deployment interview with the Sheriff or his / her designee<sup>9</sup>; and,

- 9) After all items comprising the checklist are completed and signed off; and any other instructions received from competent authority are complied with, the deploying employee shall turn in his/her completed form to the Sheriff's Personnel Section for final review and filing within the individual's Personnel Folder.

The retrieval of Agency equipment is not limited to only those items issued to the employee through Supply. Some items of Agency equipment can be assigned to a division, section or a specialized unit and must be retrieved prior to an employee's deployment. Additionally, deployment orders can come with short notice. For these reasons, Division Commanders and/or Managers overseeing operations in which equipment items are assigned to their Agency sub-component, rather than to an individual employee, are responsible for retrieving such equipment items prior to the employee's departure.

### 3-124.4.b Storage of Agency Equipment during Deployment<sup>10</sup>

Unless instructed otherwise by the Agency Assets Manager, any office laptop or desktop computer issued to the deploying employee shall remain secured to the employee's normally designated workstation / office space. Agency computers, to include laptops, tough-books, iPads or laptops do not "go with" any employee deployed militarily.

Storage of other Agency equipment will be as directed by the Agency Asset Manager.

Agency equipment may be reassigned during any employee's time away from normally assigned duties.

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<sup>8</sup> CALEA 22. 2. 8. c

<sup>9</sup> CALEA 22. 2. 8. c

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<sup>10</sup> CALEA 22. 2. 8. d

**3-124.4.c Relevant Leave Provisions**  
(see also G.O. 3-121,  
'Administration of Leave')

**1) Military Leave**

Employees who are members of the National Reserve or Guard and are ordered to active duty will receive up to 15 days (120 hours) of paid military leave per leave year. In addition, employees ordered to extended active duty in the military may be eligible to receive supplemental pay upon exhaustion of all annual, personal, compensatory, and discretionary leave. Employees who are members of the National Reserve or Guard and are ordered to domestic emergency duty related to disaster relief or civil disturbance shall also be granted up to 15 days (120 hours) of military leave for each such domestic emergency, unless longer periods are authorized by law.

**2) Military Leave without Pay (LWOP)**

The Sheriff may approve LWOP when an employee is ordered to active duty in the military during a war or national emergency. The Sheriff may also approve military LWOP when an employee has exhausted his or her annual entitlement of military leave with pay. The employee is entitled to return to the position he or she held when granted the military LWOP. The employee must, within 90 calendar days of an honorable discharge, request that the Sheriff restore his or her position. The request shall be submitted through the member's respective chain of command to the Bureau Chief, Bureau of Administration. Upon confirmation the request is in compliance with existing County administrative procedures, the Bureau Chief, Bureau of Administration shall forward the request to the Chief Assistant Sheriff for submission to the Sheriff.

**3-124.4.d Scheduled Monthly Drills**

Members of the National Guard who have an advance schedule will provide that to their supervisor along with any other information which would prove helpful in planning for the employee's absence.

If the employee provides a written drill schedule to his supervisor and division timekeeper which remains the same each month and covers a significant period of time, the supervisor will not require a separate leave request for each drill.

However, if the employee wishes to use any accrued leave to be paid for this time, since weekend drills do not qualify for paid military leave, the required leave slips must be submitted for the supervisor's signature in order for accrued leave use to be approved. This information is necessary for timekeeping purposes.

**3-124.4.e Establishing and Maintaining Communications with Deployed Members during Military Deployment<sup>11</sup>**

The foundation for best practices in responding to the special and unique circumstances which can confront veteran-employees is effective communication from the agency to the employee and his or her family prior to, during and following a deployment. Having a strong point of contact throughout the deployment period will help ensure a seamless transition to and back from military deployment.

Accordingly, and upon receipt and approval of the Notification of Military Deployment, the Assistant Sheriff, Chief - Bureau of Administration shall select and assign a member of the Agency Peer Support Group (PSG) to serve as the Designated Agency Point-of-Contact (PSG-POC) to the veteran-employee.

The designated PSG-POC member shall in turn establish and maintain contact with the veteran-employee during the deployment period of the veteran-employee's activation. To every extent possible, the deployed employee should be notified of agency news, significant events and promotions or promotion opportunities.

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<sup>11</sup> CALEA 22. 2. 8. a, g

**3-124.4.f POST-Deployment and Reintegration (Reinstatement and In-processing)**

All of the principles guiding the Office of the Sheriff in accommodating veteran-employees prior to military deployment endure as the employee de-mobilizes from military activation and returns to their normally assigned duties within the Agency, to include: effective communication; flexibility on the part of the Agency; and, consideration as to the convenience of the veteran-employee.

***Veteran-Employee’s Responsibilities Upon De-Mobilization / Military De-activation***

**Timely Return to Agency Duties**

Employees of the Agency who participate in military service are required to report back to work within a specified length of time. Employees not meeting the listed time constraints in returning to work once their tour of duty has ended will be considered to be Absent Without Leave (AWOL).

- 1) In accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), it is the responsibility of the employee to report back to work according to the following timeframes, based upon the applicable period of military service:

Period of Military Service	Report Back to Work
1 to 30 days	The Next Day
31 to 180 days	Within 14 days

To maintain consistency, and for the convenience of the veteran-employee, the re-integration process is intended to closely mirror a reversal of the Office of the Sheriff plan outlining pre-deployment procedures.

For these reasons, a new Notification of Military Deployment / De-activation (Attachment ‘A’) should be completed by the veteran-employee and used as a routing cover, with the following stipulations:

The employee should check the form indicating their Military De-activation (Return to County Workforce) and attach copies of any written military de-activation and/or stand-down orders (e.g., DD-214) to the Notification of Military De-activation routing cover;

Note: Any employee on military duty for a period of thirty (30) days or more will be required to submit to the Office of the Sheriff Personnel Coordinator a copy of orders received for release from active duty (DD-214) prior to returning to the Sheriff’s Office. USERRA allows this Agency to request and/or require a copy of military orders showing the date of release from duty and a copy of the certificate of satisfactory performance of military

duties to ensure the criteria for protection under USERRA have been met.

- 2) It is the responsibility of the veteran-employee, prior to the employee’s return to work, to
  - a) Report injuries or illness sustained; and,
  - b) Hand-deliver to the Office of the Sheriff Personnel Coordinator completed copies of:
    - i. The Notification of Military De-Activation (Attachment ‘A’);
    - ii. DD-214; and
    - iii. Any documentation pertaining to any illness or injury determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the uniformed services,.

Note: It is of the utmost importance that every Notification of Military De-activation (Return to County Workforce) reaches the Office of the Sheriff Employee Services / Personnel Coordinator as early as possible. Copies of any written military de-activation and/or stand-down orders should remain attached to the routing cover during any subsequent distribution.

The veteran-employee shall then:

- 3) Print out, utilize and make all appointments necessary for completion of the Office of the Sheriff Reintegration and Return-processing Checklist (Attachment ‘D’). The Checklist is established for the convenience of veteran-employees and in order to maintain consistency and smooth Return Processing and Re-Issuance of Agency Equipment.
- 4) Be responsible for contacting and scheduling an appointment with the Personnel Analyst within the Pensions & Investments, OHRM to ensure all Authorizations for Deduction of Pension Plan Contributions are in correct administrative order and status, according to the employee’s wishes;
- 5) The veteran-employee shall *utilize Attachment ‘F’* to schedule a post-deployment / return interview with the Sheriff or his/her designee;
- 6) The veteran-employee shall notify the the State’s Attorney’s Office (SAO) for appropriate action in any ongoing cases or trials involving the veteran-employee; and,
- 7) The veteran-employee and family members should refer to the demobilization and return to work tips, checklists and other resources available via: <http://www.esgr.mil/>

### **Distribution of Military De-activation Forms**

Upon receipt, the Office of the Sheriff Personnel Coordinator shall forward copies of the Notification of Military De-activation paperwork as follows:

Copy 1: The Chief Assistant Sheriff and Sheriff

Copy 2: The Assistant Sheriff, Chief - Bureau of Administration

Copy 3: The Assistant Sheriff and Chief over the Agency Bureau to which the employee will be assigned and / or reporting (once all outstanding Agency administrative and MPTC-requirements have been met);

Copy 4: Commander, Training & Personnel Services

Copy 5: Manager, Asset Management Division

Copy 6: Budget and Finance Division, Payroll Coordinator

Copy 7: Policy Compliance – Internal Affairs

Copy 8: President, Deputy Sheriff's Association

The Office of the Sheriff Employee Services / Personnel Coordinator shall place the originals of the Notification of Military De-activation paperwork in the veteran-employee's Agency Personnel Folder.

- 1) The Executive Assistant to the Sheriff shall, respectively, use their copy of the Notification of Military De-activation to assist in setting up the employee's return interview with the Sheriff or his/her designee<sup>12</sup>;
- 2) The Assistant Sheriff, Chief - Bureau of Administration may use the copy of the Notification of Military De-activation to coordinate, oversee and monitor completion of any outstanding Agency administrative and MPTC-requirements;
- 3) The Assistant Sheriff, Bureau Chief over the Agency Bureau to which the employee will be assigned and / or reporting use their Bureau's copy of the Notification of Military De-activation to assess staffing needs and communicate with any affected Commanders supervisors as deemed appropriate;
- 4) The Office of the Sheriff Training Division shall use their copy of the Notification of Military De-activation to assess the returning veteran-employee's training files; notify the Maryland Police Training Commission, as appropriate; and, carry out the timely completion of the returning veteran-

employee's in-service training, reintegration / refresher sessions and/or weapons re-qualifications during both the pre- and post-deployment phases;

- 5) The Office of the Sheriff Asset Management Division shall use his/her copy of the Notification of Military De-activation to carry out, document and account for re-issuance of equipment to the returning veteran-employee during the return to work process;
- 6) The Office of the Sheriff Budget and Finance, Policy Compliance Division; and, Deputy Sheriff's Association should use their copies of Notification of Military De-activation as they deem appropriate.

### **Return Processing and Re-Issuance of Agency Equipment**

In utilizing the Reintegration and Return-processing Checklist (Attachment 'C'), the veteran-employee shall:

- 1) Make an appointment with Supply Services to be re-issued all required equipment;
  - 2) Make appointment with the Agency Armorer to receive all required firearms and less lethal weapons (including all required training);
  - 3) Make appointment with the Agency Training Coordinator to receive a written schedule for completion of any outstanding, initial and/or refresher training sessions;
- Note: The Office of the Sheriff Training Division shall forward a copy of any scheduled training sessions to the supervisor or Commander directly over the returning veteran-employee;
- 4) Make an appointment with the Agency IT Coordinator to receive any assigned cell phone and/or approved access to Agency computers;
  - 5) Make an appointment with the Commander of Building Security to be re-issued any assigned Sheriff's Courthouse Pass, keys that operate doors in the Courthouse, a Courthouse Key Card, or any other assigned equipment associated with Courthouse operations;
  - 6) Contact the Sheriff's Executive Assistant to schedule and complete a return interview with the Sheriff or his / her designee<sup>13</sup>; and,

<sup>12</sup> CALEA 22. 2. 8. e

<sup>13</sup> CALEA 22. 2. 8. e

- 7) After all items comprising the checklist are completed and signed off and any other instructions received from competent authority are complied with, the deploying employee shall turn-in their completed Reintegration and Return-processing Checklist (Attachment 'D') to the Sheriff's Personnel Section for filing within the individual's Personnel Folder.

**3-124.4.g Training Requirements and Re-qualifications with Departmental Weapons (Lethal and Less Lethal)<sup>14</sup>**

During every calendar year, sworn members are required by law to complete annual firearms qualifications; a minimum number of annual in-service training hours, and; any other annual in-service training requirements prescribed by MPTC.

Accordingly, the Office of the Sheriff Training Division shall use their copy of the Notification of Military Deployment to update the employee's training files; notify the Maryland Police Training Commission (e.g., complete any Notification of Personnel Action, if necessary); and, as appropriate, establish a written plan to account for and track for the employee's in-service training, reintegration / refresher sessions and/or weapons re-qualifications (lethal and less lethal) during both the pre- and post-deployment phases.

***Supervisory Responsibilities***

Any sworn member who fails to complete his/her annual firearms qualification or MPTC-required in-service training during any calendar year and while in any extended leave status shall, prior to returning to any full-duty position, be required to complete a firearm qualification, any MPTC-required in-service training and any other training required by the County or Agency, prior to resuming any full-duty assignment.

The Division Commander / Manager over any sworn member who, for any reason, fails to complete their annual firearms qualification or other MPTC in-service requirements during any calendar year shall establish and maintain direct contact with the Agency Training Coordinator, pending the member's qualification and completion of training requirements.

**3-124.5 Additional Resources for the Support and Well-being of Veteran-Employees and Families, Upon the Return to Duty**

It is recognized that members returning from military deployment, particularly those involved in combat operations, may have specialized needs and that traditional Employee Assistance Programs (EAP) may not sufficiently meet the needs of returning military member/employees.

Employees who were deployed in a designated combat area or where hostile action occurred may be subject to a post-deployment psychological evaluation and / or physical exam by designated County physicians. This early intervention is to provide for members who may be suffering from "Combat Stress" and results of exams are kept confidential.

Supervisors should be cognizant to the fact that "Combat Stress" may occur in military personnel returning from active duty in a combat zone and should be observant for any of the following indicators:

- Anger;
- Irritability;
- Difficulty Concentrating;
- Loss of Confidence;
- Sadness;
- Isolation;
- Fear.

Early intervention is a key to effectively reducing Combat Stress reactions and the onset of Post-Traumatic Stress Disorder.

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<sup>14</sup> CALEA 22. 2. 8. f



## ATTACHMENTS

- A – Notification of Military Deployment / De-Activation
- B – Checklist Preceding Military Deployment
- C – Authorization for Deduction of Pension Plan Contributions
- D – Checklist Following Military Deployment (Reintegration / Return to Office of the Sheriff)
- E – Court Unavailability due to Military Deployment Notice to State's Attorney's Office
- F – Request for Interview with Sheriff (upon Reintegration / Return from Military Deployment)

## REFERENCES

*The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA):* <http://www.esgr.mil> (this link includes valuable pre-mobilization and de-mobilization tips and checklists for service members and families).

Annotated Code of Maryland 12.04.01.01

Office of the Sheriff General Orders, including:

3-109 Agency Inspections Programs

3-110 Assignments and Transfers

3-112 Agency Awards Program (*Military Service Award*)

3-113 Employee Health, Physical Fitness, Light Duty

3-118 Employee Assistance Program

3-119 Peer Support Group

3-121 Administration of Leave

5-101 Incident Reports

5-108 External Correspondence; Safeguard, Use, and Release of Agency Information

7-106 Management of Agency Assets, Property and Equipment

7-107 Use of Force and Agency Weapons

7-109 Cellular Telephones and Electronic Information / Communications Devices

8-104 Secondary Employment

9-101 Agency Training

**4-105 TRAFFIC ENFORCEMENT & OPERATIONS**

The purpose of this order is to outline Agency policies and procedures relative to traffic enforcement wherein sworn members, exercising their law enforcement authority *whether on or off-duty (including pre-approved secondary employment), take traffic enforcement action (to include the stopping of occupied vehicles), for any reason in accordance with appropriate State statutes and/or County ordinances.*

**4-105.1 POLICY**

*In accordance with Maryland law, the Sheriff and the Sheriff's deputies have the full power of arrest; are empowered to enforce all sections of the Maryland Vehicle Law; and, are authorized to issue citations for violations of the Maryland Vehicle Law (Attachment A).*

*Traffic law enforcement is not a primary mission of the Office of the Sheriff, and as such, must not interfere with the timely and effective completion of primary duties and responsibilities. However, there are instances where it is appropriate that a Deputy Sheriff take traffic enforcement action, or where traffic stops become necessary in order to fulfill primary duties (e.g., the service of a warrant or other process). Additionally, certain violations are recognized as being severe in nature, and present a clear and imminent danger to the public, thus warranting some form of enforcement by personnel of this Agency. Deputies who have completed the prescribed course of in-service training relating to traffic law enforcement shall be permitted to issue motor vehicle citations.*

*If the Deputy's primary mission would be compromised by the traffic enforcement, the Deputy should request another law enforcement agency to handle the situation.*

*While transporting prisoners, deputies will only make traffic stops in life and death situations.*

*Deputies have no legal authority to make a traffic stop outside of Prince George's County, even if an emergency exists (Boston v. Baltimore County Police Dept., 744 A2d 1062, (Ct. of Appeals, 2000)). If it is obvious a violator outside of Prince George's County is driving under the influence of drugs and/or alcohol and is endangering public safety, deputies must immediately notify the local jurisdiction of the suspected violation.*

**4-105.2 PROCEDURES**

In addition to standard, accepted law enforcement practices (*Attachment B*) relative to the mechanics of making a safe traffic stop (e.g., safe location, vehicle offset, proper use of emergency equipment, proper body position), the Deputy shall take the following safety precautions:

- 1) Prior to exiting vehicle and using Deputy's call sign, the Deputy shall immediately advise the dispatcher that he/she is effecting a traffic stop, and such advisement shall include:
  - a. Location;
  - b. Vehicle Tag Number
  - c. Description of vehicle to include year, make, model, and color, if known;
  - d. Number and brief description of occupants.
- 2) Prior to exiting the vehicle, the Deputy shall await acknowledgment from the dispatcher.
- 3) Civilian attired Deputies in unmarked vehicles should not initiate traffic stops, but rather, *should* request that a uniformed unit actually make the stop.
- 4) The Deputy shall complete Traffic Stop Form T-001 in accordance with General Order 5-110.

*Demeanor: When confronting violators, Deputies will present and maintain a professional and courteous demeanor. At no time will members of this Agency appear nasty, make derogatory statements, or otherwise become verbally abusive.*

**4-105.2.a Exercise of Discretion<sup>1</sup>**

*In those aforementioned instances where it is appropriate that a Deputy Sheriff take traffic enforcement action (e.g., the Deputy feels that a traffic violation is hazardous or serious) the Deputy may: issue either a written citation or warning to the violator; or, request the primary law enforcement agency respond to handle the situation, if warranted.*

*In some instances, a traffic violation may be severe enough that physical arrest of the violator is justified. Examples of instances in which an arrest may be warranted are: hit and run involving personal injury; eluding a peace officer; or assault with a motor vehicle. In all arrests, the procedures outlined in this Manual will be observed.*

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<sup>1</sup> CALEA 61.1.2 a, b, c

#### 4-105.2.b **Informing the Violator**<sup>2</sup>

*It is essential that Deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. At the time a citation is issued, the Deputy issuing the citation will advise the violator of the following information:*

- *that a citation will be issued;*
- *the specific violation(s) that will be cited;*
- *to carefully read both sides of the citation;*
- *that the court date, location, and time will be set by the court;*
- *the methods of responding to the citation include paying the monetary penalty or appearing in court;*
- *that Transportation Article (TR § 26-203) of the Maryland Annotated Code requires that the violator sign the citation;*
- *that signing the citation is not an admission of guilt, but merely indicates that he/she promises to respond to the citation;*
- *that refusal and failure to sign the citation shall necessitate the violator being taken into custody and brought before a Commissioner;*
- *that failure to appear in court or to pay the fine pursuant to the conditions of the citation may result in the suspension of the violator's driving privileges; and,*
- *If the violator signs the citation, he/she will be given copies of the citation.*

*If the violator signs the citation, he/she is then given copies of the citation.*

*If a violator refuses to sign a citation and the Deputy has no questions regarding the validity of the violator's identifying information, the Deputy shall use their discretion and best judgment in deciding whether they will: write "Refused" on the violator's signature line and return the citation to the violator; arrest the violator; or, confer with supervisor prior to making their decision.*

*If a violator refuses to sign a citation and the violator's identity cannot be confirmed, the Deputy will arrest him/her and take the violator to the County Department of Corrections (DOC) Regional Processing Unit (RPU) for processing. The violator will be given copies of the citations after processing has been completed.*

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<sup>2</sup> CALEA 61.1.4 a, b, c, d

#### 4-105.2.c **Traffic Enforcement, Specified Violators**<sup>3</sup>

- 1) **Non-Maryland Residents** – *Violations of the Maryland Motor Vehicle Laws by non-Maryland residents shall be processed in the same manner as those of Maryland residents. That is, residents of another state may be warned, cited or arrested as would a Maryland resident.*
- 2) **Juvenile Traffic Charges** – *A Deputy charging a juvenile for violation of traffic laws shall do so in compliance with the procedures outlined in GO 4-114 (Juvenile Interactions, 4-114.3.m, Traffic Offenses).*
- 3) **Legislators** – *While U.S. Senators and Representatives have some immunity when Congress is in session, the U.S. Supreme Court has ruled on several occasions these legislators are not exempt from compliance with ordinary criminal laws. This includes violations of the Maryland Motor Vehicle Laws. Legislators, to include those at the State level, may be warned, cited or arrested for motor vehicle law violations.*
- 4) **Traffic Enforcement and Diplomatic Immunity** – *Stopping a diplomat and issuing a traffic citation does not constitute arrest or detention and is permissible. The violator's signature on the citation may not be required. Accordingly, a Deputy Sheriff should never hesitate to follow normal procedures to intervene in a traffic violation which he or she has observed. Even if immunity ultimately bars any further action at the scene, the Deputy should, in accordance with the operational limitations established by this directive, take enforcement action against persons committing moving violations. If the person with diplomatic immunity refuses to sign a citation, the Deputy should write "Diplomat-Refused" on the citation; provide a copy to the violator; and, document the incident via Incident Report. A copy of the report will be forwarded to the United States Department of State, through the Chief Assistant Sheriff.*
- 5) **Military Personnel** – *Traffic law violations committed by military personnel shall be processed as would violations by any other citizen.*

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<sup>3</sup> CALEA 61.1.3 a, b, c, d, e



#### 4-105.2.d **Uniform Traffic Enforcement Policies**<sup>4</sup>

Whenever taking law enforcement action, the Office of the Sheriff for Prince George's County will enforce all laws in an equitable manner. Consistency is an essential element of any enforcement program. This policy is not intended to diminish the judgment of the deputy, but is intended to guide the Deputy in the sometimes complicated, decision making process of traffic enforcement. Deputies are expected to exercise discretion in carrying out traffic enforcement duties consistent with the Deputy's training and experience.

- 1) **Selective Traffic Enforcement** – Activities involving stationary observation, unmarked vehicles, commercial vehicle violations and roadside safety checks are typically accomplished by other law enforcement agencies other than Office of the Sheriff (e.g., the Prince George's County Police Department; Maryland State Police, etc.).
- 2) **Driving Under the Influence** – Recognizing that the intoxicated individual who chooses to operate a motor vehicle represents a significant threat to the safety of others in Prince George's County, the Office of the Sheriff will effect traffic stops where an intoxicated individual or an individual under the influence of a drug operates a motor vehicle.  
  
*Deputy Sheriffs who establish probable cause that the operator of a vehicle stopped by the Deputy is under the influence of alcohol and/or drugs shall request via radio that a Public Safety Communications (PSC) dispatcher notify and request the primary law enforcement agency (e.g., the Prince George's County Police Department (PGPD); Maryland State Police (MSP), etc.) respond to conduct a follow-up investigation, administer any required preliminary and evidentiary breath tests, procure blood and urine testing and determine disposition of the arrestee's vehicle.*
- 3) **Driving Under Suspension** – Generally, licenses are suspended or revoked for serious prior offenses. When deciding what enforcement action to take in these cases, deputies should check the driving record of the violator. In most cases a citation should be issued for these violations, and the operator will not be allowed to continue to drive the vehicle.
- 4) **Speeding** – Deputy Sheriffs will take appropriate law enforcement action when drivers who disregard posted speed limits present a clear danger to themselves, the Deputy and / or the public.

- 5) **Other Hazardous Violations** – Many violations of the traffic codes are hazardous and can cause accidents and Deputy Sheriffs will take appropriate law enforcement action when drivers who disregard posted speed limits or otherwise present a clear danger to themselves, the Deputy and / or the public. Such hazardous violations include: reckless driving; negligent driving; school-bus-related violations; and disregarding a traffic control device (signal and/or sign).
- 6) **Off-Road Violations** (e.g., dirt bikes, mopeds, and snowmobiles) – Any Deputy observing an unlicensed off-road vehicle that cannot be legally operated on the public highways, being operated on the highway, shall order the vehicle be removed. Typically, Deputy Sheriffs will typically refer investigation of complaints concerning off-road type vehicle traffic violations to the appropriate agency (e.g., PGPD, MSP, Maryland National Capital Park and Planning (MNCPPC) Police, Maryland Department of Natural Resources (DNR) Police, etc.).
- 7) **Equipment Violations** – Enforcement of traffic laws pertaining to required vehicle safety is primarily the responsibility of other law enforcement agencies (e.g., PGPD, MSP, etc.). In many cases, the operator of a vehicle may not be aware that a piece of equipment (such as a malfunctioning tail light) is not operating. Accordingly, a simple warning or safety equipment repair order by a deputy may be all that is necessary to bring the motorist into compliance.
- 8) **Commercial Vehicle Violations** – Public / commercial carriers who violate traffic laws will be treated in the same manner as the general public. Typically, Deputy Sheriffs will typically refer investigation of complaints concerning off commercial vehicle regulations to the appropriate agency (e.g., PGPD, MSP, etc.).
- 9) **Non-Hazardous Violations** – Typically, Deputy Sheriffs should request via radio that the Public Safety Communications (PSC) dispatcher notify and request the primary law enforcement agency respond to investigate non-hazardous traffic law violations or complaints thereof.
- 10) **Multiple Violations** – Deputies are not limited as to the number of citations, Safety Equipment Repair Orders (SERO) and/or warnings that may be issued to a single violator. Deputies

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<sup>4</sup> CALEA 61.1.5 , 61.1.11

should use sound judgment in deciding how many charges to place and should avoid citing numerous separate charges that the courts may tend to consolidate.

- 11) **Newly Enacted Laws And / Or Regulations** – Unless otherwise directed, deputies may use discretion in issuing written warning notices and citations for newly enacted vehicle laws.
- 12) **Enforcement: Accidents, Fatal or Non-Fatal** – Enforcement of traffic laws pertaining to vehicle accidents, resulting in any fatality or not, is outside the scope and responsibility of the Office of the Sheriff and investigation of such instances is primarily the responsibility of other law enforcement agencies (e.g., Prince George’s County Police Department (PGPD); Maryland State Police (MSP), etc.). Accordingly, Deputy Sheriffs will typically refer investigation of vehicle accidents to the appropriate agency. *NOTE: Exceptions exist in accidents involving any county or agency-owned vehicle operated by an Office of the Sheriff employee. In such instances, supervisors and employees shall comply with the reporting and investigation requirements prescribed in GO 5-101, whether working a normally assigned shift or secondary employment.*
- 13) **Pedestrian And Bicycle Violations** – Monitoring pedestrian and bicycle movements to ensure compliance with Maryland Vehicle Laws is primarily the responsibility of the Prince George’s County Police Department (PGPD). In many cases, a pedestrian or bicycle operator may not be aware of all applicable traffic-related laws. Accordingly, a simple warning or citation by a Deputy may be all that is necessary to bring the pedestrian or bicycle operator into compliance.

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#### **4-105.2.e Traffic Stops<sup>5</sup>**

Traffic stops will be made in accordance with the procedures taught in training (Attachment B).

Deputies will always be mindful of the dangers inherent in approaching a vehicle, when it is not known exactly who or what may be within the vehicle. Deputies will also consider the hazards presented by the stop environment and use the available roadway shoulder and vehicle positioning to create the safest stop possible.

The Office of the Sheriff does not classify any vehicle stop as ‘routine.’

Every vehicle stop involves some degree of risk.

Deputies must remember that every vehicle stop is different. Each year, many law enforcement officers die or receive injuries during traffic stops. For these reasons, the Office of the Sheriff classifies all vehicle stops as either:

- 1) Unknown Risk; or,
- 2) High Risk.

Deputies shall use high risk traffic stop procedures (Attachment B) when it is necessary to apprehend a suspect, who is an actual or potential danger. High risk vehicle stops are vehicle contacts that, by their nature, increase the probability of violence usually associated with armed suspects or violent criminal activity.

Examples of a high risk vehicle stop include known felony suspects, armed suspects, stolen vehicles, and vehicle pursuits. When stopping a vehicle the Deputy knows or suspects is occupied by armed suspects or persons believed could cause harm to the Deputy or someone else, the Deputy should conduct a high risk stop (called a “felony” stop in the past).

High risk stops will be made in accordance with the procedures taught in initial and in-service training. All high risk stops will be conducted with a minimum of two marked vehicles and two deputies.

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<sup>5</sup> CALEA 61.1.7a,b,c

#### 4-105.2.f Traffic Control and Direction<sup>6</sup>

Traffic control and / or direction within Prince George's County are primarily the responsibility of other law enforcement agencies (e.g., PGPD, MSP, etc.). The purpose of manual traffic control is to ensure an orderly flow of traffic; prevent congestion; and ensure the safety of all motorists, pedestrians, and other highway users.

Typically, deputies who encounter any situation requiring control or direction of traffic will notify PSC and request an officer from the primary agency respond and assume control of traffic control and / or direction duties. To ensure public safety it may be necessary for a Deputy to manually regulate the flow of traffic.

Situations in which a Deputy may be required to manually regulate traffic flow, following notification to PSC and pending the arrival of the primary law enforcement agency include:

- Traffic accident scenes
- Fire scenes
- Hazardous situations on or near the roadway, to include faulty traffic signals

Situations in which a Deputy may be authorized by a supervisor to manually regulate traffic flow include:

- Emergency conditions along roadways allowing access to or evacuation from court facilities;
- Special law enforcement operations;
- Pre-approved secondary employment;
- Special events (parades, special assignments, sporting events, etc.)

Any deputy manually directing traffic will wear a vest or jacket bearing reflective material, while directing traffic; and, if necessary also use temporary traffic control devices such as<sup>7</sup>:

- Flares
- Traffic cones, warning signs and/or barricades
- Patrol vehicle with emergency equipment activated
- Clear and easily understood hand signals when directing traffic.

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<sup>6</sup> CALEA 61.3.2 e

<sup>7</sup> CALEA 61.3.2 b, f, g

#### 1) Traffic accident scenes<sup>8</sup>

Investigation of traffic accidents not involving Agency employees operating county-owned or leased vehicles are outside the jurisdiction of the Office of the Sheriff and all such traffic accident investigations and follow-up activities will be referred to and conducted by the primary police units assuming jurisdiction. Deputies who come upon any accident scene shall ensure the following:

- a) Notify PSC and request an officer from the primary agency respond and assume control of the scene;
- b) Check for injuries, request fire rescue personnel and administer basic emergency care;
- c) Protect the accident scene. The Deputy is in charge of the collision scene until relieved by the responding primary police agency. However, collection of information, evidence or property on the accident scene is the responsibility of the Investigating Police Officer on-scene. Deputies should refrain from collecting any information, evidence or property on the accident scene unless loss of such evidence or information is imminent.
- d) If the accident is a property damage accident only and the vehicles are operable, the Deputy may direct the motorists to remove the vehicles from the roadway if possible and exchange insurance and driver information.

#### 2) Critical incident scenes<sup>9</sup>

Upon arrival at a vehicle fire or hazardous material spill, the Deputy shall:

- a) Notify PSC immediately and provide, at a minimum:
  - Exact location;
  - Number of persons injured
  - Extent of any injuries, if known;
  - Number and type of vehicles involved;
  - Placard ID numbers on any commercial vehicles;
  - Type and extent of fire / spill (e.g., "fully involved, brake fire or, 20 foot pool of gasoline," etc.)

<sup>8</sup> CALEA 61.3.2 a

<sup>9</sup> CALEA 61.3.2 c

- b) *Request additional units if needed and provide information regarding a safe approach route and appropriate assignments upon arrival;*
- c) *If able, effect the rescue of any persons and ensure all individuals are in a safe location at least 100 feet from the vehicle fire or upwind of any spill. Do not approach, walk through, or touch any spilled fluid (including liquid on other persons);*
- d) *Isolate and protect the scene, to include keeping law enforcement vehicles clear of the immediate area to allow fire and rescue vehicles clear and free access to the scene;*
- e) *Utilize a fire extinguisher to extinguish small fires;*
- f) *If a spill of unknown liquids, do not utilize road flares without the approval of fire rescue personnel or the on-scene Incident Commander;*
- g) *Request PSC advise any appropriate agencies of prolonged road/lane closures;*

*Fire rescue service personnel assume incident command of the scene upon their arrival.*

### **3) Adverse road and weather conditions<sup>10</sup>**

*If the traffic problem is the result of adverse road conditions due to weather, the Deputy should notify PSC to request the appropriate county or state agency respond to salt, sand or close the road as may be deemed necessary by them.*

### **4) Malfunctioning Traffic Control Device or Signal**

*If a traffic signal is malfunctioning, the Deputy should notify PSC to request the appropriate county or state agency respond to correct the malfunction. In doing so, the Deputy should advise the type and quantity of traffic control devices requested and the location needed.*

*If the malfunction poses an immediate and direct hazard or threat to the safe and efficient flow of traffic, the Deputy should manually direct traffic until relieved by the appropriate and primary law enforcement agency. The Sheriff's Office does not issue light box keys, barricades or other temporary traffic control signal devices.*

*The control of traffic lights or other temporary traffic control signal devices are to be conducted by the appropriate county or state agency (e.g., PGPD, MSP, PGC Office of Public Works and Transportation, State Highway Administration, etc.)*

## **4-105.2.g Vehicle Traffic Escort Services<sup>11</sup>**

### **Emergency Escort, Ambulances and Other Emergency Vehicles**

*Under normal circumstances, deputies shall not provide escort services for ambulances, fire rescue, or other emergency vehicles units.*

*In exigent circumstances, deputies may, if requested, escort ambulances or other emergency vehicles if:*

- *The operator of the ambulance or other emergency vehicle indicates they are unfamiliar with the route to the destination; or,*
- *The emergency equipment (lights and / or siren) of the ambulance or other emergency vehicle are inoperative.*

### **Emergency Escort, Privately-Owned Vehicles**

*Under normal circumstances, deputies shall not provide emergency escorts for private vehicles. If a deputy encounters a citizen en route to a hospital with a life threatening medical emergency, the deputy should assist the victim by calling for rescue personnel or transporting the victim to the hospital in the Agency vehicle.*

*In exigent circumstances, deputies may escort a private vehicle only if:*

- *The calling for an ambulance is impractical; and,*
- *The injured person cannot be transferred to the Sheriff's Office vehicle without risk of aggravating their condition*

*If the encounter occurs in very close proximity to a hospital or medical clinic, the Deputy may consider allowing the citizen to continue on without delay.*

*Prior to commencing an emergency escort under any circumstances, the Deputy shall notify PSC upon starting and completing the escort.*

### **Non-Emergency / Routine Escort Details**

*Authority to activate any members of the Agency to conduct escort details (e.g., funeral, VIP escort or other special details, etc.) shall reside with the Sheriff and / or Chief Assistant Sheriff. All such escort details shall be conducted in accordance with applicable Maryland traffic laws and the Standard Operating Procedures (SOP's) of the Office of the Sheriff Motors Unit and / or Witness Protection / VIP Unit.*

<sup>10</sup> CALEA 61.3.2 d

<sup>11</sup> CALEA 61.3.3 a, b

## **ATTACHMENTS**

*A – Maryland State Laws Pertaining to the Duties and Authority of the Sheriff*

*B – Traffic Stop Procedures (Unknown Risk and High Risk)*

## **REFERENCES**

*The Annotated Code of Maryland: Courts and Judicial Proceedings; Title 2, Court Personnel; Subtitle 3, Sheriffs; § 2-309; Paragraph (r); sub-paragraphs (8) (i), specifically.*

*Maryland Vehicle Law Section 11-147, “Police Officer” defined*

*Maryland Vehicle Law Section 26-201, Authority to Charge; Issuance and Contents of Traffic Citations*

*Maryland Vehicle Law Section 26-202, Power of Arrest*

*Maryland Annotated Code Transportation Article (TR § 26-203)*

*The Prince George’s County Code, Section 26 (Vehicles and Traffic):*

*Sec. 26-104 Authorities of Police, Designated*

- (1) Enforcement of traffic regulations*
- (2) Direction of Traffic*

*General Order 4-108 (Detention / Arrest of Foreign Nationals & Diplomats - Consular Notification)*

*General Order 5-110 (Motor Vehicle Citations)*



#### **4-107 DETENTION OF PERSONS ARRESTED PURSUANT TO JUVENILE ACTION WRITS**

The purpose of this order is to clarify the circumstances under which persons detained pursuant to JA Writs would be detained in juvenile facilities, and when they would be detained in adult facilities.

##### **4-107.1 POLICY**

The Office of the Sheriff shall ensure that persons taken into custody pursuant to JA Writs, issued by the Circuit Court when sitting as a Juvenile Court, are detained in the appropriate facility. Refer to the SOP on prisoner transportation referencing sight and sound separation of juveniles.

##### **4-107.2 PROCEDURES**

Respondent below the age of 18:

- If the respondent is below the age of 18 and the respondent is not presently being otherwise charged as an adult, then the respondent shall be transported to the Intake Officer, Department of Juvenile Services;
- If the respondent is to be otherwise charged as an adult, then the respondent shall be detained in an adult facility. The JA Writ shall be served at the same time. A copy of the JA Writ shall be sent with the individual's adult commitment to the adult facility. The copied writ shall be sent to the Juvenile Court to show that the individual is being held on an adult charge at said adult facility.

"Juvenile" respondent over the age of 18:

- If the respondent is over the age of 18 and the Juvenile Action was filed for a matter that occurred prior to the respondent's 18<sup>th</sup> birthday and the respondent is not presently being otherwise charged as an adult, then the respondent shall be transported to the Intake Officer, Department of Juvenile Services unless the writ states otherwise. The Department of Juvenile and the Juvenile Court will have worked out arrangements to dispose of the matter at that point;
- If the respondent is to be otherwise charged as an adult, then the respondent shall be detained in an adult facility. The JA Writ shall be sent with the individual's adult commitment to the adult facility. The copied writ shall be sent to the Juvenile Court to show that the individual is being held on an adult charge at said adult facility.

Adult defendant over the age of 18:

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- If a person over the age of 18 is charged as an adult, in those narrow areas where the Juvenile Court has jurisdiction over adults (e.g., contributing to the delinquency, parental or guardian violation of school attendance laws, contempt), then that person shall be detained in an adult facility;
- If that person were under the age of 18, but were also a parent charged with these Juvenile Law "Adult" Offenses as outlined above, the person shall be detained in an adult facility. EXAMPLE: A 17 year old parent of a "child in need of assistance" (CINA) fails to attend a Court ordered parenting class or counseling, and as a result, is charged as an adult with contempt.

REFERENCE: Circuit Court Memorandum,  
"Detention of Juveniles in the  
County Detention Center"  
Dated April 1, 1992

Effective: February 1, 2004

**4-108 DETENTION / ARREST OF FOREIGN NATIONALS & DIPLOMATS - CONSULAR NOTIFICATION**

The purpose of this order is to provide all Agency personnel with guidance as to notification and access requirements pertaining to official contacts with foreign nationals and diplomats.<sup>1</sup>

**4-108.1 POLICY**

The Office of the Sheriff shall ensure compliance with all consular notification and access requirements in accordance with international treaties when dealing with foreign nationals and diplomats.

**4-108.2 PROCEDURES**

Due to fluctuating dynamics (such as the relationship of the U.S. with other countries, applicable treaties, and foreign policy), the arrest or detention of a foreign national or diplomat most frequently necessitates obtaining specific consular notification instructions directly from the U.S. Department of State. The Teletype Section shall maintain contact information for the U.S. Department of State.

**A. Arrests or Detentions Involving Foreign Nationals:**

- Any person who is not a citizen of the United States is considered a foreign national. When a foreign national is arrested, the arrestee must be advised to their right to have their government informed of the event.
  - Upon request from the arrested foreign national, consular officers have the right to visit the arrested to speak with him/her and to arrange for his/her legal representation.
  - Depending on the foreign national's country of origin, his or her arrest may trigger a requirement to notify that country's consular officials within a specified period of time (e.g., a "mandatory notification" country).
1. When it comes to the attention of a Deputy Sheriff that a person arrested or detained by the Deputy is a foreign national, and after determining the foreign national's identity and country of origin (in absence of other info, assume this is the country identified on the individual's passport or travel authorization documents); the arresting member needs to ascertain whether the individual is from a

"mandatory notification" country, and if so, how to contact the nearest consular official for that country.

2. The arresting member should obtain from Teletype the telephone number for the U.S. Department of State, Operations Center.
3. The arresting member is responsible for contacting the U.S. Department of State and obtaining all information pertinent to making any notifications required by law or treaty.
4. In advising the Foreign National of their right to have their government informed of their detention, the arresting Deputy may use the "Suggested Statements to Foreign Nationals" (Attachment 1)
5. If it is determined the arrestee is a citizen of a "mandatory notification" country the arresting Deputy should use the "Suggested Fax Sheet for Notifying Consular Officers of Arrests or Detentions" (Attachment 2)
6. The arresting Deputy shall complete and submit an Incident Report (titled per GO 5-101 and GO 8-111). NOTE: It is extremely important that a written record of the provision of notification and relevant actions taken is kept.
7. In non-exigent circumstances, detailed consular notification instructions are also available via the U.S. Department of State website at: [http://travel.state.gov/law/consular/consular\\_636.html](http://travel.state.gov/law/consular/consular_636.html)

**B. Arrests or Detentions Involving Diplomats**

- Diplomatic officers, their families, staff and servants are covered by various levels of immunity from arrest, detention or prosecution.
1. Diplomats or consular officers may be detained for a reasonable amount of time to verify diplomatic status.
  2. To verify the status of a diplomat, the arresting Deputy should obtain from Teletype the telephone number for the U.S. Department of State Office of Diplomatic Security.

**C. Traffic Offenses Involving Diplomats**

<sup>1</sup> CALEA 1. 1. 4  
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PRINCE GEORGE'S COUNTY, MARYLAND  
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1. When a driver is stopped for a moving traffic violation and has proper and valid identification indicating his diplomatic status, the Deputy may issue an appropriate traffic citation or warning. Issuance of a citation does not constitute an arrest or detention.<sup>2</sup> A diplomat does not have to sign the citation and cannot be arrested for refusal to sign or accept the citation.
2. When a Deputy stops a person entitled to full diplomatic immunity for Driving While Intoxicated, the officer shall request that the diplomat not drive and provide assistance in parking the vehicle or securing another driver.
3. If the diplomat refuses assistance then he/she is free to leave, but may not operate the vehicle. The appropriate diplomatic mission will then be notified of the incident and directed to make disposition of the vehicle and its contents.
4. The driver, if entitled to diplomatic immunity, shall not be compelled to take any sobriety or other mandatory test, and except in extreme cases, should not be restrained. Force must not be used except when necessary to prevent injury to the diplomat or others, and then only the minimum force necessary should be applied. Sobriety tests may be offered in accordance with set procedures, in order to determine the sobriety of the driver, but may not be required.
5. The property of a person covered by full immunity, including his/her vehicle, may not be searched or seized. Vehicles may not be impounded but, may be towed the distance necessary to remove them from obstructing traffic or endangering public safety.
8. If a diplomat's vehicle is suspected of being stolen or used in the commission of a crime, the occupants may be required to present vehicle documentation to permit law enforcement verification of the vehicle's status through a computer check.
7. If the vehicle is verified to have been stolen or to have been used by unauthorized persons in the commission of a crime, it may be searched.
8. All serious motor vehicle infractions will be documented via Incident Report. A copy of the report will be forwarded to the United States Department of State, through the Chief Assistant Sheriff.

Attachment A Suggested Statements to Foreign Nationals

Attachment B Suggested Fax Sheet for Notifying Consular Officers of Arrests or Detentions

REFERENCE: U.S. Department of State, Office of Foreign Missions. Guidance for Law Enforcement Officers.

Maryland Criminal Digest

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<sup>2</sup> CALEA 61.1.3 d



## 4-111 ARRESTS

The purpose of this order is to specify procedures for arrests, made with or without a warrant<sup>1</sup>.

### 4-111.1 POLICY

It is the policy of the Office of the Sheriff that arrests, transportation and processing of detainees will be made in a manner that maximizes the safety of all employees, persons arrested and the public.

It is the policy of the Office of the Sheriff that Agency members (sworn and civilian) shall utilize reasonable and available means to verify information pertaining to the handling and/or service of legal process (e.g., address, identification and/or premise-type information) prior to the taking into custody any detainees.

Due to the wide range and often complex nature of duties performed by agency personnel, supervisors shall provide clear guidance to subordinates, and; in accordance with G.O. 1-102 ("Standard Operating Procedures Manuals") it shall remain the responsibility of Division Commanders to create, maintain, review and keep current those verification procedures (e.g., Standard Operating Procedures) which are specific to operations under their command, as governed by the respective Bureau Chief.

### 4-111.2 STANDARD ARREST PROCEDURES

The law of arrest in Maryland is found in common law and statutory form. Arrest is the taking into custody of a person. In order to constitute an arrest, there must be either a touching of the body (which may be of the lightest kind), or there must be the assertion of the authority with the intent to effect an arrest that is acknowledged by the suspect.

The basic distinction in Maryland law is that made between a felony and a misdemeanor. Generally, the law allows a law enforcement officer to make an arrest without a warrant for a felony, but restricts the right in misdemeanor cases.

All arrests call for probable cause to exist. Probable cause to arrest exists where the facts and surrounding circumstances justify a reasonable belief that a crime has been committed and that the person to be arrested has committed it.

All sworn Deputy Sheriffs and police officers who have been certified by the Maryland Police and Correctional Training Commission are authorized by law to make arrests.

Generally, each instance of a full-custody arrest made by a Deputy Sheriff in Prince George's County shall require the arrested to be transported to an established Regional Processing Unit (RPU) or Juvenile Processing Unit (JPU) according to the age of the arrested, charges and/or court orders pending.

Following transport to a processing unit and upon completion of all paperwork required of the arresting Deputy, persons arrested will be turned over to an officer authorized to accept custody on behalf of that facility and for the purposes of fingerprinting, photographing, and detention awaiting presentment to the appropriate court or court officer<sup>2</sup>.

The arresting and/or transporting Deputy Sheriff shall complete any of the following forms required by the circumstances and category of the arrest effected<sup>3</sup>:

- Application for Statement of Charges (Form #DC/CR-1)
- Application for Statement of Charges, Continued (Form #DC/CR 1A)
- Arrest Report (PGC Form #3245)
- Charge Against Fugitive Form (DC/CR 30)
- Detainee Medical Release Form (PGC Form #5188)
- Detainee Processing Log (PGC Form #5097)
- Fingerprint Card, MD State (Blue)
- Fingerprint Card, Federal (Red)
- Incident Report (PGC Form #3529)
- Maryland Uniform Criminal Citation (Form #DC/CR 45)
- Maryland Uniform Municipal Infraction/Civil Citation (Form #DC28)
- Prisoner Property Form (PGC Form #3379)
- Processing Information Sheet (PGC Form #519)
- Property Record, Police (PGC Form #4360)
- Property Recovered Form, Sheriff (PGC# 1130)
- Request for Witness Summons (Form #DC/CR 92)
- Statement of Charges (Form #DC/CR 2 and 2A)
- Statement of Probable Cause (Form #PC DC/CR 4 and 4A)
- Statement of Victim/Witness/Suspect (PGC Form # 2998)
- Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses (Form #DC 31)

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<sup>1</sup> CALEA 1. 2. 5; 61. 1. 2 a

<sup>2</sup> CALEA 1. 2. 5. a., b. & c.

<sup>3</sup> CALEA 1. 2. 5. a. & b.

**4-111.2. a ARREST WARRANTS**

An arrest warrant is a written order by a judicial officer commanding the law enforcement officer to arrest the person named in the warrant. An arrest warrant must be signed by the judicial officer issuing it, set forth the time and place of making it, and the charge or offense.

When a warrant is placed in the hands of a Deputy he or she is not bound to inquire into the particulars of the complaint, or whether any factual determination was made at all. If the warrant is in due form and issued by a person having a right to issue it, the duty of the Deputy is to execute it without further inquiry. Maryland law provides immunity protection to a law enforcement officer that serves the arrest warrant within the boundaries of the law.

The Supreme Court has recognized the Police Team concept. If any law enforcement officer holds a warrant, it is deemed held by all. Whenever an arrest is made based on this concept the officer making the arrest must verify the information as soon as practical.

**Suspect’s Home, Peaceable Entry**

An arrest warrant founded on probable cause carries with it a limited authority for police officers to open the suspect’s dwelling when there is reason to believe the suspect is within.

In order to enter a suspect’s home to arrest him/her, a Deputy Sheriff must:

- 1) Have an arrest warrant or know a warrant is outstanding (signed by a judge);
- 2) Reasonably believe the suspect lives in the home; and
- 3) Reasonably believe that the suspect is inside.

The courts broadly define, however, whether a suspect actually lives somewhere as opposed to whether the suspect has a substantial relationship to the property. The court will evaluate each articulated reasonable belief based on a totality of the circumstances.

A peace officer seeking to arrest an individual who is in a house, either by authority of an arrest warrant or under circumstances making a warrant unnecessary, must give proper notice of his purpose and be denied admittance before he can use force to break and enter.

**Suspect’s Home, Forced Entry, absent Search Warrant**

The forcing of an exterior door is generally so violent and dangerous that it will not be done to serve an arrest warrant without first obtaining approval from a supervisor. Absent consent to search, a search warrant, or, exigent circumstances, deputies will contact a supervisor prior to forcing an exterior door to effect service of an arrest warrant.

Prior to approving forced entry to affect service of an arrest warrant, the supervisor shall consider the following factors pertaining to the warrant in question:

- 1) Confirmed validity (due form) of the warrant;
- 2) Confirmation the Deputy has properly identified him or herself, demanded entry, and that entry has been denied by the occupants of the location;
- 3) The Deputy’s ability to articulate their knowledge and/or reasonable belief that the wanted subject is within the location;
- 4) Nature and seriousness of the charge(s) underlying the warrant;
- 5) Prior attempts by the subject to evade service;
- 6) Any known or imminent threat to victims, witnesses or other persons.
- 7) Other potential safety risks, either known or reasonably suspected (e.g., prior assaults on officer, attempts to escape, presence of weapons, etc.).

Deputies and agency supervisors must be mindful that alternatives to forced entry to serve certain arrest warrants may exist and, dependent upon the totality of circumstances, such alternatives may, when available and practical, be in the best interests of the safety of the deputies and the public.

Officers may also use a reasonable level of force in executing the arrest, once they have gained access to a suspect’s residence.

**REMAINDER THIS CLOUMN LEFT BLANK,  
SPACE RESERVED**

### Third Party Addresses

The U.S. Supreme Court has drawn important distinctions between the sort of warrant that authorizes the forcible entry of the arrestee's home (an arrest warrant for the arrestee) and the sort that authorizes the forcible entry of a third party's home (a search warrant that reflects probable cause that the arrestee is inside that home).

- Absent consent or exigent circumstances, possession of only a valid arrest warrant cannot authorize authorities to enter the home of a third party looking for the person named in the warrant;
- In order to do that, they need a search warrant (see G.O. 4-120) signifying that a magistrate has determined that there is probable cause to believe the person named is on the premises.
- In the absence of exigent circumstances or consent, officers armed with only an arrest warrant may not enter the home of a third party in an attempt to locate the person named in the warrant.
- The reason for the requirement that officers obtain a search warrant before entering the residence of a third party is based on the fact that the interests protected by an arrest warrant differ from the interests protected by a search warrant.
- While an arrest warrant may adequately protect a suspect from unreasonable seizure, it does nothing to diminish a third party's interest in being free from unreasonable invasion and search of his home.

### Knock and Announce Requirements

- The purpose of the knock and announce rule is to prevent violence and physical injury to the police and occupants and to protect an occupant's privacy expectation against the unauthorized entry of unknown persons. The test for when police are not required to knock and announce is whether police have "a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile, or that it would inhibit the effective investigation of the crime."
- No blanket exception exists. Instead, a case-by-case analysis is required to determine whether no-knock entry is justified under the circumstances present at the time the entry is to be made. This limited authority may allow officers, in the process of making a valid arrest, to forcibly enter the suspect's residence in order to make the arrest, so long as that force used is not excessive.

### 4-111.2 b WARRANTLESS ARRESTS<sup>4</sup>

A Deputy Sheriff may arrest without a warrant any person who commits, or attempts to commit, any felony or misdemeanor in the presence of, or within the view of, such Deputy.

A Deputy Sheriff who has probable cause to believe that a felony or misdemeanor is being committed in the officer's presence or within the Deputy's view, may arrest without a warrant any person whom the Deputy may reasonably believe to have committed such offense.

A Deputy Sheriff may arrest a person without a warrant if the Deputy has probable cause to believe that a felony has been committed or attempted and that such person has committed or attempted to commit a felony whether or not in the Deputy's presence or view.

#### Misdemeanors Committed Outside the Deputy's Presence or View.

A Deputy Sheriff may arrest a person without a warrant if the Deputy has probable cause to believe: that the person battered that person's spouse or other individual with whom the person resides; there is evidence of physical injury; a report to law enforcement was made within 48 hours of the alleged incident, and; the three circumstances listed below for a misdemeanor arrest exist.

Before making a warrantless arrest for a misdemeanor not committed in his or her presence, the Deputy must have probable cause to believe that the suspect has committed one of offenses listed below and unless the suspect is immediately arrested:

- the person may not be apprehended;
- the person may cause injury to the person or damage to the property of one or more other persons, or;
- the person may tamper with, dispose of, or destroy evidence.

As specified by Criminal Procedure, misdemeanor offenses committed outside the presence of a Deputy Sheriff and for which a Deputy Sheriff is authorized to make a probable cause arrest without a warrant include the following:

- Manslaughter by vehicle or vessel

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<sup>4</sup> CALEA 61. 1. 2 a

- Malicious Burning
- Malicious Mischief
- Theft under \$500 or an attempt
- Giving or causing to be given a false alarm of fire
- Indecent exposure
- Crimes related to controlled dangerous substances
- Wearing, carrying, or transporting a handgun
- Carrying or wearing a concealed weapon
- Prostitution and related crimes
- Stalking
- Domestic abuse (If a report is made within 48 hours of the incident)

When a Deputy Sheriff cannot establish probable cause for an arrest, or the violation is a misdemeanor not listed above, the Deputy Sheriff shall:

- Provide the suspect's identity to the accuser or witness and advise them to contact a District Court Commissioner to file an Application for a Statement of Charges.
- If identity cannot be determined, provide the accuser with any information available and advise them to attempt to obtain a Statement of Charges.

#### **Warrantless Arrest in a Defendant's Home**

The U.S. Supreme Court decision of *PAYTON v NEW YORK* requires officers having probable cause to make an arrest to obtain a warrant (where time permits) as opposed to merely responding to the suspect's home and making an arrest based on probable cause. Forced entries by Deputy Sheriffs shall be made in accordance with prevailing laws.

#### **4-111.2 c WARRANTLESS APPREHENSION BY PERSONS OTHER THAN A DEPUTY, POLICE OFFICER OR COMMISSIONED SPECIAL POLICE OFFICER (SPO)**

##### **Involving Felony Offense**

When a Deputy Sheriff investigates an incident where a suspected felon is detained, the Deputy will examine the probable cause. If it is determined that the detention is lawful, the Deputy will obtain a signed statement from the complainant and the Deputy will then transport the arrestee to a processing facility to complete the arrest and summoning of all witnesses, in accordance with Criminal Procedure.

##### **Involving Misdemeanor Offense**

The law prohibits the issuance of charging documents to citizens. All warrantless arrests must be processed via a charging document prepared by a Deputy Sheriff, police officer or SPO.

Before a Deputy accepts custody of or transports a detainee for persons other than police officers or SPOs, the Deputy shall:

- examine the probable cause for the arrest, and;
- initiate wanted checks on the detainee.

The Deputy shall transport the detainee on receipt of a warrant hit and confirmation.

Absent a warrant hit or confirmation, the Deputy should not transport the detainee unless the provisions for a warrantless arrest exist, as prescribed in section 4-111.2 b, Misdemeanors Committed Outside the Deputy's Presence or View.

When a detainee cannot identify him or herself to the Deputy's satisfaction or is not a Maryland resident, the detainee may be arrested, based on probable cause.

If the Deputy determines that an arrest is justified, the Deputy will:

- Obtain a signed statement from the complainant, and;
- Transport the arrestee to a processing facility and complete the arrest.

If the Deputy decides not to arrest the suspect the Deputy shall:

- Obtain supervisory concurrence;
- Give the complainant the suspect's identity and CCN;
- Advise the complainant to contact a District Court Commissioner to apply for a statement of charges;
- Complete an Incident Report listing the suspect, circumstances of the incident, and the date and time of the wanted check.

If a full-custody arrest is not warranted and the suspect is a juvenile, the transporting Deputy will:

- Obtain supervisory concurrence, and;
- Comply with applicable provisions of Juvenile Procedures.

**4-111.2 d ARRESTS BY COMMISSIONED SPECIAL POLICE OFFICERS (SPO's)**

In order to promote cooperation and efficient operations between the Office of the Sheriff and Commissioned Special Police Officers (SPO's), to include Investigator Counselors (I/C's) employed by the Prince George's Board of Education, the following procedures pertain to responses by deputies to an arrest made by a Commissioned SPO:

The Commissioned SPO will:

- complete a Statement of Charges document;
- complete an Arrest Report (PGC Form #3245);
- complete any necessary documentation pertaining to either recovered property and/or evidence;
- forward a copy of their own Offense / Incident Report to the State's Attorney's Office, and;
- turn over the prisoner, Statement of Charges, Arrest Report, other documentation and property or evidence as appropriate to the responding Deputy.

The responding Deputy Sheriff shall:

- verify the commission of the SPO;
- review the Statement of Charges document to ensure that probable cause exists and all pertinent information is recorded (witnesses, etc.);
- review the completed Arrest Report;
- take custody of and transport the prisoner with documents and any property or evidence as appropriate to an established processing facility, and;
- follow established procedures in delivering the prisoner for processing and appearance before the District Court Commissioner.

Nothing in this order is intended to prohibit a Deputy Sheriff (e.g., School Resource Deputy) from solely transporting a prisoner on behalf of an MPTC-certified Police Officer employed by the PG Board of Education (aka- Investigator Counselors) and who follows the Deputy's transport to the processing unit and in order to assume all processing responsibilities.

**4-111.2 e ARREST OF FUGITIVE FROM ANOTHER JURISDICTION**

A Deputy Sheriff having prior knowledge of an individual in this jurisdiction being a fugitive shall make every attempt to obtain a true test copy of the warrant prior to an arrest being made.

Whenever a sworn member of this Agency has contact with a person (adult or juvenile) for whom an extraditable warrant or writ from an agency outside the State of Maryland exists, the person, after verification, will be taken into custody as a fugitive from justice<sup>5</sup>.

If the suspect is arrested for committing an offense in this jurisdiction, the Deputy Sheriff will complete the standard arrest procedures and attach a copy of the computer verification printout. The suspect will not be charged as a fugitive until the local charges are disposed of.

If a sworn officer from another jurisdiction outside the State of Maryland presents a warrant, other charging document, or teletype for a person alleged to be in Prince George's County and they want to attempt service of a fugitive warrant, Deputy Sheriffs of this Agency will assist. If there is any question regarding the warrant, it should be verified through METERS / NCIC. If an arrest is effected the person will be turned over to this Agency where he will be charged as a fugitive and taken before a judicial officer.

It is against both Agency policy and the law to turn over a prisoner to a demanding jurisdiction outside the State of Maryland without first completing the appropriate legal process.

All related paperwork (including teletypes) pertaining to the fugitive processes must be completed and turned in before the end of the Deputy's tour of duty. Copies of all related paperwork (including teletypes) must be forwarded to the supervisor of the Warrant / Fugitive Unit immediately upon completion, prior to the Deputy's securing from his / her tour of duty.

When a detainee arrested as a fugitive from another state by any police agency is being held at a Regional Processing Units (RPU), Deputy Sheriffs shall respond as assigned and in order to complete a Charge Against a Fugitive.

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<sup>5</sup> CALEA 74. 3. 2

**4-111.2 f ARREST OF FUGITIVE FROM JUSTICE - DISTRICT OF COLUMBIA (NO LOCAL CHARGES)**

The following procedures shall be adhered to when handling a person wanted on criminal charges in the District of Columbia:

- The Deputy Sheriff shall confirm, through Teletype, Central Communications or the appropriate court, the warrant and authorization for Federal removal with the originating agency (ORI) utilizing current NCIC policy.
- If the warrant is valid, and Federal removal is authorized, apprehend the subject and transport to an established Regional Processing Unit.
- Upon apprehension, a "LOCATE" on the subject per NCIC policy shall be placed.
- The Control Officer at the Regional Processing Unit (or Deputy Sheriff) shall contact the U.S. Marshal's Service (District of Columbia Office at (202) 616-8640, 8641, 8642, or 8643, Monday through Friday, 0730 to 1700 hours to make arrangements for the fugitive's pick up as soon as possible. Normally, the fugitive should be picked up within twenty-four (24) hours.
- All original teletypes, hits, confirmation requests and confirmation responses, etc., will be attached to the Arrest Report for inclusion with the forms sent from the RPU to PGSO Teletype/ Records.

**4-111.2 g MILITARY PERSONNEL**

When a Deputy arrests a member of the military, or a reservist on active military duty, the Deputy shall contact the military police of the arrestee's service branch in the Washington metropolitan area. The following information regarding the service member shall be provided:

- Name
- Social security number
- Assigned unit

**Arrests of Military Deserters**

Desertion from active military duty is a violation of the Uniform Code of Military Justice. It is not a crime for which civil authorities are authorized to make an arrest. Deputies will refrain from arresting persons for desertion unless:

- The individual has a criminal warrant on file with NCIC charging them with desertion or other written documentation authorizing the individual's arrest, or;
- An individual is in custody for other violations and it is discovered that they are a deserter.
- In either instance, military authorities will be notified.

Deputies are prohibited from accepting a bounty or other gratuity from the Federal Government for arresting a military deserter. If an inquiry is made regarding payment of such a bounty, the government representative will be directed to forward such remunerations to the County Government.

**4-111.2 h ILLEGAL ALIENS**

Deputies shall not initiate arrests merely to determine a suspected alien's status and are prohibited from arresting persons for whom there is only an outstanding civil administrative warrant or deportation order solely based upon such orders.

When a Deputy Sheriff suspects an individual being presented by the Deputy for processing on a criminal charge is an illegal alien and/or an NCIC check reveals a civil administrative warrant or deportation order, the arresting Deputy shall:

- Notify the processing facility personnel (e.g., Prince George's County Department of Corrections Regional Processing Unit, DOC-RPU Correctional Officer) in order for that processing facility's procedures for contacting Immigration and Customs Enforcement (ICE) to be implemented, and;
- Include any pertinent information obtained from processing facility personnel, as a result of their contact to ICE, in the narrative of the Arrest Report.

**Non-Arrest**

When an NCIC check reveals that an individual has an immigration warrant, the Deputy shall:

- Contact Immigration and Customs Enforcement (ICE) to determine the individual's immigration status; and,
- Document the contact with the individual via an Incident Report (titled, Miscellaneous Incident – Investigation) if there are not independent grounds to arrest.



**Fourth Amendment to the U.S. Constitution**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Payton v. New York, 445 U.S. 573 (1980)**

The Supreme Court held that an arrest warrant authorizes law enforcement officers to enter the home of the subject of the arrest warrant, so long as the officers have reason to believe the arrestee is in his or her home.

**U.S. v. Spencer, 684 F. 2d 220, 222-24 (2d Cir. 1982)** This rule applies equally to the execution of misdemeanor warrants.

**Steagald v. United States, 451 U.S. 204, 222 (1981)**

The Supreme Court held that law enforcement officers must first obtain a search warrant before knowingly entering the home of a third party in order to arrest a non-resident individual found inside.

Because an arrest warrant authorizes the police to deprive a person of his liberty, it necessarily also authorizes a limited invasion of that person’s privacy interest when it is necessary to arrest him in his home.

This analysis, however, is plainly inapplicable when the police seek to use an arrest warrant as legal authority to enter the home of a third party to conduct a search. Such a warrant embodies no judicial determination whatsoever regarding the person whose home is to be searched. Because it does not authorize the police to deprive the third person of his liberty, it cannot embody any derivative authority to deprive this person of his interest in the privacy of his home.

Such a deprivation must instead be based on an independent showing that a legitimate object of a search is located in the third party’s home. We have consistently held, however, that such a determination is the province of the magistrate, and not that of the police officer.

**Kain v. Nesbitt, 156 F. 3d 669, 672 (6<sup>th</sup> Cir. 1998)**

Consent is not required to execute a valid arrest warrant.

**Jones v. Maryland, et al., 197 Md. App. 638, 674, 14 A.3d 1223, 1244 (2011)**

There is a constitutional right to be free from intrusion into one’s home by the police. However, police officers in possession of an arrest warrant, founded on probable cause, possess the limited authority to enter a suspect’s residence when the officers reasonably believe the suspect is within the residence. Before an officer can enter a residence, the officer must reasonably believe both that it is the residence of the person named in the warrant and that the person is within the residence. A law enforcement officer’s belief that the warrant suspect resides at the dwelling must be objectively reasonable in view of the totality of the circumstances at the time of the entry, even if the officer’s belief ultimately proves to be wrong.

The dictates of Payton and Steagald . . . draw the important distinction between the sort of warrant that authorizes the forcible entry of the arrestee’s home (an arrest warrant for the arrestee) and the sort that authorizes the forcible entry of a third party’s home (a search warrant that reflects probable cause that the arrestee is inside that home).

**Criminal Procedure Art. 2-102 (d).**

By statute, Maryland law enforcement officers are clothed with qualified immunity when properly acting to effectuate court process like the service of arrest warrants.

***DeWolfe v. Richmond (MD Court of Appeals)***

*On September 25, 2013, the Maryland Court of Appeals held that there is a right to the assistance of counsel at initial appearances before a commissioner under Article 24 of the Maryland Declaration of Rights. (See Attachment ‘A’.)*

**REFERENCE:** Criminal Procedure Article – Title 2, Subtitle 2

**ATTACHMENT:**

*A – Revised procedures upon arrival at Prince George’s County Department of Corrections Regional Processing Units, On-view Arrests.*

**4-112 MARYLAND UNIFORM CRIMINAL CITATIONS**

The purpose of this order is to: establish a policy governing the mandatory issuance of Maryland Uniform Criminal Citations (DC/CR 45) for certain criminal offenses, if a defendant meets specific criteria; and, specify the procedures and those circumstances under which criminal citations may be utilized<sup>1</sup>.

Maryland Criminal Procedure Article §4-101, as amended by the Maryland legislature and effective January 1, 2013, mandates, with certain exceptions, that a law enforcement Deputy Sheriff charge a defendant by a Uniform Criminal Citation ( "criminal citation") for certain criminal offenses in lieu of a statement of charges.

Except for the few limited exceptions prescribed by §4-101, those criminal offenses which must be charged by citation are primarily criminal violations with penalties of 90 days or less.

A portion of the same law; however, also authorizes a law enforcement Deputy Sheriff to make a custodial arrest and process a defendant prior to the defendant being released following his / her signature on the criminal citation.

**4-112.2 POLICY**

It is the policy of the Office of the Sheriff that employees shall not unlawfully detain any person based upon race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information; and, that employees shall not participate in the use of any unlawful discriminatory practice as a cause for taking any law enforcement action against any individual or group of individuals.

It is the policy of the Office of the Sheriff that in any decision to arrest, the safety of the Deputy Sheriff, the violator and the general public shall be considered paramount.

**REMAINDER THIS COLUMN SPACE RESERVED INTENTIONALLY**

**4-112.3 PROCEDURES**

**4-112.3 .a Mandatory Citation Issuance**

It is the policy of the Office of the Sheriff that the following must be charged by citation:

- 1) Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment; or
- 2) Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less; or
- 3) Possession of Marihuana under §5-601.

**4-112.3 .b Mandatory Arrest Violations**

The following offenses should never be filed by citation:

- 1) Failure to comply with a peace order under §3-1508 of the Courts and Judicial Proceedings Article.
- 2) Failure to comply with a protective order under §4-509 of the Family Law Article.
- 3) Violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under §5-213 of the Criminal Procedure Article.
- 4) Possession of an electronic control device after conviction of a drug felony or crime of violence under §4-109(B) of the Criminal Law Article.
- 5) Violation of an out-of-state domestic violence order under §4-508.1 of the Family Law Article.
- 6) Abuse or neglect of an animal under §10-604 of the Criminal Law Article.

**REMAINDER THIS COLUMN SPACE RESERVED INTENTIONALLY**

<sup>1</sup> CALEA 1. 2. 6



**4-112.3 .c Exceptions to Mandatory Citation Issuance**

Criminal Procedure Article § 4-101(c)(2) states that a Deputy Sheriff may charge a defendant by citation **only if all of the following criteria exist:**

- 1) The Deputy Sheriff is satisfied with the defendant's evidence of identity;
- 2) The Deputy Sheriff reasonably believes that the defendant will comply with the citation;
- 3) The Deputy Sheriff reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
- 4) The defendant is not subject to arrest for another criminal charge arising out of the same incident; **and**
- 5) The defendant complies with all lawful orders by the Deputy.

If any one of the preceding conditions is not met, the defendant should be arrested, processed, charged on a statement of charges and presented to the commissioner.

When the defendant is charged by statement of charges because any one of the preceding conditions is not met, the Deputy Sheriff must include in writing at the end of the statement of probable cause the Deputy's articulation as to the reason why the defendant was not charged by citation.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**4-112.3 .d Recommendations of the SAO and Deputy Sheriffs' Discretion**

The Office of the Sheriff recognizes that Deputy Sheriffs may use their discretion in making physical arrests, within circumstances prescribed by law; and that where permitted by statute use of the citation may be used as an alternative to a physical arrest<sup>2</sup>. However, in considering public safety and prosecutorial reasons for processing certain citation eligible offenses, it is the policy of the Office of the Sheriff to comply with the following recommendations by the State's Attorney's Office (SAO) that:

- 1) Defendants to be charged with the following offenses should be arrested and processed before being released upon issuance of a citation:
  - Possession of marihuana over 10 grams, CR 5-601(c)(2)(i)
  - Possession of marihuana under 10 grams, CR 5-601-(c)(2)(ii)
  - Theft under \$100, CR 7-104(g)(3)
  - Trespass on private property, CR 6-402(a)
  - Trespass on posted property, CR 6-403(b)
  - Disorderly conduct/Disturbing the peace, CR 10-201(c)(2)
  - Failure to obey a lawful order, CR 10-201(c)(3)
  - Malicious destruction of property under \$500, CR 6-301(c)
  - Harassment, CR 3-803(a)
- 2) The offenses listed above will be charged by citation after processing, unless the Deputy Sheriff can articulate one of the preceding five exceptions, in which case the defendant will be issued a SOC (upon which the statement of probable cause shall include the specific reason why a citation is not appropriate under 4-101(c)(2)) and taken to the Commissioner.
- 3) All other citation eligible offenses will be charged by citation (on scene) unless the Deputy Sheriff can articulate one of the five exceptions, in which case the defendant will be issued a SOC (with 4-101(c)(2) included as reason in the statement of probable cause) and taken to the Commissioner.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

<sup>2</sup> CALEA 1. 2. 6

**4-112.3.e Situations Where Multiple Offenses Arise Out of the Same Incident**

Criminal Procedure Article § 4-101(c)(2) states that, for citation eligible offenses, a defendant must be charged by citation unless one of the previously enumerated five (5) exceptions exists. The fourth of those exceptions addresses situations where the defendant has committed more than one chargeable offense (see 4-112.3.c, "Exceptions to Mandatory Citation Issuance"), to wit:

An officer may charge by citation only if.....

*"The defendant is not subject to arrest for another criminal charge arising out of the same incident."* CR 4-101(c)(2)(iv).

In light of the importance of uniformity among all law enforcement agencies operating in the county, it is the policy of the Office of the Sheriff to comply with the following recommendations by the State's Attorney's Office (PGSAO), consistent with reasonable interpretation:

- 1) In cases where the defendant simultaneously commits two citable offenses (whether punishable by incarceration or not) and the Deputy Sheriff chooses to charge both and where factors are present under CR 4-101 that otherwise warrant the issuance of a citation for each separate offense; the Deputy Sheriff should issue separate citations. NOTE: In these instances, the Deputy Sheriff MUST note related citation information on each citation form and attach and submit the citations together.
- 2) In cases where the defendant commits one citable offense and one non-citable offense arising out of the same incident, there should not be a statement of probable cause issued for one charge and a citation for a second charge. Rather, both offenses should be charged in the same statement of probable cause after arrest and the defendant should be presented to the Commissioner. (SOC should include 4-101(c)(2)(iv) as a reason for not issuing a citation).
- 3) In cases where the defendant commits three or more citable offenses simultaneously and at least one offense is punishable by incarceration, the defendant should be arrested and charged by SOC and presented to the commissioner (SOC should include 4-101(c)(2)(iv) as a reason for not issuing a citation).

NOTE: It is imperative that, when a Deputy Sheriff issues multiple citations to the same individual for multiple offenses stemming from the same incident, the Deputy Sheriff MUST note related citation information (specifically, the other, related citation tracking numbers) on each citation form and attach and submit the related citations together.

*Examples of situations where multiple offenses may arise out of the same incident include:*

Example 1:

*A defendant who is in possession of drug paraphernalia under CR 5-619(c) and possession of marijuana under 10 grams, CR 5-601(c)(2)(ii); (e.g., 1 non-jailable, citable offense and 1 jailable, citable offense): The Deputy Sheriff should charge by citation if criteria under CR 4-101(c)(2) are met. However, the Deputy Sheriff may determine that it is appropriate to charge only the 1 jailable offense.*

Example 2:

*A defendant who commits a fourth degree burglary under CR 6-205 and malicious destruction of property less than \$500 under CR 6-301(c); (e.g., 1 non-citable offense and 1 jailable, citable offense): The Deputy Sheriff should charge by SOC.*

Example 3:

*A defendant who is in possession of drug paraphernalia under CR5-619(c) and marijuana under 10 grams, CR 5-601(c)(2)(ii) and also commits a trespass upon private property under CR 6-402(a); (e.g., 1 non-jailable, citable offense, 2 jailable, citable offenses): If the Deputy Sheriff determines that it is appropriate to charge all 3 offenses, the Deputy Sheriff should charge by SOC.*

**Note:** The District Court Clerk's office will not link the two separate citations together. The Deputy Sheriff **must** note on each citation the number of the related citation.

**REMAINDER THIS COLUMN SPACE RESERVED INTENTIONALLY**

**4-112.3 .f Processing Defendants Arrested Prior to Issuance of Citation(s)**

Processing, for the purposes of issuing citations, means obtaining fingerprints for identity verification and photographing the defendant, after a full custody arrest is made by the Deputy Sheriff.

§ 4-101(c)(3) sets forth two ways in which a defendant may be charged by citation and states that: a Deputy Sheriff who has grounds to make a warrantless arrest for an offense that may be charged by citation under this subsection may<sup>3</sup>:

- 1) Issue a citation in lieu of making the arrest; or
- 2) Make the arrest and subsequently issue a citation in lieu of continued custody.

Deputy Sheriffs issuing a citation subsequent to arrest for processing shall only permit the defendant to sign for the citation after all phases of DOC processing are complete.

(Note: Once a defendant who has been issued a citation subsequent to arrest only for the purposes of processing signs for citation, the defendant is legally free to be released.)

The Prince George's County Department of Corrections (DOC) will process individuals who are going to be issued citations after arrest, but will require Deputy Sheriffs to wait with arrestees until the processing is complete and either a citation or statement of charges (SOC) has been issued.

Because the Deputy Sheriff must ensure that the arrestee and the circumstances of his/her case meet the requirements for issuance of a citation (see 4-101(c)(2)), this stand-by procedure will give the Deputy Sheriff the time and information needed to reach the proper determination(s).

**REMAINDER THIS COLUMN SPACE RESERVED INTENTIONALLY**

**4-112.3 .g Searches Incident to Citation**

In instances where a Deputy Sheriff issues an on-scene citation in lieu of arrest, the law provides no authority to conduct a search of the defendant incident to issuance of the citation. However, this in no way abridges a Deputy's legal authority to conduct a Terry pat-down of a suspect's outer clothing for Deputy Sheriff safety where there exists an independent, reasonable, and articulable suspicion that the suspect is presently armed.

Alternatively, and in any situation in which a defendant is taken into custody for processing, whether pursuant to a SOC or issuance of a citation to be followed by release, the Deputy Sheriff shall conduct a full search of the defendant for officer-safety, in accordance with training and procedures.

**4-112.3 .h Juvenile Arrest Procedures**

Juvenile defendants are not eligible to receive criminal citations. All juvenile defendants shall be charged and processed per Agency policy and procedures pertaining to juveniles.

**REMAINDER THIS COLUMN SPACE RESERVED INTENTIONALLY**

<sup>3</sup> CALEA 1. 2. 6

#### **4-112.3.i Required Forms and Reports**

The Deputy Sheriff shall ensure that all hand-written information is recorded in a clear and entirely legible manner. Information should not be recorded on the reverse side of any citation form. Illegible form will hinder or prohibit prosecution of the case.

##### **1) Uniform Criminal Citation Form DC/CR 45**

When a Deputy Sheriff determines that a Uniform Criminal Citation shall be the form by which to charge a defendant, the Deputy Sheriff shall use the Uniform Criminal Citation form to charge a defendant by citation and shall use either:

- a) the pre-printed/pre-numbered book provided by the District Court; or
- b) in the case of an electronic format, the assigned electronic citation number provided by the District Court.

The names and addresses of the Victims and Witnesses shall only be listed on the Incident Report and not the citation.

The Deputy Sheriff shall complete the Uniform Criminal Citation form in its entirety. It is imperative that the Deputy Sheriff issuing a citation in lieu complete all pages of the form. An incomplete form will hinder or prohibit prosecution of the case.

##### **2) Probable Cause Continuation Sheet (DC/CR 4)**

Under no circumstances should the Deputy Sheriff try to write the entire probable cause statement on the first page of the Uniform Criminal Citation. The Deputy Sheriff shall use the statement of probable cause continuation sheet to accurately and clearly complete the probable cause narrative outlining all relevant facts and circumstances substantiating the charge. The Uniform Criminal Citation number shall be recorded in the case number block on the continuation sheet.

##### **3) Incident Report (PGSO)**

In addition to the Uniform Criminal Citation and the probable cause continuation sheet(s), the Deputy Sheriff shall complete an Incident Report in accordance with General Orders 5-101 and 8-111. A copy of the report shall be forwarded to the States Attorney's office with a copy of the citation.

#### **4-112.3.j Corresponding Report Numbers**

Where not already printed, the Deputy Sheriff shall clearly and legibly record the assigned electronic citation number provided by the District Court and / or other corresponding report numbers on each of the Uniform Criminal Citation, Probable Cause Continuation Sheet, and the Incident Report.

NOTE: It is imperative that, when a Deputy Sheriff issues multiple citations to the same individual for multiple offenses stemming from the same incident, the Deputy Sheriff MUST note related citation information (specifically, the other, related citation tracking numbers) on each citation form and attach and submit the related citations together.

#### **4-112.3.k Distribution of Required Forms and Reports**

- 1) The Deputy shall, in every instance whereupon they issue a Uniform Criminal Citation:
  - a) Give copies of the Uniform Criminal Citation and Probable Cause Continuation Sheet(s) to the defendant upon their release;
  - b) Forward all originals of the Uniform Criminal Citation and Probable Cause Continuation Sheet, along with a copy of the Incident Report, to the Commander, Civil Operations Division;
  - c) Forward all originals of the Incident Report, along with a copy of the Uniform Criminal Citation and Probable Cause Continuation Sheet, in accordance with G.O. 5-101;

Originals and copies shall be forwarded and submitted by the issuing Deputy prior to the end of their shift or, at the beginning of their next assigned shift if off-duty (e.g., working secondary employment),

- 2) The Commander, Civil Operations Division shall:
  - a) Cause the required originals /copies of all submitted documents to be transmitted to the appropriate court or agency on a weekly basis. (Multiple citations related to and stemming from the same incident shall be attached and submitted together.); and,
  - b) Submit any reporting statistics as required by law.

**ATTACHMENTS:**

A – Citations Qualifying Offenses Reference List  
(ABRIDGED)

B – Investigative Chart, Uniform Criminal Citations

**REFERENCES:**

§4-101 of the Maryland Criminal Procedure Article

§3-1508 of the Courts Article

§4-508.1 of the Family Law Article

§4-509 of the Family Law Article

§4-109(b) of the Maryland Criminal Law Article

§10-604 of the Maryland Criminal Law Article

§5-213.1 of the Maryland Criminal Procedure Article

PGSO General Order 4-111 (Arrests)

#### 4-113 BIASED BASED PROFILING

The purpose of this order is to ensure every person contacted by the Office of the Sheriff is treated fairly and provided equal protection under the law.

##### 4-113.1 POLICY

The Office of the Sheriff is committed to protecting the human and civil rights of all persons equally and to carrying out law enforcement responsibilities in a nondiscriminatory manner, in accordance with the Constitution of the United States and all applicable laws. The Office of the Sheriff will prohibit members from exercising law enforcement powers in a manner that unlawfully discriminates against individuals based on race, national origin, gender, religion, or ethnicity<sup>1</sup>.

##### 4-113.2 PROCEDURES

Biased based profiling consists of law enforcement action(s) based solely on race, gender, age, ethnicity, sexual orientation, religion, or cultural grouping rather than reasonable and explicable suspicion or knowledge of unlawful activity.

Biased based profiling in traffic contacts, field contacts, asset seizure, and all law enforcement actions is strictly prohibited and subject to disciplinary action which may include dismissal<sup>2</sup>.

Deputies may rely in part on race or national or ethnic origin given as part of the “lookout” when Deputies are on the “lookout” for, or are seeking to stop, detain, or apprehend, one or more specific persons who are identified or described in part by race or national or ethnic origin.

All law enforcement actions, such as traffic stops, investigative stops, field contacts, arrests, searches and / or seizures will be based on reasonable and explicable suspicion or probable cause as required by State statutes and the U.S. Constitution.

Deputies must always be able to articulate specific facts, circumstances, and conclusions which support their actions.

Nothing in this, or any other General Order, alters a Deputy’s authority to conduct enforcement actions or otherwise fulfill his / her enforcement obligations. Deputies shall comply with all applicable provisions of General Orders 4-105 and 5-110 when conducting

law enforcement traffic-related actions, to include the completion and submission of Traffic Stop Form T-001.

##### 4-113.2 a TRAINING

The Assistant Sheriff, Bureau of Administration and Support Services shall ensure all Deputies receive initial and periodic training in bias based profiling issues that promote and encourage impartial policing and prevent the creation, adoption or use of inappropriate stereotypes<sup>3</sup>.

Applicable training may include, but is not limited to, officer safety, courtesy, cultural diversity, search and seizure issues and legal aspects, asset seizure and forfeiture, interview techniques, interpersonal communication skills, constitutional and case law, field contacts and motor vehicle stops.

##### 4-113.2 b ADMINISTRATIVE REVIEW

The Assistant Sheriff, Bureau of Administration and Support Services shall review annual reports from the Maryland Justice Analysis Center as a management tool to promote impartial policing and assist in assessing the training and counseling needs of the Agency, including any citizen concerns<sup>4</sup>.

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<sup>1</sup> CALEA 1. 2. 9 a

<sup>2</sup> CALEA 1. 2. 9 c

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<sup>3</sup> CALEA 1. 2. 9 b

<sup>4</sup> CALEA 1. 2. 9 d

#### 4-114 JUVENILE INTERACTIONS

The purpose of this order is to provide guidelines for the detention or processing of juveniles and to establish procedures to enhance effective resolution of matters involving juveniles, during official contacts.

##### 4-114.1 POLICY<sup>1</sup>

The Office of the Sheriff is committed to the development and continuation of programs designed to prevent and control juvenile delinquency. All agency components and personnel share responsibility for supporting the Office of the Sheriff's juvenile operations function and delinquency prevention efforts.

##### 4-114.2 DEFINITIONS

**CHILD:** A person 17 years of age or younger who has not been emancipated

**JUVENILE:** As used in this directive, a child; the terms are interchangeable

**CINA:** Child in need of assistance

**CINS:** Child in need of supervision

**CUSTODY:** Legal or physical control of an individual in a area or facility or while in transit

**DELINQUENT OFFENDERS:** Juveniles who commit violations of criminal law

**LEGAL GUARDIAN:** Any adult person having temporary or permanent care, custody or, control of juvenile

**NON-OFFENDER:** A juvenile who is not charged with any offense, usually a child in need of assistance or supervision (CINA or CINS)

**PARENS PATRIAE:** (Latin) Refers traditionally to the role of the state as sovereign and guardian of persons under legal disability (including juveniles)

**STATUS OFFENDER:** Any juvenile who has committed an offense for which an adult cannot be charged; examples include runaways, truants, and curfew violators

#### 4-114.3 PROCEDURES

Nothing in this order negates or diminishes any other individual or supervisory responsibilities as covered by other General Orders (e.g., General Order 8-111, Criminal investigations).

##### 4-114.3 a DIVERSION MEASURES

Deputies are reminded that in keeping with the legal doctrine of *parens patriae*, the State plays the proxy role of parent, rather than adversary, to the child and therefore deputies should seek the least restrictive alternative when disposing of juvenile cases.

1. When making decisions regarding diversion from the juvenile justice system, deputies should consider:
  - a. The seriousness of the offense;
  - b. Prior record of the juvenile;
  - c. Age;
  - d. Cooperation of parties involved;
  - e. Degree of wrongful intent, violence, premeditation or knowledge of the violation;
  - f. The use of other resources such as the Department of Juvenile Services for Prince George's County or other youth social service agencies as an alternative; and,
  - g. Whether the recommendation for the diversion came from the complainant and/or victim.
2. If the decision to divert the juvenile from the juvenile justice system is made, where intake is not recommended or required, the deputy will handle the incident informally.
3. When intake into the juvenile justice system is required or recommended, the deputy will handle the incident formally.

##### 4-114.3 b INFORMAL PROCESSING:

A Youth Field Report (J-2) will be written to document juvenile contact under the following circumstances:

1. When no arrest is made in status offenses involving:
  - a) Underage possession and/or consumption of tobacco products, and/or;
  - b) Underage alcohol offenses;
2. To document suspected juvenile involvement in unlawful activities when probable cause for an on-scene arrest is lacking, and;
3. To document the transport of a juvenile.

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<sup>1</sup> CALEA 44. 1. 1



Deputies may utilize several methods to handle a case involving a juvenile on an informal basis<sup>2</sup>:

1. The juvenile may be released without further action;
2. The juvenile may be transported to his/her residence or school and released with notification to the parents or a proper authority, or;
3. The juvenile may be issued a juvenile citation and transported to home or school, or; released to a parent or guardian who picks up the juvenile.

#### **4-114.3 c FORMAL PROCESSING**

Generally, the laws of arrest also apply to juveniles. Referring alleged juvenile offenders for formal legal proceedings should be restricted to cases involving serious conduct or repeated criminal violations<sup>3</sup>. In general, delinquent acts requiring referral include:

1. An act which, if committed by an adult would be a felony;
2. Acts involving weapons;
3. Gang related acts;
4. Acts involving assault and battery;
5. Repeat offenders; and,
6. Acts committed by juveniles on probation or aftercare, or by those with a case pending.

#### **4-114.3 d JUVENILE PROCESSING REQUIREMENTS**

The circumstances requiring and the procedures for processing a juvenile are basically the same as for an adult; however, fingerprinting and photographing shall not be completed in the following instances:

1. The juvenile is a status offender
2. The mental maturity of the juvenile is such that processing would be inappropriate and supervisory approval has been granted to now process the juvenile; or,
3. The juvenile has committed a traffic offense.
4. Supervisors may grant exceptions to the above criteria for good cause. Such circumstances include, but are not limited to:
  - a. The juvenile is a suspect of significant interest
  - b. The juvenile is involved in multiple crimes; or,
  - c. The juvenile's fingerprints and/or photograph may prove successful in solving a case or would serve a legitimate law enforcement purpose.

#### **4.114.3 e CUSTODY REQUIREMENTS**

*Whenever a juvenile is taken into custody, the Deputy Sheriff shall:*

1. *Immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action<sup>4</sup>. After making every reasonable effort to give notice, the Deputy Sheriff shall with all reasonable speed:*
  - (a) Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise (Attachment A) to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, except in the case of alleged child abuse or where a juvenile's safety may be compromised unless the child is placed in detention or shelter care; or*
  - (b) Deliver the child to the court or a place of detention or shelter care designated by the court.*
2. When feasible, transport the juvenile to a juvenile intake facility without delay<sup>5</sup> and process, or; release to parent or guardian without unnecessary delay.
3. Deputies will inform the child's parents, guardian, or custodian of the circumstances and arrange for them to resume custody of the juvenile. Further, deputies will explain to the juvenile and parent/ guardian the applicable Office of the Sheriff and juvenile justice system procedures.
4. Determine whether the juvenile is alleged to have been harmed or to be in danger of harm.
5. Advise the juvenile taken into custody of his/her constitutional rights, via Miranda, prior to any statement being taken; and,
6. Ensure that the constitutional rights of juveniles are protected<sup>6</sup>.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

<sup>2</sup> CALEA 44. 2. 1 a, b

<sup>3</sup> CALEA 44. 2. 1 c

<sup>4</sup> CALEA 44. 2. 2 e

<sup>5</sup> CALEA 44. 2. 2 d

<sup>6</sup> CALEA 44. 2. 2 c



#### 4-114.3 f INTERVIEWING

Juveniles have the same rights as adults regarding statements and confessions. Special efforts should be made to ensure that juveniles and parents or guardians understand their rights, as well as Office of the Sheriff and juvenile justice system procedures.

1. There is no legal requirement that a parent or guardian be present when deputies question a juvenile. However depending on the age of the juvenile and the offense being investigated, deputies are encouraged to use their discretion in determining if a parent or guardian should be present.
2. The following is a list of circumstances to be considered in weighing whether a waiver may be valid:
  - a. Age of the accused;
  - b. Education;
  - c. Knowledge as to the substance of the charge (if any), and the nature of their rights to consult with an attorney and remain silent;
  - d. Whether the juvenile is permitted to consult with relatives or his/her attorney, etc.;
  - e. If charges are to be filed, whether the juvenile is to be interviewed / interrogated before or after formal charges have been filed (in those case where the juvenile is charged as an adult);
  - f. Method of interview / interrogation used;
  - g. Length of interrogation;
  - h. Whether the accused refused to voluntarily give a statement on prior occasions; and,
  - i. Whether the juvenile had ever renounced a prior out-of-court statement, at a later point in time.

Interviews and interrogations may be conducted without a parent/guardian, regardless of the circumstances if the parent/guardian: refuses to be present; is disruptive, or; is not available within a reasonable period of time. Under no circumstances shall a child, any more than an adult, be compelled to answer any questions by physical force or psychological pressure or deception.

Because a juvenile may not understand what is happening during the interview process, a deputy should explain what can be expected, and how the agency and juvenile justice procedures work<sup>7</sup>. When feasible, the interview time should not be longer than two hours without a ten minute break and total time shall not exceed six hours. Under normal circumstances (e.g., non-violent, non-disorderly juvenile), the number of deputies interviewing one juvenile should be limited to one or two deputies<sup>8</sup>.

<sup>7</sup> CALEA 44. 2. 3 a

<sup>8</sup> CALEA 44. 2. 3 b

#### 4-114.3 g INTAKE REQUIREMENTS FOR PRINCE GEORGE'S COUNTY

The following statement, endorsed with the deputy's signature, will be written on the reverse of the DJS copy of the arrest report: *"I do affirm under penalties of perjury and upon personal knowledge that the contents of the attached are true."*

Deputies should contact Juvenile Intake for current intake requirements. The intake worker will instruct the deputy if they will accept the juvenile and which facility to transport the juvenile to. Generally, the juvenile must meet one of the following requirements:

1. The juvenile is already on probation for the same offense;
2. The juvenile is a non-Maryland resident 12 years of age or older charged with any offense;
3. The juvenile is a non-Maryland resident under 12 years of age charged with a felony;
4. The juvenile is a Maryland resident charged with a crime of violence;
5. The legal guardian refuses custody or cannot be located; or,
6. There is reasonable belief that the juvenile will leave the Court's jurisdiction.

0800-1500 Hours: The arresting deputy may deliver the juvenile directly to the Department of Juvenile Services (DJS) at the Courthouse (Upper Marlboro) after calling 301- 952-4079. All related paperwork and reports must be delivered with the juvenile.

1500-0800 Hours: To request detention or shelter care for a juvenile after regular court hours, deputies may contact the DJS Intake Officer.

The Intake Officer will discuss the circumstances with the involved officer to determine the need for placement and respond to the station, as necessary to complete the paperwork to authorize detention. The Deputy will be given instructions where to take the juvenile for detention or shelter.

#### 4-114.3 h REQUEST FOR JUVENILE CRIMINAL CHARGES:

A Deputy will request the filing of charges against an arrested juvenile by completing an Arrest Report and checking the box indicating "Petition Requested".

The Arrest and Incident Reports must contain sufficient probable cause information for all offenses for which charges are requested.

#### 4-114.3 i RESTITUTION:

Restitution is handled by the DJS or the courts.

If restitution is requested by the victim, it should be indicated on the report and marked on the Arrest Report by checking the box indicating "Restitution". Inquiries by the victim should be referred to DJS or the Juvenile Division of the State's Attorney Office

#### 4-114.3 j JUVENILES CHARGED AS ADULTS:

1. Juveniles arrested and charged as an adult will be processed the same as an adult arrest. All charges stemming from the incident will be adjudicated in the adult court.
2. When a juvenile is charged as an adult, the adult block on the Arrest Report will be checked.
3. Juveniles shall be charged as adults if any one of the following criteria is met:
  - a. 14 years or older charged with any offense for which the maximum penalty is either death or life imprisonment;
  - b. A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident:
    1. Abduction;
    2. Kidnapping;
    3. Second degree murder;
    4. Manslaughter, except involuntary manslaughter;
    5. Second degree rape;
    6. Robbery under § 3-403 of the Criminal Law Article
    7. Second degree sexual offense under § 3-306(a)(1) of the Criminal Law Article;
    8. Third degree sexual offense under § 3-307(a)(1) of the Criminal Law Article;
    9. A crime in violation of § 5-133, § 5-134, § 5-138, or § 5-203 of the Public Safety Article;
    10. Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime under § 5-621 of the Criminal Law Article;
    11. Use of a firearm under § 5-622 of the Criminal Law Article;
    12. Carjacking or armed carjacking under § 3-405 of the Criminal Law Article;
    13. Assault in the first degree under § 3-202 of the Criminal Law Article;
    14. Attempted murder in the second degree under § 2-206 of the Criminal Law Article;

15. Attempted rape in the second degree under § 3-310 of the Criminal Law Article or attempted sexual offense in the second degree under § 3-312 of the Criminal Law Article;
16. Attempted robbery under § 3-403 of the Criminal Law Article; or
17. A violation of § 4-203, § 4-204, § 4-404, or § 4-405 of the Criminal Law Article;

- c. A child who previously has been convicted as an adult of a felony and is subsequently alleged to have committed an act that would be a felony if committed by an adult, unless an order removing the proceeding to the court has been filed under § 4-202 of the Criminal Procedure Article; or
- d. A peace order proceeding in which the victim, as defined in § 3-8A-01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4-501 of the Family Law Article.

#### 4-114.3 k TAKING JUVENILES INTO CUSTODY WITHOUT FORMAL CHARGES<sup>9</sup>

*Whenever a juvenile is taken into custody, the Deputy Sheriff shall:*

1. *Immediately notify, or cause to be notified, the child's parents, guardian, or custodian of the action<sup>10</sup>. After making every reasonable effort to give notice, the Deputy Sheriff shall with all reasonable speed:*
  - (a) *Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise (Attachment A) to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, except in the case of alleged child abuse or where a juvenile's safety may be compromised unless the child is placed in detention or shelter care; or*
  - (b) *Deliver the child to the court or a place of detention or shelter care designated by the court.*
2. *Document the circumstances of the custody will on an Incident Report, in accordance with General order 5-101;*

<sup>9</sup> CALEA 44. 2. 2

<sup>10</sup> CALEA 44. 2. 2 e

3. *If the juvenile is temporarily taken to a juvenile processing station, he/she shall not be placed in a cell but in a non-secure (unlocked) setting (Juveniles who are CINA/CINS may not be placed in secure custody);*

A deputy may take a juvenile into custody if he/she has reasonable grounds to believe that the child is in imminent danger from his/her surroundings and the custody is necessary for the child's protection<sup>11</sup>. *In such cases, the Department of Social Services (DSS) will be contacted and an incident report completed in accordance with General Order 5-101.*

Juveniles may be taken into custody without formal charges for any violation of the law applying specifically to children.

**1. Non-offenses are:**

- a. Child in Need of Supervision (CINS)
- b. Child in Need of Assistance (CINA)

In CINA cases (for example, child abuse and neglect) notification shall be made to the DSS. In CINS cases, notification shall be made to the DJS. Deputies with questions about these types of cases may contact either DSS or DJS for assistance.

**2. Status offenses are<sup>12</sup>:**

- a. Runaways
- b. Curfew violations
- c. Incurrigibles
- d. Truancy
- e. Underage possession and/or consumption of tobacco products
- f. Underage alcohol offenses

A Deputy may take a juvenile into custody if the deputy has reasonable grounds to believe that the child has run away from his parents or guardian. Deputies shall not use force to take a runaway into custody.

The investigating deputy shall maintain custody of the juvenile (or have custody of the juvenile maintained by another employee in the building, etc.) until relieved by a parent/guardian.

Juveniles will not be taken into custody for being incorrigible. Truants located during normal school hours shall be transported to their home school and released to an Administrator.

**4-114.3 I JUVENILE CIVIL CITATIONS**

Deputies who deal with juvenile alcohol and tobacco violations should use the least coercive alternatives to taking a juvenile into custody for these violations.

The Juvenile Civil Citation (DC31) is a discretionary enforcement action to be used whenever a juvenile is to be charged for an alcohol and/or tobacco offense.

It is important the Deputy complete each citation legibly and conclude with the Deputy's signature and ID number in the officer's signature area:

1. Place incident report number (CCN) in the top margin for alcohol and tobacco offenses for all citations written.
2. Write "Prince George's" above county/city and "Prince George's County Office of the Sheriff (PGSO)" above agency name.
3. Print juvenile's First Name, Middle Name, and Last Name.
4. Print current address of child (street number, city, state, and zip code must be included).
5. Print height, weight, sex, race, birth date, number and state of any drivers license (if child has one).
6. Print any related citations (only citations of same juvenile, i.e. – same juvenile is written alcohol and tobacco offense same incident, refer to both citations) and daytime phone number of juvenile.
7. In the narrative area (*"It is formally charged that the above named child on..."*), write the date of offense (example: 10-10-08) the time (7:30AM – do not use military time) and location (numbered street address, include zip code), PG County, Maryland, *did....* write out the offense committed (*i.e.- "consume a alcoholic beverage, to wit: Budweiser beer, while sitting in the bleachers or posses or smoke a tobacco product, to wit: Kool cigarettes*).
8. Complete all applicable Criminal Law Article, Section, Sub-Section, and Paragraph information pertaining to the specific violation:
  - a. Alcohol: Criminal Law Article 10 -113-114
  - b. Tobacco: Criminal Law Article 10-108
  - c. Possession of tobacco product by minor; use of false identification: Criminal Law Article 10-108.
  - d. Fraudulent representation of age: Criminal Law Article 10-113.
  - e. Possession of alcoholic beverage by minor: Criminal Law Article 10-114.

<sup>11</sup> CALEA 44. 2. 2 b

<sup>12</sup> CALEA 44. 2. 2 a

9. The deputy should always check the line in the first bolded block on the citation indicating, *“You will be notified by the Dept. of Juvenile Justice when and where to appear for a hearing.”*
  - a. Record the full name and address of juvenile’s legal parent/guardian. Signature of parent/guardian is only required if a parent/guardian is called to the location and/or the juvenile is taken home and released to the parent/guardian.
  - b. Advise the juvenile, *“Failure to appear may result in formal court action”*.
10. Signature of the juvenile is required, if child is released on scene. Juvenile receives pink copy of the Juvenile Civil Citation.
11. Signature of deputy is required, (sign legibly), date (day of offense), agency (ZP), sub-agency (16), and Deputy I.D. number must be filled out.

12. All spaces below the signature area are filled out by the Dept. of Juvenile Justice Intake Worker.

The Deputy shall submit all remaining copies of juvenile civil citations to their immediate supervisor, in accordance with General Order 5-110.

The Supervisor shall:

- Hold subordinates accountable to the policy and procedures of this General Order;
- Inspect all turned-in copies of citations for completeness and accuracy;
- Forward all turn-in copies/originals of citations and any related memos to the Commander, Civil Operations Division, in accordance with General Order 5-110.

**4-114.3 m      TRAFFIC OFFENSES<sup>13</sup>:**

1. A Deputy charging a juvenile under the age of sixteen (16) with a non-jail-able traffic offense must do so via Arrest Report. No citation shall be issued.
2. If a juvenile between the ages of sixteen (16) and eighteen (18) years of age commits a non-jail-able offense, the officer shall issue a Maryland State Citation.

3. Any juvenile under eighteen (18) years of age alleged to have committed any act in violation of the Transportation Article or any other traffic law or ordinance that prescribes incarceration as a penalty shall be charged on an Arrest Report. No citations shall be issued.

**4-114.3 n      STUDENT SAFETY SUPPORT ACT**

In accordance with the Education Article (ED § 7-303 (b) of the Annotated Code of Maryland, if a child is enrolled in the public school system and is arrested for a Reportable Offense, the Superintendent of Schools or his/her designee of the home school which the suspect juvenile attends must be notified of the arrest and charges.

The following Reportable Offenses require deputies to fax their report to the Superintendent of Schools or his/her designee:

1. Abduction;
2. Arson in the First Degree;
3. Kidnapping;
4. First and Second degree murder;
5. Manslaughter (voluntary only);
6. First and Second Degree Rape;
7. First Degree Assault;
8. Robbery or robbery with a deadly weapon;
9. First, second, and third degree sex offenses;
10. Firearms violations;
11. Carjacking;
12. Attempted murder;
13. Attempted rape;
14. Attempted robbery; and,
15. Attempted sex offenses in first or second degree.

The Courts and Judicial Proceedings Article (CJ § 3-804(e)(4), adds to the above:

16. Third degree sexual offense;
17. Possession or use of a machine gun;
18. Illegal sales or possession of firearms;
19. Possession of a "sawed off" rifle or shotgun;

Such notification is not required for juveniles that: attend private school; who are home schooled, or; are not attending school.

**REMAINDER THIS COLUMN SPACE  
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<sup>13</sup> **CALEA 61.1. 3 b**  
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#### 4-114.3 o RECREATIONAL YOUTH PROGRAMS

The Sheriff may, dependent upon availability of staffing, budget and other necessary resources, direct agency involvement in organizing other community recreational youth programs<sup>14</sup>. An example of such a program is the Office of the Sheriff Youth Camp, in which the agency's role includes deputies:

- Providing individual counseling and/or mentoring;
- Explaining law enforcement's role in society;
- Providing guidance on ethical issues, and;
- Acting as resources with respect to delinquency prevention

#### 4-114.3 p REVIEW OF AGENCY POLICY

The Office of the Sheriff encourages review and comment by other elements of the juvenile justice system in the development of the Office of the Sheriff's policies and procedures relating to juveniles. Input may be sought from the Maryland Department of Juvenile Services or the Office of the State's Attorney for Prince George's County<sup>15</sup>.

The Assistant Sheriff, Bureau of *Court Services*, shall:

- Annually direct completion of a written review of all enforcement and prevention programs relating to juveniles;
- Evaluate both the quantitative and qualitative elements of each program, and;
- Advise the Sheriff whether a specific program should function as is, be modified or be discontinued, as necessary<sup>16</sup>;

Nothing in this order negates or diminishes any other individual or supervisory responsibilities as covered by other General Orders (e.g., General Order 8-111, Criminal investigations).

#### ATTACHMENT:

*A – Recognizance of Parent, Guardian, or Custodian (PGC Form # 2290)*

#### REFERENCES:

§3-8A-14 Courts and Judicial Proceedings Article  
§3-8A-15 Courts and Judicial Proceedings Article  
§3-804(e)(4), Courts and Judicial Proceedings Article  
§3-8A-03. Jurisdiction of Court – Special Causes  
Criminal Law Article 4-203  
Criminal Law Article 4-204  
Education Article (ED § 7-303 (b))  
County Code Sections 14-101 through 14-106.01

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<sup>14</sup> CALEA 44. 2. 5

<sup>15</sup> CALEA 44. 1. 2

<sup>16</sup> CALEA 44. 1. 3



**4-116 VEHICLE IMPOUNDS AND ASSISTANCE TO ROADWAY USERS**

The purpose of this order is to provide guidance to sworn personnel and support staff when required to impound a vehicle other than pursuant to a Court Order.

Seizure of a vehicle pursuant to a Court Order (e.g., Writ of Possession, FiFa, Replevin, etc.) is not an impound, as addressed by this General Order. A vehicle seized pursuant to a Court Order is a seizure. Towing of vehicles pursuant to Court Order(s) are accomplished by the Moving Party (typically Plaintiff) contracting a Tow Company on their own behalf. This arrangement should be in place prior to the Deputy attempting to execute an Order of the Court.

*Primary responsibility for the removal, towing or impoundment of vehicles, and the storing and handling of records of such vehicles in Prince George’s County is that of the Prince George’s County Department of Environmental Resources (DER); the Police Department (PGPD), and/or; the County Revenue Authority.*

**4-116.1 POLICY**

*The impounding of vehicles is not a primary mission of the Office of the Sheriff, and as such, must not interfere with the proper completion of our primary duties and responsibilities. The County Police are charged with responsibility for impound of a vehicle which poses a significant danger to the public or which blocks the normal flow of traffic. The impounding of a vehicle by the Office of the Sheriff places an unreasonable burden on Agency resources, and would, in turn, adversely affect the overall mission of the Agency. However, certain very narrowly defined situations are recognized as warranting some form of action by personnel of this Agency.*

*It is the policy of the Prince George’s County Office of the Sheriff that Deputy Sheriffs shall not impound any vehicle unless absolutely necessary and:*

1. *Only after obtaining supervisory approval, and;*
2. *It is confirmed that the primary enforcement agency (whether state, county or municipal) is unable or refuses to respond to the scene in order to impound the vehicle, and;*
3. *The operator of the vehicle has been taken into custody by the Deputy Sheriff; no other eligible operator is present, and; impoundment of the vehicle is reasonably necessary to provide for the safekeeping of the vehicle,*

- *NOTE: When the operator of a motor vehicle is arrested, but their vehicle can be left lawfully parked, or when the owner/operator can arrange legal removal of the vehicle, the vehicle will not be impounded.*
  - *(If the vehicle is to be left lawfully parked after an accident, arrest or other circumstance, the owner / operator should be advised of the county 48-hour parking ordinance);*
  - *(Deputies are reminded to exercise sound judgment in these instances and will ensure that vehicles left on the scene are parked in a secure fashion), or;*
- 4. *The vehicle is to be used as evidence when the Sheriff’s Office is the primary investigating Agency (in strict compliance with the provisions and limitations of General Order 8-111).*

*Impoundment of a vehicle on any basis other than the preceding reasons, and whether on public or private property, shall be referred by the Deputy to the appropriate agency or authority<sup>1</sup>.*

*Specifically, Deputy Sheriffs shall refer to the primary enforcement agency (whether state, county or municipal) impoundments arising from situations in which:*

- *A vehicle is illegally parked;*
- *A vehicle is unattended on public property;*
- *A vehicle is abandoned<sup>2</sup>;*
- *A vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic (i.e., vehicle in an accident and remaining in the travel portion of the roadway, etc...);*
- *The vehicle poses a danger to the public safety (i.e., broken down in the travel portion of the roadway on a dangerous curve, etc...);*
- *A vehicle involved in a serious or fatal accident is believed to have a mechanical defect that contributed to the accident. In these instances, the Collision Analysis Reconstruction Unit (CARU) within the Prince Georges County Police Department shall be contacted immediately, via radio and PSC;*

<sup>1</sup> CALEA 61. 4. 3 b

<sup>2</sup> CALEA 61. 4. 3 a

- *The Deputy has reason to believe the vehicle is stolen;*
- *The Deputy has probable cause to believe that the vehicle either constitutes or contains evidence of a crime for which the local Police Agency has a Unit or Specialty Unit that is formed with the intent to investigate (in accordance with General Order 8-111).*

*Deputies encountering stopped or standing vehicles which present a safety hazard are authorized to provide for the safety of the public (e.g., use of road flares, strategic placement of vehicle and activation of emergency lights, safely directing traffic, etc.), pending arrival of the primary law enforcement agency.*

Generally, deputies are not permitted to tow vehicles from private property. It is the responsibility of private property owners to have vehicles towed from their property. Any property owner or his agent may request that an authorized towing company remove vehicles from his private property. This is not a responsibility of the Sheriff's Office. *A Deputy Sheriff may observe the towing of vehicles from private property by that property owner, in order to keep and enforce laws pertaining to the public peace.*

*It is critical that members and supervisors remain aware of and exercise viable alternatives to the Office of the Sheriff impounding any vehicle. Such alternatives include:*

1. *Allowing the owner, driver or, any eligible person with an interest in the vehicle to move the vehicle, legally;*
2. *At the request of the owner, driver or, any person with an interest in the vehicle present, summoning a tow truck to move the vehicle (such assistance in and of itself does not constitute an impound);*
3. *Notifying Public Safety Communications (PSC) and requesting the primary law enforcement agency (state, county or municipal) have a unit respond to the scene to handle the impound;*
4. *Referring the situation to the Abandoned Vehicle Team (previously the Vehicle Audit Unit) within the County Department of Environmental Services (DER);*
5. *If the vehicle is on any private property, advise the property owner of his / her responsibility to have the vehicle towed at the owner's expense (and, under no circumstances impounded by the Office of the Sheriff).*

*It is the policy of the Prince George's County Office of the Sheriff that every Deputy impounding a vehicle shall complete and submit a detailed Inventory List for each vehicle impounded by the Deputy.*

## **4-116.2 DEFINITIONS**

**Agency Impound Coordinator<sup>3</sup>** – *The Commander, Office of the Sheriff Teletype (TTY) and Records, is that agency member charged with responsibility for administrative oversight and handling of records pertaining to vehicle impounds by the Office of the Sheriff, to include notifications and releases to vehicle owners required by County and State law. The Chief, Bureau of Field Operations shall designate a Captain within the Bureau of Field Operations to serve as the alternate Agency Impound Coordinator, in any absence of the Commander, TTY/Records.*

**Impound** - *The temporary storage of a vehicle by an authorized tow company.*

**PGIM SYSTEM** – *The Prince George's Impound System (PGIM) is accessed through a Telex terminal. It contains information on the status of impounded vehicles.*

### **Vehicle Release-Show Cause Hearing**

**Notification** – *Completed by the impounding Deputy, on-scene and at the time of impoundment with the original turned into the Agency Impound Coordinator prior to end-of-shift, to be held in TTY /Records for the owner to retrieve upon presenting certain and specific proof of ownership. The impounding Deputy may provide a copy to the vehicle owner if present at the time of impound.*

**Impound Notification Letter** – *Also completed by the impounding Deputy, on-scene and at the time of impound, with the original turned into the Agency Impound Coordinator prior to end-of-shift. By law, the Agency Impound Coordinator must send copies of this notice – via U.S. Certified mail -- to numerous persons with certain interests in the vehicle, within two (2) full County working days after the impound.*

### **Show Cause Hearing Request Form**

*Completed by the Agency Impound Coordinator, this form, by law, must be included with the notice the Agency Impound Coordinator mails out to all owners or persons with secured interests in the impounded vehicle, including persons in custody.*

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<sup>3</sup> **CALEA 61.4.3 c**

**4-116.3 MANDATORY PROCEDURES – ANY VEHICLE IMPOUND<sup>4</sup>**

**Impounding Deputy's Responsibilities**

- A. Prior to initiating the impound of any vehicle, and whether on-duty or engaged in secondary employment, the Deputy shall first:
- 1) Assess the entire situation and all reasonable alternatives to impounding the vehicle in question;
  - 2) Notify Public Safety Communications (PSC) via radio and request the primary law enforcement agency (state, county, or municipal) have a unit respond and handle the impound;
  - 3) Notify his / her supervisor (if outside normal working hours or engaged in secondary employment, the on-duty supervisor or on-call Duty Officer) to respond to the scene and verify the absolute necessity that the Office of the Sheriff impound the vehicle in question.
- B. Only after it is determined by both the impounding Deputy and the responding, on-scene Supervisor / Duty Officer that: the primary enforcement agency has refused or is unable to impound the vehicle; no alternative to impoundment by the Office of the Sheriff exists, and; impound of the vehicle by the Office of the Sheriff is absolutely necessary, then the impounding Deputy shall:
- 1) Immediately notify PSC via radio and:
    - a) Summons a tow company crane;
    - b) Verify the VIN by physical inspection of the public VIN (Employees shall not place computer-supplied VIN information on any report in place of this physical inspection);
    - c) Conduct a tri-state (MD/DC/VA) listing on the vehicle, and;
      - If there is no record tri-state, document this attempt in the narrative section of the Incident Report (IR) and attach a copy of the MVA listing to the IR.
    - d) Obtain a CCN for the Incident Report (IR) and all required paperwork to follow.
  - 2) Within one hour of the impound, notify the Prince George's County Police

Telecommunications Section (PGPD-TCS) by phone at 301 – 499 – 8113, , and;

- a) Provide the operator with all details and information necessary for entering the vehicle into the PGIM system;
    - Provide the PGIM identifier assigned to the Office of the Sheriff which is 006, and;
  - b) Obtain and include in the IR any PGIM-reference number(s) assigned or linked to the vehicle impound.
- 3) Within one hour of the impound, notify the Office of the Sheriff Teletype Section (TTY) by phone, and;
- a) Provide the operator with all details and information necessary for logging the Incident Report within TTY, and;
  - b) Have the TTY operator immediately and directly notify the Office of the Sheriff Agency Impound Coordinator (Commander, TTY/Records) of the vehicle impound.
    - If TTY is unable to reach the Commander, TTY/Records directly then, notification shall be made to the Captain, Bureau of Field Operations
    - This command-level notification is critical in ensuring proper tracking of all post-impound procedures, as required by law.
- 4) Remove any tags not issued to the impounded vehicle and submit them in accordance with MVA guidelines;
- 5) Complete and include with the IR a detailed Inventory List of the contents of the vehicle and note the condition of the vehicle on the reverse of the report. Submit all money from the vehicle to the Property Section in accordance with the Confiscated Property General Order 5-105;
- Exception: For vehicles impounded for evidence processing, deputies shall not physically enter the vehicle; only the items visible from the outside will be listed as inventory. For vehicles impounded for evidence processing, an evidence technician shall submit all

Effective: February 26, 2012

<sup>4</sup> CALEA 61. 4. 3 b  
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money and property found in the vehicle to the Property Section.

6) Complete and affix a Tow Company Impound Form, (Attachment A) to the inside of the driver's door window or other conspicuous inside window location when the driver's door window is missing;

- Impound Forms shall not be affixed to vehicles impounded for evidence processing.

7) Remain with the vehicle until its removal;

8) Notify the vehicle owner by telephone or in person;

9) If the vehicle owner is on the scene, the impounding Deputy shall issue a Vehicle Release-Show Cause Hearing Notification Form, (Attachment B) after verifying proof of ownership.

- Advise the owner that he is responsible for payment of all tow company storage fees following this notification.
- The original and one (1) copy of the Vehicle Release-Show Cause Hearing Notification shall be placed in TTY (Attn: Commander, TTY/ Records), along with the IR, prior to the end of the Deputy's shift.

10) Complete an Impound Notification Letter, (Attachment C) and distribute as follows:

\_\_\_ Original: attach to the Incident Report;

\_\_\_ Copies #1 & #2: shall be placed in TTY (Attn: Commander, TTY / Records), along with the IR, prior to the end of the Deputy's shift;

\_\_\_ Copy #3: to be retained by the Deputy.

11) The Impound Notification Letter shall be completed in addition to the employee making any personal or telephone contact with the owner. Two (2) copies of the Impound Notification Letter shall be placed in TTY (Attn: Commander, TTY/ Records), along with the IR, prior to the end of the Deputy's shift.

12) Complete an Incident Report and include in the narrative:

- a) The specific reason(s) the vehicle was impounded by the Office of the Sheriff;

b) All attempts, and the results thereof, to refer the matter to the primary law enforcement agency, prior to the Deputy impounding the vehicle (unless the vehicle is to be used as evidence when the Sheriff's Office is the primary investigating Agency, as per General Order 8-111);

c) The on-scene response and concurrence of the supervisor / on-call Duty Officer contacted by the Deputy, and;

d) All attempts to make, and the results of all, contact with any owners of the vehicle;

13) Attach to the original and all duplications of the IR, copies of the following forms;

\_\_\_ The detailed Inventory List of the vehicle's contents;

\_\_\_ Any MVA listing generated by the tri-state record search;

\_\_\_ The Vehicle Release-Show Cause Hearing Notification Form, (Attachment B);

\_\_\_ The Impound Notification Letter, (Attachment C);

\_\_\_ Any documentation pertaining to confiscated cash or property, in accordance with General Order 5-105.

14) Remain available by issued cell phone to the Agency Impound Coordinator (Commander, TTY/Records) in the event any need for further information or action is required.

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY.**

## **Supervisor / Duty Officer Responsibilities**

- A. Supervisors contacted by, or becoming aware of, a Deputy who is contemplating impounding a vehicle shall either approve or disapprove the impounding of the vehicle in question.
- B. Prior to approving the impound of any vehicle, the supervisor shall:
- 1) Respond to the scene;
  - 2) Confirm with PSC the status of the Deputy's request to have a unit from the primary law enforcement agency respond to handle the impound, and;
  - 3) Based on the supervisor's assessment, either:
    - a) Approve the impound, or;
    - b) Disapprove the impound. (If a tow company has already been summonsed, cancellation of an impound by the Office of the Sheriff must be confirmed through PSC and should only be done via radio).
- C. The supervisor approving the impound shall, prior to the end of the shift on which they approved the impound:
1. Confirm that direct notification is made to the Sheriff Agency Impound Coordinator (Commander, TTY/Records) or, in his / her absence, the Captain, Bureau of Field Operations;
  2. Review all reports, paperwork and actions taken by the impounding Deputy to ensure all preceding agency procedures have been complied with.

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY.**

## **4-116.4 AGENCY IMPOUND COORDINATOR**

The Commander, Office of the Sheriff Teletype / Records Section (TTY) serves as the Agency Impound Coordinator and is responsible for administrative oversight of all post-impound procedures pertaining to vehicles impounded by the Office of the Sheriff<sup>5</sup>. These responsibilities include:

1. Maintaining records for all vehicles impounded by the Office of the Sheriff;
2. Vehicle Owner Identifications;
3. Vehicle Owner Notifications;
4. Certificates of Authority to Dispose of Vehicles;
5. Liaison as necessary with county-approved tow companies and other agencies involved in the impounding of vehicles (e.g., PGPD Tow Coordination Unit (PGPD-TCU); Department of Environmental Resources (DER), etc.)
6. Establishing and maintaining within Teletype / Records standard operating procedures as deemed necessary for the effective handling of records pertaining to vehicles impounded by the Office of the Sheriff (e.g., vehicle release procedures, arranging access to the PGIM system, procedures for computer checks, etc.)

The Chief, Bureau of Field Operations shall designate a Captain within the Bureau of Field Operations to serve as the alternate Agency Impound Coordinator, in any absence of the Commander, TTY. This contingency is critical given various post-impound requirements prescribed by law and to avoid unnecessary liability.

### **General Records Maintenance**

The Agency Impound Coordinator is responsible for maintaining records for all vehicles impounded by the Office of the Sheriff. These records include:

- Initial Incident Report;
- Notification Letters;
- Vehicle Listings;
- Certified U.S. Mail Letters (mailed or returned);
- Receipts (including Vehicle Releases).

(Note: Property Records accompanying confiscated property or cash shall be maintained by the Property / Evidence Section, in accordance with General Order 5-105.)

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<sup>5</sup> CALEA 61. 4. 3 c

## **Vehicle Owner Identifications**

The Agency Impound Coordinator is responsible for ensuring that each vehicle impounded by the Office of the Sheriff is checked for owner information and that each possible owner is notified. This is accomplished using impound information obtained from numerous sources, including:

- The impounding Deputy;
- Reports and paperwork generated by the impound, and;
- The County Police Telecommunications Section.

## **Vehicle Owner Notifications**

The Agency Impound Coordinator is responsible for ensuring the agency complies with state and county laws requiring certain notifications be made to the owners of any vehicles impounded by the Office of the Sheriff.

Within two (2) full County working days after impoundment of any vehicle by the Office of the Sheriff for other than evidentiary reasons, the Agency Impound Coordinator shall:

1. Mail a notice (Attachment C) by registered U.S. mail to:

- a) the last known registered owner of the vehicle and;
- b) to each secured party, as may be disclosed by the vehicle license number, if such be obtainable, and;
- c) to any other person who claims the right to possession of the vehicle, if such a claim is known and brought to the attention of the Impound Coordinator by any employee or agent of the agency who has knowledge of the impoundment, and;

2. Mail a notice (Attachment C) by regular U.S. mail to any other person who a Deputy Sheriff with knowledge of the impoundment has reason to believe:

- a) is an owner, or;
- b) one who claims the right to possession of the vehicle is residing or is in custody at some different address which is known to the Deputy, a copy of the notice shall also be mailed by regular mail to such owner or claimant at the known address.

If a vehicle is reclaimed prior to the mailing of such notice, then notices need not be mailed.

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The Agency Impound Coordinator may utilize, at his / her discretion, either a notice generated by him / her, via the PGIM system or; a copy of the Impound Notification Letter (Attachment C) completed by the Deputy at the time of impound.

Regardless of the format selected, the notice shall contain and convey the following information:

- 1) A statement as to the reason why the vehicle has been impounded;
- 2) The date the vehicle was impounded;
- 3) The year, make, model, and vehicle identification number of the vehicle;
- 4) The location of the impoundment facility where the vehicle is being held;
- 5) A statement that the vehicle owner or secured party has the right to a hearing to contest the validity of the impoundment at any time within twenty-one (21) calendar days of the date of such notice by filing with the Office of the Sheriff a Show Cause Hearing Request Form (Attachment D) which shall be included with such notice, and;
- 6) A statement that the owner or the secured party may have a right, depending upon the reason for the impoundment, to reclaim the vehicle upon payment of all outstanding parking violations and all towing and storage charges resulting from the storage and towing of the vehicle.

All U.S. Postal Service Certified or Registered Mail labels should bear the CCN or other tracking number (as designated by the Agency Impound Coordinator), for the purposes of record-keeping and file- tracking.

## **Certificates of Authority to Dispose**

The Commander, Office of the Sheriff Teletype / Records Section (TTY) shall maintain files on each vehicle for which the Office of the Sheriff has issued a Certificate of Authority to Dispose (aka – scrap letter).

The investigation of these impounds are completed by utilizing the following resources:

- NCIC Files
- Prince George's County database impound files
- Prince George's County database report files
- Maryland Motor Vehicle Administration (MVA) Lien Files
- National Insurance Crime Bureau database files
- VIN Assist database files

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#### **4-116. 5 RELEASE OF VEHICLE**

*Originals and copies of all Vehicle Release – Show Cause Hearing Notifications (Attachment B) for every vehicle impounded by the Office of the Sheriff shall be maintained within the TTY/Records Section, according to procedures established by the Commander, TTY/Records.*

*A copy of the Vehicle Release – Show Cause Hearing Notification (Attachment B), completed by a sworn member of the Office of the Sheriff, shall be provided to any person providing acceptable documentary evidence entitling him / her to a vehicle unless a hold has been placed against the vehicle.*

*The releasing Deputy shall list and attach copies of all documentary evidence used to verify ownership to the original Vehicle Release – Show Cause Hearing Notification. The Vehicle Release – Show Cause Hearing Notification is then to be returned to the Agency Impound Coordinator (Commander, PGSO TTY / Records).*

*Civilian employees approached by persons requesting a vehicle release should summons the on-duty supervisor or Commander to assist the citizen with the release.*

When a Deputy issues a vehicle release, the Deputy shall closely examine the documentation presented and be satisfied the documentation is acceptable. The Deputy shall determine the current legal owner of the vehicle, either by computer inquiry or document examination.

*If there is any doubt as to the adequacy of submitted documentation, the vehicle should not be released. The citizen should be advised to see the Commander, TTY/Records during normal business hours.*

Only a vehicle owner may be authorized a release form, however, whenever any other person seeks release, that person must have notarized authorization from the owner.

If a release is issued on the scene of an impound, the Deputy shall also note the documentation used to verify ownership in the narrative section of the Incident Report.

An owner will not be denied a vehicle release solely because he refuses to sign a citation.

#### **4-116. 5. a RELEASE DOCUMENTATION**

Examples of acceptable documentation are (non-inclusive list):

##### Certificates of Title

Certificates of Title bearing the owner's name and information machine-printed on the front are acceptable. A title with only owner information entered on reverse is not acceptable documentation. A release shall not be issued to any person presenting a title with his or an alleged owner's name only on the reverse. If the vehicle is to be titled in Maryland the person shall be directed to the MVA to apply for title and return with a completed MVA form #VR-277 (Receipt for title application showing fees paid and vehicle information including title number).

##### Current Registration

Bearer must produce photographic identification with signature.

##### Notarized Authorization

The authorization must contain the name of the bearer. The bearer must produce photographic identification with signature.

##### Power of Attorney

The power of attorney must be notarized, contain the name of the bearer and the bearer must produce photographic identification with signature.

When there is doubt concerning the adequacy of the documents, the *County Police Auto Theft Unit may also be contacted for assistance.*

#### **4-116. 5 b SIMULTANEOUS RELEASE WITH IMPOUNDMENT; EXCEPTIONS**

When a Deputy impounds any vehicle not subject to hold, and *it is brought to the Deputy's attention that either the vehicle can be left lawfully parked, or when the owner/operator can arrange legal removal of the vehicle by a designated agent*, the Deputy shall issue a vehicle release on the scene (a *designated agent* may be anyone chosen by the owner, such as another passenger). If the Deputy *is able to articulate that the owner's condition precludes his ability to competently identify an agent*, the Deputy may impound the vehicle.

When a vehicle release is issued in this manner, the Deputy shall:

- 1) Place the word RELEASED, along with the date and time released, in the Case Status section of the Incident Report;
- 2) Within one hour notify the Prince George's County Police Telecommunications Section (available by phone through PSC) of the release, and;
- 3) Within one hour contact the Office of the Sheriff Teletype Section in order to directly and immediately notify the Agency Impound Coordinator (Commander, TTY / Records Section) of the release.

Deputies performing *Bureau of Field Operations functions and/or approved to work secondary employment* shall maintain a supply of the Vehicle Release – Show Cause Hearing Notification forms in their vehicles.

**4-116. 5. c      SHOW CAUSE HEARING NOTIFICATION**  
(County Code, Section 26-167)

If a *Deputy* other than the impounding Deputy issues a vehicle release, he / she will use the PGIM System (accessible via terminals in TTY) to confirm approval or denial of the release. The releasing Deputy will ensure that::

- Owner/claimant is entitled to receive the release
- A CCN is recorded on the form along with related CCNs
- The vehicle owner/claimant signs the upper and lower signature lines
- On refusal to sign, the releasing Deputy shall note "REFUSED" on those lines
- Distribute the *original and* copies in accordance with the distribution list printed on form.

**4-116. 5. d      DENIAL OF VEHICLE RELEASE**

When an owner/claimant is denied a vehicle release, the Show Cause section of the form shall be completed. The issuing employee shall:

- Write DENIED across the vehicle release section of the form;
- Record the CCN on the form;

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- Ensure the owner/claimant signs the form, and;
- Write "REFUSED" when the owner/claimant refuses to sign

If release of the vehicle is later authorized, complete a second vehicle release form and distribute the copies *in accordance with the distribution list printed on form.*

**4-116. 5. e      RELEASE FOLLOWING REQUEST FOR IMPOUND**

When a crane has *already* been requested for an impound and *it is determined that either: the vehicle can be left lawfully parked, or; that the owner/operator can arrange legal removal of the vehicle,* the Deputy will release the vehicle to the owner/claimant (*or their designated agent*) without compensation to the crane operator.

If the crane has hooked up to the vehicle but has not departed the scene before the arrival of the owner/claimant, the Deputy shall release the vehicle on the scene and allow the owner/claimant to negotiate the fee with the crane operator.

When a vehicle release has been issued, the payment issue becomes a civil matter.

In all instances wherein a deputy cancels an impound after a tow crane has been requested, the Deputy shall also and immediately cancel the impound through PSC, via radio.

**4-116.6      SPECIFIC CIRCUMSTANCES**

**4-116. 6. a      Vehicles Involved In Departmental Accidents**

*The supervisor responding to investigate a departmental accident (as required by General Order 5-101) shall notify PSC and request the primary law enforcement agency (whether state, county or municipal) respond and impound any non-agency motor vehicle involved in the accident if, that vehicle cannot be driven and:*

- The vehicle creates a hazard, or
- The owner/operator requests that it be towed, or
- All persons having custodial interest in the vehicle have left the scene

*The Collision Analysis Reconstruction Unit (CARU) within the Prince Georges County Police Department shall be immediately contacted when a*

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vehicle involved in a serious or fatal accident is believed to have a mechanical defect that contributed to the accident.

**4-116. 6. b Arrestees' Vehicles**

If an arrestee's vehicle is lawfully parked or *the owner/operator can arrange for removal of the vehicle by a designated agent*, the vehicle will not be impounded. (A *designated* agent may be anyone chosen by the owner, such as another passenger or other person, on-scene.)

**4-116. 6. c Vehicle Left on Incident Scene**

When a vehicle is to be left lawfully parked after an incident (on private or public property); the Deputy shall not impound the vehicle but rather shall advise the owner/operator of the provisions of the 48-hour parking ordinance. The Deputy shall ensure that the vehicle is parked and secured.

**4-116. d Stolen Vehicles**

*Deputies encountering stolen vehicles shall, in accordance with General Order 8-111 (Criminal Investigations), cause notification to be made to the County Police via their radio, and request that a unit or an investigator to assume custody of the scene and any subsequent investigation.*

**4-116. 6. e Illegally Parked Vehicles**  
(County Code, Section 26-134)

*Primary responsibility for the removal, towing or impoundment of illegally vehicles, and the storing and handling of records of such vehicles in Prince George's County is that of the Prince George's County Department of Environmental Resources (DER); the Police Department (PGPD), and/or; the County Revenue Authority. Absent a Court Order, this is not a responsibility of the Sheriff's Office.*

**4-116. 6. f Abandoned Vehicles**  
(County Code, Section 26-166)

*Primary responsibility for the removal, towing or impoundment of abandoned vehicles, and the storing and handling of records of such vehicles in Prince George's County is that of the Prince George's County Department of Environmental Resources (DER); the Police Department (PGPD), and/or; the County Revenue Authority. Absent a Court Order, this is not a responsibility or a function of the Sheriff's Office.*

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**4-116. 6. g Stripped or Destroyed Vehicles**

**Stolen Vehicle**

Recovered Stolen Vehicles should be reported to the primary beat officer of the respective jurisdiction for recovery. The Police Department requires stolen vehicles to be processed for prints so contact with the vehicle should be avoided.

**Vehicle not stolen**

*Primary responsibility for the removal, towing or impoundment of these vehicles, and the storing and handling of records of these vehicles in Prince George's County is that of the Prince George's County Department of Environmental Resources (DER); the Police Department (PGPD), and/or; the County Revenue Authority. Absent a Court Order, this is not a responsibility or a function of the Sheriff's Office.*

**4-116. 6. h Vehicles with Defective Equipment**

*Primary responsibility for the removal, towing or impoundment of vehicles with defective, deficient or altered equipment, and the storing and handling of records of such vehicles in Prince George's County is that of the primary law enforcement agency, whether state, county or municipal (e.g., Prince George's County Police Department, Maryland State Police, etc). This is not a responsibility or function of the Sheriff's Office.*

**4-116. 6. i Missing, Altered, or Questioned VIN**

Vehicles with missing, altered or questioned VINs, or not displaying an assigned public VIN from a motor vehicle licensing authority are to be impounded by the primary law enforcement agency, whether state, county or municipal (e.g., Prince George's County Police Department Auto Theft Unit (ATU), Maryland State Police, etc).

The Deputy shall request the Public Safety Communications (PSC) dispatcher:

- 1) notify the primary law enforcement agency that the impound is for a VIN violation, and;
- 2) notify the Prince George's County Police Department Auto Theft Unit (ATU)

With the approval of a supervisor, the Deputy may remain with the vehicle until arrival of the primary law enforcement agency; however; the Deputy shall not remove VIN plates from the vehicle.

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#### **4-116. 6. j Diplomatic Vehicles**

Vehicles *owned or* operated by persons with diplomatic immunity will not be impounded. If the vehicle creates a safety or traffic hazard, the Deputy shall:

- Request a contract crane *via Public Safety Communications* to move the vehicle to the closest available legal parking space
- Complete an Incident Report.

#### **4-116. 6. k Holding Impounded Vehicles**

A hold is placed on a vehicle when release is not immediately authorized. Vehicles shall not be held for any reasons other than the following:

- 1) Pending examination following involvement in a serious or fatal accident
  - The Prince George's County Police Department – Collision Analysis and Reconstruction Unit (CARU) must authorize release
- 2) VIN violation
  - The Prince George's County Police Department – Auto Theft Unit must authorize release
- 3) Pursuant to court order or forfeiture proceedings
  - The department or county agency with custody must authorize release
- 4) Evidence processing
- 5) Telex or other written request of other law enforcement agency
  - The impounding Deputy must authorize release
  - Once processing is complete and the vehicle can be released, the impounding Deputy must:
    - Immediately make all notifications required by Section 4-116.3, B. 2) and 3) of this directive, communicating release of the vehicle, and;
    - Notify the vehicle owner by telephone and document these attempts on the Incident Report, and;
  - The Office of the Sheriff Agency Impound Coordinator (Commander, TTY/Records Section) shall immediately notify the owner by certified mail that the vehicle may be released.

#### **4-116. l Assistance to Roadway Users<sup>6</sup> and Requesting Tow Service via Radio**

*Deputies will provide reasonable, prudent, and safe general assistance to citizens, including providing information and directions, assisting stranded motorists, disabled motorists or pedestrians, etc.*

*Unless on an assignment of higher priority, deputies operating agency vehicles must assist a motorist or pedestrian who is in obvious need of assistance. Deputies must:*

1. *Stop and position their vehicle in a position that affords the best protection to the stranded citizen, the Deputy, and other persons using the roadway;*
2. *A Deputy who observes a stranded motorist on or along the roadway will stop, notify Public Safety Communications of the location, vehicle's license plate number, etc., and offer assistance.;*
3. *Assistance may include:*
  - a) *A request, via PSC, for a tow truck;*

*When a stranded motorist requests towing assistance, the request shall be given to the dispatcher with the following information:*

- *Description of the vehicle and license number*
- *Nature of the trouble*
- *Exact location of the vehicle*
- *Name of the tow service requested (if an automotive club, provide membership number)*
- *If the motorist expresses no preference, the Deputy will have Public Safety Communications notify the next available towing service on the list maintained by Public Safety Communications. The stranded motorist will be informed of the tow service's name. If possible, the Deputy shall await the crane's arrival.*

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<sup>6</sup> CALEA 61. 4. 1 a, b, c, d



- b) *Positioning road flares for safety and visibility;*
  - c) *Minor assistance with mechanical repairs, at the Deputy's option;*
  - d) *Request, via PSC, to call a third party to come to the location and assist the motorist;*
  - e) *If necessary (e.g., during adverse weather conditions or in order to secure their own assistance services), the motorist shall be directed or transported to a safe location or a nearby facility with a telephone. In these instances, the starting and ending mileage must be provided to PSC, by the transporting Deputy.*
  - f) *Provide any other reasonable service that would meet the needs of the motorist or pedestrian.*
4. *If a person needs emergency medical or fire assistance, the Deputy will:*
    - a) *Request Public Safety Communications contact the appropriate services. The Deputy will then provide practical assistance (e.g., first aid) until the proper service arrives, and;*
    - b) *Regardless of the location where the vehicle is stranded, the Deputy will stand by with emergency lights to warn on-coming motorists and direct traffic until the roadway is clear.*
  5. *If the Deputy cannot stop, he/she will notify Public Safety Communications of the location and description of the vehicle and the nature of the situation.*
  6. *Agency vehicles should not be used for towing or pushing civilian vehicles.*

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY.**

#### **4-116. m      Roadway Hazards<sup>7</sup>**

*When a Deputy becomes aware of an existing or potential roadway hazard (e.g., road debris; a road defect; downed power lines; a downed or damaged traffic control device; or some other hazard), he/she will be responsible for the following procedures:*

1. *Notify and advise Public Safety Communications (PSC) of the location and nature of the hazard;*
  - *The Deputy should attempt to recommend which agency to alert concerning the hazard.*
2. *The Deputy will remove or clear the hazard personally only if he/she can do so without risk of injury to himself / herself or others;*
3. *The Deputy will use his/her judgment in determining if the hazard requires the Deputy to remain at the scene until the proper agency arrives to correct/remove the hazard;*
4. *Pending arrival of the appropriate agency, the Deputy should ensure traffic control is established through appropriate means, which may include:*
  - *Emergency flares or fuses*
  - *Position vehicle with emergency lights activated*
  - *Manual traffic direction*
  - *Traffic cones*
5. *If the Deputy cannot stop, he/she will notify Public Safety Communications of the location and description of the vehicle and the nature of the situation.*

#### *References:*

- Prince George's County Code:*
- Section 26-134. Enforcement of parking regulations*
  - Section 26-142. Towing, impoundment of motor vehicles from private property.*
  - Section 26-166. Impoundment without prior notice.*
  - Section 26-168. Impoundment; notice to owner.*
  - Section 26-160. Removal and impounding of unattended vehicles.*

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<sup>7</sup> **CALEA 61.4.2**



*Attachments:*

*A – Tow Company Impound Label Form*

*B – Vehicle Release-Show Cause Hearing Notification  
Form*

*C – Impound Notification Letter*

*D – Show Cause Hearing Request Form*

## 4-119 CANINE OPERATIONS

The purpose of this directive is to establish the utilization of specific and specially-trained canine teams by the Office of the Sheriff for Prince George's County.

### 4-119.1 POLICY

Recognizing the benefits to be derived from the utilization of trained canine teams, and dependent upon availability of staffing, budget and other necessary resources; it is the policy of the Office of the Sheriff that the primary goal of the Canine Section is the detection of explosive devices. *Other services provided by canine teams may include searches for missing persons and the tracking and location of criminal suspects.*

This policy is not intended to address all circumstances conceivably encountered by canine handlers or their chain of command. Detailed administrative and operational guidelines specific to canine operations shall be set forth in standard operating procedures established by the *assigned Commander, Bureau of Court Services.*

### 4-119.2 DEFINITIONS

**Canine Team** - comprised of the canine handler and a specially trained canine (K-9). Canine teams may also undergo additional instruction through organizations conducting specialized training such as that offered by the [International Forensics Research Institute \(IFRI\)](#). Canine teams are also relied upon for participation in public relations and demonstrations, as approved and assigned by superiors.

**Canine Handler** - an individual charged with the responsibility of utilizing a canine in the performance of his / her duties and attending to that canine at all times.

**Canine Supervisor** - a sworn member of this Agency, with the rank of Sergeant or above, assigned to oversee the administration and operations of the K-9 Unit.

**Dog Bite** - any injury or wound inflicted by the mouth of a dog, whether accidentally or intentionally, to a human being. A breaking, puncture or tearing of the skin of the victim, need not be present to be considered a dog bite, as long as there is visual indication as to where the animal inflicted the wound (teeth impression, bruise, puncture, etc).

**Explosive Detection Canine Team (EDCT)** - is one canine and one canine handler who have successfully completed a course of instruction in scent discrimination and location work for explosives.

**On-Lead** - physical attachment or connection between dog and handler, for purposes of control and restraint, by means of an appropriate rope, chain, strap, etc.

**Off-Lead** – is the absence of physical attachment or connection between the dog and handler.

**Suspicious Item** - an item or object which:

- Has any characteristics of an explosive device, or
- Involves suspicious circumstances regarding the location, appearance, placement, delivery of the item, or
- A rational individual has reason to believe the item may be a bomb.

**Tracking**– is the utilization of a canine's senses, predominantly the olfactory sense, in an attempt to locate an individual or item.

**Tracking Canine Team** - is capable of trailing people through a variety of environments and terrain.

**Unidentified Item** – is any item or object which has been left unattended and may be unexpected or un-identifiable.

### 4-119.3 PROCEDURES

#### 4-119.3. a AUTHORIZATION, CONDITIONS AND LIMITATIONS ON USAGE<sup>1</sup>

On-duty canine handlers will respond to all calls for service that are approved by the canine section supervisor or, in his/her absence, the ranking on-duty agency supervisor.

Any call-back of an off-duty canine team must first be approved by either the Commander over the canine section or the On-Duty Commander. If no on-duty canine team is available, requests may also be relayed to the Prince Georges County Fire/EMS Department EDCT.

Requests for either the EDCT or Tracking Team by agencies located outside of Prince George's County will be evaluated on a case-by-case basis and shall require prior approval by the Commander over the canine section, or his/her designee.

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<sup>1</sup> CALEA 41. 1. 4 a

Immediate (on-scene) authorization, control over, and responsibility for the use of an agency canine rest with the assigned handler. The handler shall immediately notify their superior within the canine section in the event of any conflict with a supervisor of another departmental component or when any request for the use of a canine conflict with procedures established by the *assigned Commander, Bureau of Court Services*.

Utilization of a canine to search a specific item which the handler has reasonable and particularized suspicion to be an actual explosive or booby trap device is prohibited. Instead, the handler shall cause positive contact to be made to the Prince Georges County Fire Department Bomb Squad. Such contact may be made by either first notifying Public Safety Communications (PSC) and/or directly by the phone to the Bomb Squad. Regardless of the method used, contact to the Bomb Squad shall include relay of all information known regarding any Bomb Threat, no matter how insignificant the threat may initially appear.

The Prince George's County Fire Department Bomb Squad has responsibility for maintaining records of any and all calls within the county for any type of threat that involves explosives.

Deployment of an agency canine for the purposes of tracking and /or location of a criminal suspect (e.g., assisting in the search of a building for an escaped detainee) should be preceded by an announcement to that effect. Such announcements should be made by the handler, preferably by a public address (PA) system, and; when possible, both in English and Spanish.

#### **4-119.3. b      QUALIFICATIONS AND TRAINING OF CANINE HANDLERS<sup>2</sup>**

Each canine team must successfully complete and graduate from a recognized course of certification-instruction, as recommended by the canine section Commander and as approved by the *assigned Commander, Bureau of Court Services*.

Examples include: the United States Police Canine Association (U.S.P.C.A.), or; the North American Police Work Dog Association (N.A.P.W.A.D.A.), or; the International Forensic Research Institute (I.F.R.I.), or; outside agencies authorized to conduct certification-training in lieu of such organizations. Upon graduation, the handler will maintain the proficiency of the team by participating in training and or/recertification programs as outlined by the initial training organization.

Canine teams will have a minimum of sixteen (16) hours per month required formal retraining. Canine training days will typically be scheduled so that training occurs during normally assigned, "on-duty" hours.

Each handler is responsible for conducting informal retraining such as obedience and regular exercise of the canine on a weekly basis.

Each canine team will be evaluated annually for proficiency according to the basic guidelines established by one of the following certifying organizations: the United States Police Canine Association (U.S.P.C.A.), or; the North American Police Work Dog Association (N.A.P.W.A.D.A.), or; the International Forensic Research Institute (I.F.R.I.).

#### **4-119.3. c      DESIGNATION OF PERSON / POSITION RESPONSIBLE FOR ANIMAL CARE<sup>3</sup>**

Canine handler deputies are responsible for the health, routine care and well-being of their assigned canines. Canines shall be kept clean and well groomed at all times.

Canines will be maintained on a course of authorized heartworm and flea and tick preventative medication, year round.

Veterinary care of agency canines, whether on- or off-duty, shall be administered by the licensed veterinarian(s) under county contract, as determined by the Agency Director, Budget & Finance, in conjunction with the *assigned Commander, Bureau of Court Services*.

Any time care is rendered at a facility other than the contract veterinarian (e.g., critical emergency occurring outside-of-region); the handler must immediately notify the canine section supervisor and submit an Incident Report, along with a cover memo, detailing the reason for the care.

The canine section supervisor shall ensure that both forms are faxed to the Agency Director, Budget & Finance.

All routine appointments shall require adherence to the following procedures:

- Routine appointments shall be made on a yearly basis;

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<sup>2</sup> CALEA 41. 1. 4 b

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<sup>3</sup> CALEA 41. 1. 4 c

- The canine section supervisor shall forward a copy of the canines' veterinary appointments to the Agency Manager, Budget & Finance, in advance;
- Routine treatment and prescription supplies issued by the veterinarian should be listed with a copy of each vet bill submitted.
- Each handler will get a copy of each bill and give it to the canine supervisor. Any unusual supplies or extended non-emergency treatment will be cleared through the canine supervisor.
- The canine section supervisor will maintain a record of all vet visits and rabies certificates and submit copies to both the Agency Manager, Budget & Finance, and; the Agency Accreditation Manager, on an annual basis.
- Emergencies are excluded from these notification procedures for routine care.

#### 4-119.3. d EQUIPMENT REQUIRED<sup>4</sup>

The following equipment shall be issued to each canine handler:

1. [Lead – 15 foot, tracking](#)
- 4.2. [Lead – 6 foot, security](#)
- 2.3. [Collar – Training](#)
4. [Collar – Leather](#)
5. Two (2) [stainless steel](#) water / food [bowls](#)
6. Canine outer garment / torso-[cooling vest](#)
7. Canine [food](#), as approved by the *assigned Commander, Bureau of Court Services.*
- 3-8. [Assigned Vehicle](#)

Vehicles assigned to canine handlers are designated special purpose vehicles. The vehicles are equipped with systems to ensure the safety of the public, handler and canine during times when the canine occupies the vehicle. Vehicles assigned to canine handlers are considered issued equipment and handlers are responsible for the condition and maintenance of the vehicle assigned to them, in accordance with General Order 7-105.

Each canine handler is responsible for the cleanliness and good working condition of all issued equipment. Requests for supplies or the repair / replacement of equipment shall be made through the canine section chain-of-command.

<sup>4</sup> CALEA 41. 1. 4 d; 41.3.2

#### 4-119.3. e CANINE INJURIES TO PERSONS

Whenever an agency canine injures a person through contact (e.g., visible marks from a bite, scratch or other contact), whether accidental or not, the handler will ensure that EMS is summonsed and that the individual is offered medical attention. Contact does not include playful or non-aggressive behavior.

If the person injured refuses treatment, the handler must request EMS complete a report to be signed by the person injured, indicating they are refusing treatment.

The handler shall prepare and submit an Incident Report, in accordance with General Order 5-101.

All circumstances surrounding the incident, how the injury occurred and what action was taken should be in the Incident Report, including whether or not the injured person received or refused treatment by EMS.

The handler will immediately notify the on-duty supervisor or on-duty Commander of the incident.

The on-duty supervisor or on-duty Commander will respond and obtain a written statement from the victim and any witnesses.

Photographs and measurements of the injury will be taken for documentation purposes.

Additionally, the handler will immediately notify the canine section supervisor or Commander of the incident.

The canine section supervisor or Commander shall notify the Health Department of the incident.

#### 4-119.3. f REPORTING REQUIREMENTS

A canine handler shall submit an Incident Report (IR) in strict accordance with General Order 5-101 under the following circumstances:

- Any time an Agency canine team is utilized to conduct a search for a suspicious item (Note: an exception to the submission deadlines for IR's exists when an EDCT conducts a search at regularly scheduled events, e.g., daily inspections of items at the courthouse [excluding suspicious items], FedEx Field events, etc.);
- Any instance of canine injuring any person;

- Any instance of injury or seizure sustained by the canine;
- Any time veterinary care is rendered at a facility other than that under county contract as determined by the Agency Director, Budget & Finance and the *assigned Commander, Bureau of Court Services*, or;
- When directed to do so by a superior.

by the K-9 Supervisor and *assigned Commander, Bureau of Court Services* or his/her designee.

#### **4-119.3. g EXPLOSIVE DETECTION TRAINING MATERIALS AND DEVICES<sup>5</sup>**

Materials and devices suitable and appropriate for explosive detection training of K-9 teams shall be procured only with the approval of the *assigned Commander, Bureau of Court Services*, and; shall be handled according to the following procedures to ensure security and accountability:

##### 1) Procurement

The K-9 Supervisor will obtain explosives material or chemicals, when available, from or through the *assigned Commander, Bureau of Court Services* or designee.

##### 2) Storage, Tracking and Accounting Procedures

The explosive training aids will be used only for the training of explosive detection K-9 teams. All explosive training aids will be kept at a storage area designated and approved by the *assigned Commander, Bureau of Court Services*.

At each access to the storage area, the amount of materials removed or returned will be recorded in a log book that will be kept in the designated storage area at all times. The amount(s) and date of each issuance, with-drawl or return of materials will be recorded in the log book.

The storage area and training aids will be inspected and accounted for quarterly by the K-9 Supervisor and the *assigned Commander, Bureau of Court Services* or his/her designee.

##### 3) Destruction

When determined to be necessary by the K-9 Supervisor or higher Agency authority; surplus or other explosive training aids will be turned over to the appropriate unit of the Prince George's County Fire Department to be destroyed. The date, type explosive, and amount will be recorded in the log book and signed

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<sup>5</sup> **CALEA 84.1.4**

## 4-121 INTERACTIONS WITH PERSONS SUFFERING FROM MENTAL DISORDER

The purpose of this order is to provide personnel with guidance and procedures to be followed when interacting or providing assistance to persons suffering from mental illnesses. No single policy or procedure can address all of the situations in which deputies and other Agency personnel may be required to provide assistance to persons who have mental illnesses. This policy is intended to address the most common types of interactions with people who have mental illnesses.

### 4-121.1 POLICY

It is the policy of the Office of the Sheriff to ensure a consistently high level of service is provided to all persons with whom contact is made, including those who may have mental illnesses. Agency personnel will afford persons who have mental illnesses the same rights, dignity and access to government and other community services provided to all citizens.

It is the policy of the Office of the Sheriff that no less than three (3) deputies (or a Deputy with assistance from at least two other public safety personnel) will serve an Emergency Petition Order.

### 4-121.2 DEFINITIONS

**Designated Hospital:** A medical facility within Prince George's County that is equipped to assist the mentally ill, including:

- Doctor's Community Hospital
- Greater Laurel Beltsville Hospital
- Prince George's Hospital Center
- Southern Maryland Hospital

**Emergency Evaluation Petition:** A process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting.

**Emergency Petition Service (EPS Order):** A court order requiring an emergency evaluation of an individual who is believed to be suffering from a mental disorder and in clear imminent danger of causing bodily harm to himself or someone else. The person ("evaluee") is taken into custody and examined by a doctor to determine if he/she meets the criteria for admission to a Psychiatric Facility<sup>1</sup>.

**Mental Disorder / Mental Illness:** A physical or psychological impairment manifested by behavioral symptoms that indicate a clear disturbance in mental functioning; mental retardation is not a mental disorder. Used interchangeably, and for the purpose of this manual, "mental illness" means any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

**Mobile Crisis Team:** The primary outreach component for the Prince George's County Crisis Response System. Members of the team are trained mental health professionals who provide assistance to public safety personnel in dealing with persons with mental disorders and others in crisis. Team members may provide immediate intervention for families in crisis, assistance in making referrals to hospitals or other psychiatric care, or, as appropriate, with filing an emergency evaluation petition.

**Petitioner:** Any of the following individuals who, after examination or observation, request an emergency evaluation of an individual:

- Mental health professionals (In this section, physicians, psychologists, licensed clinical social workers, licensed clinical professional counselors, health officers or designee's of health officers)
- Law enforcement officers
- Any other interested person

### 4-121.3 PROCEDURES

#### 4-121.3 a Recognizing Characteristics of Mental Illness or Disorder<sup>2</sup>

While many people with mental illnesses control symptoms successfully with the use of medications, others who do not have access to mental health services, fail to take their medications, or do not recognize that they are ill, can experience psychiatric difficulties.

Deputies and other personnel must be prepared to deal with situations involving persons who have mental illnesses and know how to respond to these situations in an appropriate and sensitive manner. Recognizing that symptoms may indicate mental illness will help deputies decide on an appropriate response and disposition.

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<sup>1</sup> CALEA 1. 2. 5

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<sup>2</sup> CALEA 41. 2. 7 a



Symptoms of different mental illnesses may include, but are not limited to:

- Disorientation
- Loss of memory regarding their identity, time or place
- Delusions, including describing unrealistic physical symptoms
- Displaying inappropriate or impulsive behavior
- Depression, deep feelings of sadness, hopelessness or uselessness
- Hallucinations or feelings of persecution
- Manic behavior, accelerated speaking or hyperactivity
- Confusion
- Incoherence or prolonged talking to themselves
- Extreme paranoia

Deputies coming into contact with individuals exhibiting these symptoms shall use extreme caution. The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance, but are noticeable in conversation with the individual.

The deputy coming into contact with individuals exhibiting these symptoms is not expected to diagnose a mental illness, but to decide on the appropriate response to the individual and situation.

Maryland law recognizes that deputies are not trained in medicine or psychology. It merely requires the Deputy have reason to believe that the individual:

- Has a mental disorder, and;
- Presents a danger to the life or safety of himself or herself or others

Obtaining relevant information from family members, friends or others at the scene who know the individual and his/her history, or seeking advice from mental health professionals, can also assist deputies in taking the appropriate action. Deputies on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the potential for danger presented by the individual to themselves or to others.

Deputies may file petitions on individuals whose symptoms are only obtained through credible witness accounts. Deputies may also consider the physical aftermath of the individual's behavior, such as wounds inflicted on himself or herself or others, or property damage.

#### **4-121.3 b Guidelines for Contacts Involving Persons with Mental Illness<sup>3</sup>**

When responding to a call that involves a person who has, or exhibits symptoms of mental illnesses, deputies should obtain as much information as possible to assess and stabilize the situation. In particular, deputies should gather information regarding the nature of the problem behavior and/or events that may have precipitated the person's behavior and particularly, the presence of weapons.

The following specific guidelines detail how to approach and interact with a person who may have a mental illness and who may be a crime victim, witness or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations.

Deputies, while protecting their own safety, the safety of the person with mental illness and others at the scene should:

- Remain calm and avoid overreacting.
- Be helpful and professional.
- Provide or obtain on-scene emergency aid when treatment of an injury is urgent.
- Check for and follow procedures indicated on medical alert bracelets or necklaces.
- Indicate a willingness to understand and help.
- Speak simply and briefly, and move slowly.
- Remove distractions, upsetting influences and disruptive people from the scene.
- Understand that a rational discussion may not be possible.
- Recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment.
- Be patient but, remain firm and professional.
- Be aware that their uniform, gun, and handcuffs may frighten the person with mental illness.
- Attempt to reassure him/her that no harm is intended.
- Recognize and acknowledge that a person's delusional or hallucinatory experience is real
- To him/her.
- Announce actions before initiating them.
- Gather information from family or bystanders.
- If the person is experiencing a psychiatric crisis, attempt to have a local mental health professional to respond to the scene.

The forgoing guidelines are not intended to modify or alter policy or procedures pertaining to use of force or the lawful restraint or detention of persons.

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<sup>3</sup> CALEA 41. 2. 7 c



While each incident will be different, when dealing with a person who may have mental illness, deputies should be aware that their own actions may have an adverse effect on the situation. Actions that deputies should generally avoid include:

- Moving suddenly, giving rapid orders or shouting.
- Forcing discussion.
- Direct continuous eye contact.
- Touching the person (unless essential to safety).
- Crowding the person or moving into his/her zone of comfort.
- Expressing anger, impatience or irritation.
- Assuming that a person who does not respond cannot hear.
- Using inflammatory language, such as “mental” or “mental subject.”
- Challenging delusional or hallucinatory statements.
- Misleading the person to believe that deputies on the scene think or feel the way the person does.

#### **4-121.3 c Alternatives to Arrest<sup>4</sup>**

Absent a court order, and in many circumstances, arrest is the least desirable alternative when dealing with an individual who is believed to be suffering from a mental disorder.

Based on the circumstances, deputies should consider initiating an emergency evaluation petition instead of filing criminal charges. This consideration applies only when dealing with minor violations, and is not appropriate when the subject has committed a serious crime. If criminal charges have been filed, and the Deputy believes that mental health treatment is necessary, he or she may initiate an emergency evaluation petition in addition to the criminal charges.

Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options deputies should consider when selecting an appropriate disposition<sup>5</sup>.

These options include the following:

- Refer or transport the person for medical attention if he/she is injured or abused.
- Outright release.
- Release to care of family, care giver, or mental health provider.
- Assist in arranging voluntary admission to a mental health facility, if requested.
- Transport for involuntary emergency psychiatric evaluation, if the person’s behavior meets the criteria for this action.

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<sup>4</sup> CALEA 1. 2. 6, 41. 2. 7 c

<sup>5</sup> CALEA 1. 2. 7

Deputies should remember that having a mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature.

Taking a person who has a mental illness into custody can occur only when<sup>6</sup>:

- The individual has committed a crime.
- The individual presents a danger to the life and safety of the individual or others and meets the state’s criteria for involuntary emergency evaluation.
- In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.

Deputies shall document and articulate the totality of the circumstances that led to the arrest or petition.

#### **4-121.3 d Interrogations<sup>7</sup>**

A Deputy interrogating an individual may not know that the person has a mental disorder until after the interrogation has begun. If a Deputy suspects that a person to be interrogated has a mental disorder, special precautions must be taken to ensure that any statements made are volunteered and credible.

Efforts should be made to gather information about the person’s mental condition from credible sources such as witnesses and family members, or reports of forensic analysis. Deputies shall corroborate the individual’s statements with information obtained from these sources.

#### **4-121.3 e Emergency Petition Service (EPS Orders)<sup>8</sup>**

The Office of the Sheriff is responsible for serving emergency evaluation petitions signed by a judge, which are valid for five days from the date they are signed. Emergency Petitions are generally received from the District Court, District Court Commissioners and Circuit Court. Once received, they are processed by the Warrant Squad and assigned by the Section Supervisor as a forthwith assignment.

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<sup>6</sup> CALEA 1. 2. 1

<sup>7</sup> CALEA 1. 2. 3

<sup>8</sup> CALEA 1. 2. 5

No less than three (3) deputies (or a Deputy with assistance from at least two other public safety personnel) will serve an EPS Order. Until such time as the hospital accepts custody, constant observation of the evaluatee will be maintained by the Deputy.

If there is, in addition to the emergency evaluation petition, an outstanding warrant on the respondent, the respondent will be transported to the hospital for evaluation first and the hospital staff notified of the outstanding warrant. Leave with the hospital staff the number to Teletype and instruct them to notify Teletype when it becomes known the subject is to be released. Upon such notification, the Office of the Sheriff will respond and a Deputy will transport the person to an RPU for the service of the warrant.

Once a subject transported to a hospital under an Emergency Petition is accepted by that hospital as an evaluatee/patient, and the deputies depart and clear the hospital; the court order underlying the Emergency Petition has legally been executed. Once legally executed, an Emergency Petition cannot be re-executed and any further actions taken by deputies shall not be considered as pursuant to the original court order.

### ***Distribution of Served Petitions***

The originals of all forms are to be left at the emergency facility assuming custody of the evaluatee.

Prior to the end of the shift in which an Emergency Petition is executed/served, the Deputy shall deliver to the Teletype Section and enter into the prescribed logbook all completed paperwork, to include:

1. A copy of the Petition and Court Order, to include the Endorsement (reverse page) bearing the judge's signature (Form # CC-DC 13); and

the following documents, completed by the Deputy:

2. Return of Service by Peace Officer (Form # CC-DC 27);
3. Certification by Peace Officer or Other Person Qualified (Form # CC-DC 14); and
4. Vital Statistics cover sheet (PGC Form # 4315), with all times and mileage entered.

Petitions from the court not served within five days will be returned to the court with the indication, "Not Served."

### **4-121.3 f      Mental Health Professionals as Petitioner**

A physician, psychologist, licensed clinical social worker, professional counselor, or a health officer or his or her designee may complete an emergency evaluation petition. The law obligates a Deputy to serve a petition when presented to him or her by a physician.

When providing assistance at a physician's office or health clinic, no fewer than three (3) deputies (or a Deputy with assistance from at least two other public safety personnel) will be dispatched to restrain and transport the individual to the nearest designated hospital.

If a mental health professional completes a petition, the Deputy shall:

- Question the petitioner to ensure that the individual is a danger to the life or safety of himself or herself or others
- Ensure that the petition is completed and signed
- Explain the content and meaning of the petition
- Advise the petitioner of the serious nature of the petition, and sign the document in the space provided
- Submit a copy of the petition and all accompanying paperwork in accordance with the procedures outlined in 4-121.3. e (EPS Orders).

### ***Individual on the Scene***

If the individual identified in the petition is present, the Deputy will take custody of him or her, and transport him or her to the closest designated hospital<sup>9</sup>.

### ***Individual Not on the Scene***

If the individual identified in the petition is not present, the Deputy will obtain all available and relevant information, and the individual's likely location.

The Deputy will then notify his or her supervisor. Upon obtaining supervisory approval, the Deputy shall attempt to locate and take custody of the individual.

There is no expiration date when a mental health professional or law enforcement officer signs the petition.

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<sup>9</sup> CALEA 1. 2. 5

#### 4-121.3 g Petition Unavailable to Physician

When a petition is not available to the mental health professional, he or she should be requested to accompany the Deputy and individual to the closest designated hospital to complete one.

If he or she is unable to do so, and circumstances indicate that the individual is a danger to the life or safety of himself or herself or others, the Deputy will take custody of the individual and transport him or her to the closest designated hospital.

#### 4-121.3 h Law Enforcement Officer as Petitioner

When a Deputy has reason to believe that an individual has a mental disorder, the Deputy shall immediately stabilize the situation and take steps to ensure his or her safety and that of the public.

A Deputy may be the petitioner when he or she has<sup>10</sup>:

- personally observed the individual or the individual's behavior,
- has reason to believe that the individual has a mental disorder, and
- presents a danger to the his or her life or safety or that of others.

If a Deputy does not have reason to believe this as required by Maryland law, the Deputy shall not initiate a petition.

In non-emergency situations, deputies shall attempt to locate family members and, as appropriate, encouraged to contact available assistance services, to include:

- The Assessment Stabilization Center at Prince George's Hospital;
- The Mobile Crisis Team, or;
- The Prince George's County Crisis Response System (Phone number: 301-927-4500)

Deputies should notify the Mobile Crisis Team through Public Safety Communications while on scene, and may also make contact by telephone, in determining the best course of action.<sup>11</sup>

If the Deputy must act as the petitioner, he or she shall notify both the dispatcher and the designated

hospital prior to transport to ensure that the required facilities are available.

The following procedures shall be followed:

- Obtain supervisory approval to initiate the petition
- Take custody of the individual in the same manner as a prisoner under arrest
- Obtain the assistance of a second Deputy or other public safety officer to facilitate transport
- Transport the individual to the closest designated hospital
- Consult with the hospital staff and complete a petition for emergency evaluation using Maryland District Court Forms #DC 13 and #DC14
- Remain with the individual until a physician has taken custody of him or her, unless the physician requests that the Deputy remain because of the violent nature of the individual
- Complete an Incident Report
- Obtain a copy of the petition and attach it and all accompanying paperwork in accordance with the procedures outlined in 4-121.3. e (EPS Orders).

State law requires that if the individual is violent, the supervisor shall allow the Deputy to remain with him or her. State law further requires that physicians examine the individual as promptly as possible if the Deputy is required to remain. In the event the policies, procedures or response of a physician or other hospital staff conflict with those of this agency or officer safety, the on-scene Deputy shall immediately bring the matter to the direct attention of their supervisor.

When an individual is refused evaluation at any facility, the Deputy shall request a supervisor to respond. The supervisor will speak with the hospital officials and attempt to have the individual admitted for evaluation. If the facility still refuses, the Deputy will transport the individual to the next closest designated hospital. The supervisor will document the refusal via an Incident Report in accordance with GO 5-101 but shall also transmit a copy directly to the Bureau Chief, Bureau of Field Operations.

#### **Admission Authorized**

If the individual is admitted, the Deputy shall leave the individual and the original copy of the petition at the hospital. The Deputy will clearly articulate the behavior exhibited by the individual in the petition. A court appearance will not be required of the Deputy.

#### **Admission Denied**

Based on their evaluation, if the hospital staff denies admission of the individual, the Deputy may return the individual to the location of their initial contact.

<sup>10</sup> CALEA 1. 2. 5

<sup>11</sup> CALEA 41. 2. 7 b

The Deputy shall complete an Incident Report in accordance with GO 5-101 and include within the narrative section the following information:

- Name of the evaluating physician
- Name of the facility
- Circumstances of the contact, and
- The address the individual was returned to, if applicable

### **Arrest**

When an arrest and processing are necessary, the Deputy shall:

- Advise the on-duty supervisor of the circumstances and obtain approval prior to transport
- Articulate his or her observations regarding the arrestee's mental condition in the probable cause section of the charging document
- Advise the District Court Commissioner regarding his or her observations of the arrestee's mental condition
- Advise correctional officers of the arrestee's mental condition prior to transferring custody

### **4-121.3 i Transport by Deputy Sheriff**

Absent custody resulting from a criminal offense transport by Deputy Sheriffs of a person solely because of mental illness are authorized only when the Deputy is:

- The petitioner
- Serving a petition signed by a mental health professional
- Serving a court order

Absent a court order, deputies shall not transport an evaluatee that has been committed from a designated hospital to any other facility.

### **Individual Transported to a Non-Designated Hospital**

A list of designated emergency facilities is published each year by the Maryland Department of Health and Mental Hygiene.

If for medical reasons, an individual is transported to a medical facility other than a designated hospital, deputies shall determine whether the individual will be treated and released within a reasonable amount of time. If so, the Deputy will await the individual's release, and then transport him or her to a

designated hospital for evaluation. If the individual is admitted, the Deputy shall attempt to notify interested persons such as the complainant or family members.

The Deputy shall also notify the hospital staff that he or she believes the individual is in need of an emergency evaluation based on the circumstances known to the Deputy.

If the individual is transported to a hospital in another jurisdiction, the Deputy will contact the local law enforcement for assistance.

Deputies shall note the name, address, and telephone number of each person notified on the Incident Report. This includes hospital staff members, and any law enforcement officers when in another jurisdiction.

### **4-121.3 j Lay Persons and Interested Parties as Petitioner**

When a deputy is questioned by a person who is not a physician, psychologist, a health officer, or designee of a health officer, and concerning either a person who may have a mental disorder who is not in the deputy's presence, or; requesting information regarding emergency evaluation petitions, the deputy will direct the person to either the Assessment Stabilization Center at Prince George's Hospital (Phone number: 301- 618-3162) or, the District Court.

Unless a judge has already referred an individual to the Assessment Stabilization Center for screening, interested parties requesting commitment of a family member should be referred to the District Court. This is in order that they complete an emergency evaluation petition, obtained from a District Court Commissioner, and present the petition to the court for review. It is not the Deputy's responsibility to do so.

### **4-121.3 k Suicide Attempts**

Public Safety Communications is responsible for receiving and classifying calls for service. Calls for service will be prioritized based on the call taker's conversation with the complainant. Questions concerning the legitimacy of a suicide threat shall be resolved in favor of a higher priority response.

Upon arrival at the scene, deputies shall locate and take custody of any firearms on the premises, and determine whether the individual intentionally ingested medication or foreign substances.

If any substance was intentionally ingested, deputies shall:

- Locate and take custody of the container(s) of the substance(s)
- Summons Emergency Medical assistance (EMS)
- Follow the procedures for an emergency evaluation petition in this section
- Notify hospital staff regarding substances that may have been ingested by the individual

#### **4-121.3 l Escaped Mental Patients**

A mental patient who has been criminally charged and committed by a court of competent jurisdiction that escapes from confinement may be arrested. The escaped mental patient will be charged with escape and brought before a District Court Commissioner.

#### **4-121.3 m Voluntary Admissions**

If an individual wants to be voluntarily admitted, deputies should attempt to arrange transportation to an appropriate medical facility for the individual. A Deputy will not transport an individual seeking voluntarily admission.

If the mental condition of the individual is severely disturbed, transportation by ambulance may be appropriate.

In cases of suicide threats, deputies should consider initiating an emergency evaluation petition for the individual's safety.

Civily or voluntarily committed individuals who leave an institution without authorization are not subject to arrest but may be detained for criminal violations which they commit.

#### **4-121.3 n Reports**

The Deputy shall complete and submit an Incident Report in strict accordance with GO 5-101 whenever:

- The Deputy files a petition on any individual or acts as the petitioner;
- Hospital staff declines a petition after the Deputy has taken custody of a person on any petition.

In each instance, a copy of the petition shall be attached to the Incident Report.

#### **4-121.3 o Training<sup>12</sup>**

In order to prepare personnel who, during the course of their duties may have to deal with persons with mental illnesses in an appropriate manner, the Office of the Sheriff will provide scheduled and documented training to Agency personnel. Entry-level personnel will receive training through an Academy curriculum which is accredited or approved by the Maryland Police Training Commission. The Chief, Bureau of Administration will, through the Training Section, ensure that all active line personnel receive refresher training at least every three (3) years.

#### **REFERENCE:**

Annotated Code of Maryland, Health-General Article, Sections 10-620 through 10-626.

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<sup>12</sup> CALEA 41. 2. 7 d, e

## **4-122 MARYLAND UNIFORM CIVIL AND JUVENILE CITATIONS**

The purpose of this order is to specify the procedures and those circumstances under which Maryland Uniform Civil and Juvenile Citations may be utilized<sup>1</sup>.

### **4-122.1 POLICY**

It is the policy of the Office of the Sheriff that Deputy Sheriffs may use their discretion in making physical arrests within those parameters prescribed by law.

### **4-122.2 PROCEDURES**

The Maryland Uniform Municipal Infraction / Civil Citation may be used for adult civil violations involving alcoholic beverage offenses for individuals between 18 and 20 years of age. Use of the citation is an alternative to a physical arrest<sup>2</sup>.

The Uniform Juvenile Civil Citation for Alcohol and Tobacco Offenses may be used for juveniles.

#### **4-122.2 a CITATION ISSUANCE**

Each citation shall reflect only one charge. A citation may be issued to a defendant if the officer is satisfied with the defendant's evidence of identity and reasonably believes the defendant will comply with the citation.

Maryland Uniform Civil Citations shall not be issued<sup>3</sup>:

- For a criminal offense where the punishment exceeds 90 days in jail or a \$500 fine (except misdemeanor theft)
- For violations of the Maryland Transportation Article
- For parking violations
- When a Deputy Sheriff is not satisfied that the suspect will appear in court as required
- When the suspect refuses to sign the citation
- When the suspect cannot satisfactorily identify themselves.

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<sup>1</sup> CALEA 1. 2. 6

<sup>2</sup> CALEA 44. 2. 1

<sup>3</sup> CALEA 1. 2. 7

## **4-112.2 b ALCOHOL VIOLATIONS**

An individual may not refuse to furnish proof of identification and age upon request of a Deputy Sheriff issuing a citation for:

- False documentation
- Misrepresentation of age
- Obtaining alcohol for underage consumption
- Possession of alcoholic beverages on school property
- Underage possession

### **4-122.2.c ADDITIONAL CRIMINAL CHARGES**

When a Deputy Sheriff conducting a pat down or search of an individual being issued a Criminal or Civil Citation finds contraband, and intends to charge the individual for this additional violation, the Deputy Sheriff must make a full custody arrest. The Deputy Sheriff must be able to articulate probable cause for the search. In these cases, standard arrest procedures and the use of associated documents will be followed.

#### **4-122.2.d CIVIL VIOLATIONS FOR ADULTS & JUVENILES**

- **Adult Civil Violation:**  
The Adult Civil Violation applies to persons aged 18 through 20 years, when used for alcoholic beverage related offenses.
- **Juvenile Civil Violation:**  
The Juvenile Civil Violation shall be issued to those juveniles violating alcoholic beverage and tobacco offenses<sup>4</sup>. (See General Order 4-114, Juvenile Interactions)
- **Issuance of Municipal Infraction/Civil Citation:**  
Passengers in a motor vehicle possessing an open container of an alcoholic beverage are charged on the same citation for violating the provisions of Section 10-125, Open Container in Passenger Area.

**REFERENCE:** The Maryland Criminal Law Article, Sections 10-113 through 10-118  
Education Article Section 26-103  
PGSO General Order 4-111 (Arrests)  
PGSO General Order 4-112 (MD Uniform Criminal Citations)

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<sup>4</sup> CALEA 44. 2. 1



#### 4-123 MISSING PERSONS, ADULTS / CHILDREN

The purpose of this directive is to provide guidance to employees when: receiving and relaying information pertaining to reports of missing persons; and, in such extraordinary circumstances that a Deputy Sheriff, rather than the Prince George's County Police, would conduct a preliminary investigation into a missing person report.

##### 4-123.1 POLICY<sup>1</sup>

Generally, the Office of the Sheriff does not investigate missing person cases in Prince George's County. The responsibility for missing person cases in Prince George's County is that of the Prince George's County Police Department.

It is the policy of the Office of the Sheriff to:

- Accept and without delay transfer to the County Police, via Public Safety Communications (PSC) all reports of a missing person, whether such a report is received in person, via phone, electronic transmission; or, any other means;
- Accept and transfer to the County Police, via PSC, all missing person reports immediately and without any "waiting period";
- Inform the general public and any family of missing persons that no "waiting period" will be imposed prior to the Office of the Sheriff accepting or transferring information pertaining to missing persons to the County Police;
- When transfer of missing person information to the County Police is done via written report, the Uniform Missing Person Report Form (MPRF), Form 79 (Attachment 'A') shall be utilized.

##### 4-123.2 DEFINITIONS

**Missing Adult** – an individual, 18 years of age and over, who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are not known.

**Critical Missing Adult** – a missing individual 18 years of age or over and who meets one or more of the following criteria:

- is senile
- is mentally deficient
- is physically handicapped
- is suicidal
- is missing following a catastrophic event
- the disappearance is of a suspicious or dangerous nature; or,
- foul play is suspected

**Missing Child** – an individual, under the age of 18 years, who is the subject of a missing persons report filed with a law enforcement agency and whose whereabouts are unknown.

**Critical Missing Child** – a missing individual under the age of 18 years, who meets one or more of the following criteria (see also Family Law §9-402):

- has not been the subject of a prior missing person (runaway) report
- suffers from a mental or physical handicap or illness
- has previously been the subject of a child abuse report filed with the State or local law enforcement agency
- is missing following a catastrophic event
- is under 17 years of age
- the disappearance is of a suspicious or dangerous nature; or,
- the person filing the report of a missing child has reason to believe that the missing child may have been abducted

**Unidentified Child** – A child / juvenile whose identity is unknown or cannot be determined with certainty. Often, an unidentified child is unable to identify themselves due to their tender years, illness, injury or other condition. An unidentified child is generally 'found' or located before they are officially reported missing to police.

**Lawful Custodian** – An individual who is authorized to have custody of and exercise control over a child who is under 16 years of age; this includes an individual who is authorized by a court order (Maryland Family Law).

**Silver Alert Program** – An alert for a missing person who has left the scene in a vehicle and suffers a cognitive impairment including a diagnosis of Alzheimer's disease or dementia to the extent that requires assistance from a caregiver; and whose disappearance poses a threat to the safety of the individual as determined by a law enforcement agency.

<sup>1</sup> CALEA 41.2.5.a, 41.2.6.a, 42.1.4, 82.2.1.a & b



#### 4-123.3 PROCEDURES, STANDARD CONDITIONS<sup>2</sup>

The Office of the Sheriff employee who receives a citizen complaint or who otherwise becomes aware of a missing person shall:

- 1) Advise the citizen that no “waiting period” or any other form of delay will be imposed prior to the Office of the Sheriff relaying the information to the County Police.
- 2) Immediately notify Public Safety Communications (PSC), in order that the Prince George’s County Police be alerted in the most expedient and definite manner, according to the circumstances and in situations to include notification via:
  - a) **Radio** (e.g., Deputy Sheriffs in the field shall direct PSC to alert the appropriate County Police personnel to immediately respond to the scene to interview the complainant);
  - b) **Phone** (e.g., Office of the Sheriff Teletype or other employees receiving calls from persons with reports of missing persons should:
    - i. Direct the caller to hang up and call 9-1-1. This allows PSC to receive the often critical ANI / ALI indicators (caller location and phone number); or,
    - ii. If the caller requests, immediately transfer the caller directly to PSC via the non-emergency number; (301) 352-1200, which is staffed 24 / 7.
  - c) **Sworn Supervisor** (e.g., civilian Court Security personnel unable to leave their post shall directly notify their immediate sworn supervisor in order expedite notification to PSC to alert the County Police; or,
  - d) **Written report** (e.g., when directed by a supervisor and/or requested by the County Police, the Office of the Sheriff employee receiving the citizens report of a missing person shall utilize the Uniform Missing Person Report Form (MMPRF), Form 79 (Attachment ‘A’).
- 3) Notify their immediate supervisor of their receipt of the citizens report and their actions in directly and definitely relaying notification to PSC<sup>3</sup>;

- 4) When transfer of missing person information to the County Police is done via written report, the Uniform Missing Person Report Form (MPRF), Form 79 (Attachment ‘A’) shall be utilized.

#### 4-123.4 UNIFORM MISSING PERSON REPORT, FORM 79

The Uniform Missing Person Report Form (MPRF), Form 79 (Attachment ‘A’) shall be utilized in those instances involving a report of any missing juvenile or a critically missing adult and when:

- The County Police are unable to respond to investigate the report;
- The report is received within the confines of the courthouse in Upper Marlboro; or,
- When directed to do so by a supervisor.

The Office of the Sheriff employee completing the Uniform Missing Person Report Form (MPRF), Form 79 (Attachment ‘A’) shall distribute the completed report as follows:

**Original:** Office of the Sheriff Teletype / Records.

**Copy #1:** The Maryland Center for Missing and Unidentified Persons (MCMUP) via either:

- Fax to: (410) 290 – 1831; or,
- E-mail: msp.mcmup@maryland.gov

**Copy #2:** Prince George’s County Police Regional Investigative section (according to District Station); and,

**Copy #3:** Retained by the Deputy Sheriff.

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<sup>2</sup> CALEA 41.2.6-e

<sup>3</sup> CALEA 41.2.6-b

#### 4-123.5 PROCEDURES, UNUSUAL CONDITIONS

Under normal circumstances, an Office of the Sheriff employee receiving notification of a missing person shall relay the information or refer the complainant to the Prince George's County Police Department for all investigation purposes.

However, situations may arise in which it is appropriate for a Deputy Sheriff to initiate a preliminary investigation, in response to a complaint or report of a missing person and include:

- Exceptional circumstances (e.g., emergency conditions under which the Prince George's County Police (PGPD) request the Office of the Sheriff initiate preliminary investigation and information-gathering); or,
- A missing persons report is received by a Deputy Sheriff within the courthouse in Upper Marlboro.

Subsequent to approval by an Office of the Sheriff Commander the rank of Lieutenant or above, Deputy Sheriffs may conduct preliminary investigations of persons (adults/children) reported as missing.

The Office of the Sheriff employee conducting any preliminary investigation of a missing person shall complete and submit the Uniform Missing Person Report Form (MMPRF), Form 79 (Attachment 'A').

There is no specific age limit or time period that an individual must have been missing before initiating a report.

##### 4-123.5. a MISSING ADULTS – INITIAL / PRELIMINARY INVESTIGATION<sup>4</sup>

A Deputy Sheriff conducting a preliminary investigation into a report of a missing adult prior to the investigation being referred to the Prince George's County Police Department will:

1. Complete and submit the Uniform Missing Person Report (MMPRF), Form 79 (Attachment 'A') and determine if the missing person is:
  - a) Senile;
  - b) Mentally deficient;
  - c) Physically handicapped;
  - d) Suicidal;

- e) The disappearance is of suspicious or dangerous nature; or
  - f) Foul play is suspected.
2. If a critical missing person is involved<sup>5</sup>, conduct an initial search which may include but is not limited to a thorough check and search of the:
    - i. Home and any associated vehicles
    - ii. Immediate vicinity and area
    - iii. Place last seen
  3. Place a radio lookout with Prince George's County Public Safety Communications (PSC)<sup>6</sup>
  4. If not already done, request PSC notify the PGPD patrol unit assigned to that reporting area;
  5. Initiate search procedures which may include but are not limited to<sup>7</sup>:
    - i. Contacting friends/relatives
    - ii. Request assistance of K-9, if available
    - iii. Request assistance from PGPD aviation (e.g., helicopter), if available
  6. Remain on the scene until released by the Deputy's supervisor or relieved by an on-scene PGPD Police Officer;
  7. Advise the complainant that<sup>8</sup>:
    - a) The case will be forwarded by this Agency to the Prince George's County Police Regional Investigative section for follow-up investigation; and,
    - b) They should immediately contact the County Police if the missing adult returns before the Police investigator contacts them
  8. Prior to clearing the scene, notify through positive contact (i.e., by phone, radio or in person) the Deputy's own immediate supervisor, on-duty supervisor or the on-duty Commander and provide an update of the situation.

<sup>5</sup> CALEA 41.2.5-f

<sup>6</sup> CALEA 41.2.5-b

<sup>7</sup> CALEA 41.2.6-c

<sup>8</sup> CALEA 41.2.5-d, 42.1.4, 41.2.5-e

<sup>4</sup> CALEA 41.2.5-a, 42.1.4, General Order 8-111

**4-123.5. b MISSING CHILDREN – INITIAL / PRELIMINARY INVESTIGATION**

The Family Law Article, Section 9-402 establishes mandated standards for all law enforcement agencies within the State of Maryland to ensure prompt and thorough police action in response to reports of missing children. This General Order defines departmental policy and procedures in accordance with Section 9-402 of the Family Law Article.

A Deputy Sheriff conducting a preliminary investigation into a report of a missing child prior to the investigation being referred to the Prince George's County Police Department will:

1. Complete and submit the Uniform Missing Person Report (MMPRF), Form 79 (Attachment 'A') and determine if:
  - a) The missing child has not been the subject of a prior missing persons report;
  - b) The missing child suffers from a mental or physical handicap or illness;
  - c) The disappearance of the missing child is of a suspicious or dangerous nature;
  - d) The person filing the report of a missing child has reason to believe that the missing child may have been abducted;
  - e) The missing child has ever previously been the subject of a child abuse report filed with the State or local law enforcement agency; or
  - f) The missing child is under 17 years of age.
2. Notify the Commander, Office of the Sheriff Teletype / Records Section in order that all available information pertaining to the missing child to be entered into NCIC via METERS.
3. Obtain a recent photograph of the missing child. If possible, obtain several photographs of the child taken from different angles.
4. Place a radio lookout with Prince George's County Public Safety Communications (PSC)<sup>9</sup>
5. If not already done, request PSC notify the PGPD patrol unit assigned to that respective Reporting Area;

6. Initiate search procedures which may include but are not limited to<sup>10</sup>:
  - i. Contacting friends/relatives
  - ii. Request assistance of K-9, if available
  - iii. Request assistance from PGPD aviation (e.g., helicopter), if available
7. Notify the Maryland Center for Missing Children (MCMC) by telephone 1-800-636-5437 and forward a copy of the MMPRF to the MCMC.<sup>11</sup>

(NOTE: The mandated notification of the National Center for Missing and Exploited Children and State Clearinghouse for Missing Children will be made by MCMC.)

8. Notify the local Department of Social Services (DSS) to determine if the child/family has a history of abuse or neglect and obtain any information that may assist in locating the missing child.
9. Notify and enlist the aid of the Department of State Police at 410-653-4200 (or 1-800-636-5437) and via [carla.proudfoot@maryland.gov](mailto:carla.proudfoot@maryland.gov)
10. Prior to clearing the scene, notify through positive contact (i.e., by phone, radio or in person) the Deputy's own immediate supervisor, on-duty supervisor or the on-duty Commander and provide an update of the situation.
11. Advise the complainant that<sup>12</sup>:
  - a) The case will be forwarded by this Agency to the Prince George's County Police Regional Investigative section for follow-up investigation; and,
  - b) They should immediately contact the County Police if the missing adult returns before the Police investigator contacts them.
12. Remain on the scene until released by the Deputy's supervisor or relieved by an on-scene PGPD Police Officer;

<sup>9</sup> CALEA 41.2.5-b

<sup>10</sup> CALEA 41.2.6-c

<sup>11</sup> CALEA 41.2.6-d

<sup>12</sup> CALEA 41.2.5-d, 41.2.6-f; 42.1.4

## REFERENCES

- Maryland Code, Health Article, Section 10-622
- Maryland Family Law, Section 9-301
- Maryland Family Law, Section 9-401
- Maryland Family Law, Section 9-402
- 42 USC 5779 – National Child Search Assistance Act of 1990
- Public Law 108-21 Sec.204 – Suzanne’s Law
- Maryland Code, Public Safety Article, Title 6, Sections 3-601 and 3-362
- Annotated Code of Maryland, Public Safety Article, Section 3-604, Silver Alert Program

## ATTACHMENTS

A – Uniform Missing Person Report, Form #79

B – Missing Person Report Coding Overlay

C – Classification Codes, Missing Persons

**5-101 INCIDENT AND FIELD REPORTING SYSTEMS**

The purpose of this order is to establish a comprehensive reporting system in order that a record is made of actions taken by law enforcement personnel, whether in response to a request for service or for self-initiated actions. Specific procedures are also established to ensure that proper action is taken to investigate complaints, evaluate suggestions and correct deficiencies or refer them to proper authorities for correction.

**5-101.1 POLICY**

**Reporting Requirements<sup>1</sup>**

It is the policy of the Office of the Sheriff that every incident reported in one or more of the following categories, if alleged to have occurred in Prince George's County, will be properly documented:

1. Citizen reports of crimes
2. Citizen complaints
3. Incidents in which an employee is dispatched or assigned
4. Criminal and non-criminal cases initiated by deputies
5. Incidents involving arrests, citations, or summonses.

Proper documentation may be in the form of an Incident Report or may be documented by way of entry into the Agency Computer Aided Dispatch (CAD) or Records Management Systems (RMS) as indicated elsewhere in this manual.

The Office of the Sheriff for Prince George's County does not normally conduct criminal investigations but rather refers reports of crimes and citizen complaints to the law enforcement agency with primary responsibility for criminal investigations where the alleged crime occurred.

A unique exception exists in those geographical areas of the County in which the Office of the Sheriff responds to domestic violence emergency 911 calls, as provided for by the Annotated Code of Maryland and existing Memorandum of Understanding with the County governing body.

As such, proper documentation upon referral of reports of crimes or citizen complaints may be in the form of an Incident Report or may be documented by way of entry into the Agency Computer Aided Dispatch (CAD) or Records Management Systems (RMS) as indicated elsewhere in this manual.

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<sup>1</sup> CALEA 82.2.2 a, b, c, d, e  
 OFFICE OF THE SHERIFF  
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**5-101.2 FIELD REPORTING SYSTEM<sup>2</sup>**

There are established specific forms for the field reporting of particular categories of incidents (Attachment 'K'). Other procedures, specific to each individual field report may be referenced elsewhere in this Manual or by other authority along with more detailed guidelines respective to each form and instances requiring submission.

Unless stated otherwise, all reports are to be completed by the reporting employee prior to the end of his / her shift or before securing from secondary employment, if applicable.

All reports are required to be reviewed and signed and dated by a supervisor before the end of the supervisor's shift and prior to submission up the chain of command.

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<sup>2</sup> CALEA 82. 2. 1 a, b

### 5-101.3 INCIDENT REPORTS<sup>3</sup>

The Office of the Sheriff has developed an Incident Report Form (PGC Form # 5219, Attachment A) that shall be completed and submitted whenever any of the following incidents occur:

- Any incident resulting in injury or property damage;
- Use of force<sup>4</sup> (see also General Order 7 – 107);
- Any off-duty warrantless arrests (including activities during Secondary Employment);
- Events or activities that are other than routine, or are suspicious in nature, that should be brought to official attention;
- When directed to do so by a Supervisor;
- Assistance to other Agencies in arrests or searches. This sub-section would not be applicable under the following circumstances:
  - Back up of traffic stops that do not result in the full custody arrest of an individual;
  - Activities performed as part of a multi-agency task force;
  - Day-to-day fugitive extradition activities.
- Discharge of any firearm for any reason or cause, other than:
  - Training or qualification;
  - Formal target practice or competitions;
  - Testing or maintenance;
  - Agency sanctioned demonstrations or competitions;
  - Hunting in accordance with the appropriate game statutes.
- Discharge of any Electronic Control Weapon (ECW) e.g., Taser, for any reason or cause, other than training.

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<sup>3</sup> CALEA 82. 2. 1 c, d, e; 1. 3. 6. a, b, c, d

### 5-101.3. a INCIDENT REPORT PROCEDURES

Incident Reports shall be completed according to the Incident Report Instructions (Attachment D).

Initial Incident Reports shall be typed or neatly printed in black ink. The final copy of the Incident Report shall be typed prior to submission through the Chain of Command. The Incident Report shall be used as a Commander's notification. (Forms are available on any Agency computer.)

#### Central Control Case Numbering System<sup>5</sup>

Each incident of law enforcement service, including every Incident Report and call for service, requires utilization of a single case numbering system. Deputies are assigned a unique and consecutive central control case number (CCN) for every incident, whether self-initiated or assigned through dispatch. Case numbers are computer generated and are given in a format based upon the Julian calendar, i.e., Year, numerical day and then report number (example **14-025-1126** which represents 2014, the 25<sup>th</sup> day of the year- "Jan.25" and the specific report number- 1126).

- The Central Control Number (CCN) shall be obtained immediately from:
  - Public Safety Communication; or
  - Computer Aided Dispatch Terminal (CAD).
- Directly upon obtaining a CCN number, members shall immediately call the Sheriff's Office TTY Section and advise TTY of the reportable incident to include the following:
  - CCN.
  - Name and ID number of reporting member;
  - The Division the reporting member is assigned to;
  - Classification of incident. Note: Use only those on the list (Attachment B).
- The Teletype and Records Division shall record the issued numbers and forgoing information into the Incident Report Log Book.

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<sup>5</sup> CALEA 82. 2. 3



## 5-101.3. b SUBMISSION OF INCIDENT REPORT

### Initial Incident Report:

- The reporting member shall complete the initial Incident Report and submit the report to his/her Supervisor prior to securing from the shift;
- If off duty, the member shall submit the report no later than the end of his/her next scheduled duty day;
- In exceptional circumstances a Supervisor may require an off duty member to submit the report prior to securing from the incident.

### Supervisor's Responsibilities:

Supervisory review is required as the first step in the submission process, and the signature or initials of the reviewing supervisor are mandatory. Typically, supervisory review is a function of the first line supervisor and is intended to ensure that an incident has been reported consistent with the field-reporting system and/or an assignment has been completed satisfactorily.

The reporting member's Supervisor (or on-duty alternate) shall, prior to securing from the shift in which the report is received by the supervisor:

- Review the report for completeness, correctness and accuracy<sup>6</sup>;
- Following initial review, the Supervisor (not the reporting member) shall forward a copy of the initial report to both the:
  - Teletype and Records Division (TTY), and;
  - Office of Policy Compliance.
- Following initial review, the Supervisor shall return the initial report to the reporting member for any necessary re-completion or correction by the reporting member, according to the Supervisor's written instructions and/or guidance (pertaining and not limited to: proper grammar; narrative structure; material substance, and/or; the articulation of fact).

### Final Incident Report:

- The reporting member shall be responsible for typing a final Incident Report conforming to the Supervisor's instructions or guidance and prior to securing from the next regularly-assigned shift, post-incident;
- The final typed original shall be submitted through the section chain of command and to the Division Commander within 24 hours of the incident.

Division Commanders shall be responsible for final review of all reports submitted to them on a daily basis<sup>7</sup>.

Upon final reviews, the originals of final Incident Reports shall be forwarded to the Teletype and Records Division no later than 72 hours after the incident.

**Supplement Reports:** An Incident Report shall have only one writer. However, Supplement Reports may be submitted:

- As a follow-up report to an initial investigation;
- Along with primary Incident Reports submitted by other involved Agency members and in order for a Deputy / deputies to document their actions in cases where another deputy completes the initial report;
- Whenever there is a major change in a report's status, e.g., escaped prisoner is later captured; lost property is recovered

In all instances, the Supplement Report shall carry the same CCN as the primary report

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<sup>6</sup> CALEA 1.3.7

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<sup>7</sup> CALEA 1.3.7



**5-101.3. c COMMANDER’S INFORMATION REPORT**

*The Commander’s Information Report (Attachment ‘L’). is established for the timely reporting of incidents occurring during a shift or the previous 24-hour period and which may generate attention from Office of the Sheriff management, the media, or the public.*

*The Commander’s Information Report (CIR) shall also be used to report incidents, events or information which may or may not necessitate completion of an Incident Report or other report forms.*

*The Commander’s Information Report (CIR) shall be immediately submitted (prior to the end of the shift) by the highest ranking member in charge of or in control of a major incident; or when, in the judgment of the highest ranking Agency member at a scene or aware of an incident, the event in question constitutes making notifications in accordance with this directive and/or General Order 6-101.*

*The Commander’s Information Report (CIR) may also be submitted by a supervisor or Commander to report significant events that occurred during a shift or within the preceding 24-hour period and particularly after additional details and/or more complete information come to light, following the conclusion of the initial event or report.*

*Following completion, the Commander’s Information Report (CIR) shall be submitted by a supervisor or Commander in the following manner of distribution:*

*Original: Through the reporting member’s respective chain of Command;*

*Copy 1: Delivered to the Teletype / Records Section*

*It shall be the responsibility of each supervisor and Commander within the reporting member’s chain of command to review the CIR, ensuring all pertinent information known and all relevant details available at the time of review are included within the report.*

*Retention of Commander’s Information Reports shall be for a period of three (3) year, unless as directed otherwise by the Sheriff or Chief Assistant Sheriff.*

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**5-101.3. d CONTROL AND AUDIT OF REPORTS**

The Teletype and Records Division Supervisor will act as a Reports Flow Coordinator and as such shall:

- Establish a hold box for collection of reports forwarded by reviewing Supervisors. Reports will be kept in the hold box for immediate informational availability to the Sheriff, the Command Staff, the Public Information Officer and the Policy Compliance Division;
- At the beginning of every administrative duty day, the Teletype and Records Division Supervisor shall collect the reports from the hold box, attach copies of these reports to a copy of the Teletype Log for the corresponding time frame of these reports; and the informational packets shall then be distributed as follows:
  - the Executive Aide to the Sheriff<sup>8</sup>;
  - the Assistant Sheriffs;
  - the Policy Compliance Division;
  - the Public Information Officer, and;
  - the Agency CALEA Coordinator / Manager.

The Commander, Policy Compliance Division shall be responsible for the maintenance and control of the Incident Report Master File<sup>9</sup> and as such shall:

- Maintain cross files or references for incidents regarding court security and for incidents regarding use of force;
- Ensure that a monthly audit is conducted, comparing the master file with the Incident Report Log Book. Findings of this audit shall be submitted to the Chief Assistant Sheriff;
- The Chief Assistant Sheriff shall notify the appropriate Bureau Chief of any missing reports for his/her immediate and appropriate action.

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<sup>8</sup> CALEA 43.1.1 d

<sup>9</sup> CALEA 43.1.1 b, c

**5-101.4 REPORTING AND INVESTIGATION OF VEHICLE ACCIDENTS INVOLVING AGENCY PERSONNEL OPERATING AGENCY OR COUNTY VEHICLES:**

When a member of the Agency is involved in a motor vehicle accident involving a County owned or leased vehicle:

- The member will immediately:
  - 1) Notify Public Safety Communications via radio of:
    - o their location,
    - o the number of vehicles involved, and
    - o whether there are any known injuries.
  - 2) Request a Supervisor from this Agency to respond to document and investigate the accident; and
  - 3) Complete and submit the following reports:
    - i. Incident Report in accordance with the procedures prescribed by this General Order;
    - ii. Vehicle Accident Report Form (Attachment F).
- The Supervisor will, prior to the end of their shift :
  - 1) Conduct and document an investigation to determine fault and cause, obtaining at a minimum;
    - i. A Duress Statement from the involved agency vehicle operator (Attachment 'I')
    - ii. Photographs of the involved vehicles and scene
    - iii. Written statements from witnesses and civilian vehicle operators (Attachment J)
  - 2) Complete and submit the following reports:
    - i. Supervisor's Accident Investigation & Report for Vehicles (Attachment E)
    - ii. MAARS Report, (Attachment G)
  - 3) Ensure the member receives copies of the required Incident Report Form and Vehicle Accident Report Form (Attachment F)
  - 4) Ensure all information necessary for the member to complete the Vehicle Accident Report is provided to the member, prior to securing from the scene; and,

- 5) Complete and submit the initial Incident Report and Vehicle Accident Report (Attachment F) if the member is unable (e.g., due to injuries sustained).

If an accident involves critical injury or death, the supervisor shall contact a County Police supervisor and request a Collision Analysis and Reconstruction Unit (CARU). The CARU shall be in charge of the accident investigation upon his/her arrival.

If the accident occurs outside of Prince George's County, the appropriate local law enforcement agency will be notified and requested to respond to write the MAARS report (or appropriate report if out of state).

If the member is injured as a result of the accident, a supervisor shall respond.

**Submission of Reports and Investigations of Vehicle Accidents**

If there are no injuries to any member of this Agency, submission and control of reports and investigations of vehicle accidents remain consistent with the procedures (and all member and supervisory responsibilities) prescribed in subsections 5-101.2 and 5-101.3 of this directive.

Accordingly, and following initial review, the Supervisor (not the reporting member) shall forward the below-listed reports to both the:

- o Teletype Section (Originals); and,
  - o Policy Compliance Division (Copies):
- 1) Incident Report (Attachment E)
  - 2) Supervisor's Accident Investigation and Report for Vehicles (Attachment E)
  - 3) Vehicle Accident Report (Attachment F)
  - 4) MAARS Report (Attachment G)\*
  - 5) Duress Statement (Attachment 'I')
  - 6) Photographs of involved vehicles and scene
  - 7) Written statements from witnesses and civilian vehicle operators (Attachment J)

\*Note: Both copies of the MAARS Report shall be forwarded to the Teletype and Records Division and only a photo copy of the MAARS

Report shall be forwarded to the Office of Policy Compliance.

If injuries are sustained as a result of the motor vehicle accident, then procedures as outlined in General Order 5-102 will be followed as well.

Note: Copies of the MAARS Report may be picked up from the Teletype and Records Division no sooner than five (5) days following the accident. Copies shall be available Monday thru Friday, 0830 to 1600 hours at a cost of \$5.00 per copy (cash, money order or cashier's check).

#### ATTACHMENTS

*A – Incident Report Form (#5219)*

*B – Incident Report Classifications*

C – Incident Report Sample

*D – Incident Report Instructions*

E – Supervisor's Accident Investigation and Report for Vehicles (PGC Form 1385)

F – Vehicle Accident Report PGC (PGC Form 555)

G – MAARS Report

H – Incident Report Coding Overlay

I – Duress Statement Recommended Format

J – Witness Statement Recommended Format

K – Agency Field Reporting System Matrix

*L – Commanders Information Report (CIR)*

#### REFERENCES

*General Order 5-102 (Occupational Injuries or Illnesses)*

*General Order 6-101 (Notification of Major Incidents)*

*General Order 8-111 (Criminal Investigations)*

## **5-103 FIREARMS REPORT**

The purpose of this order is to define the circumstances under which a Firearms Report will be completed and to outline the procedures for the completion and submission of the report.

### **5-103.1 POLICY**

Sworn personnel conducting a Stop and Frisk for handguns, MUST complete and submit a Firearms Report. Sworn personnel conducting a search incidental to an arrest or for a firearms trace, MAY complete and submit a Firearms Report.

### **5-103.2 PROCEDURES**

The Deputy shall complete and forward the Firearms Report (Attachment A) to his/her supervisor prior to the end of the shift, or, within 24 hours after such search or seizure.

The Deputy's Supervisor shall review, sign and forward the Firearms Report, by the end of the shift, to the Warrant Processing Section.

The Supervisor, Warrant Processing Section, shall ensure that the Firearms Reports are logged and forwarded, on a daily basis to:

- Headquarters, Maryland State Police  
Handgun Permit Section  
Attention: Licensing Division  
Pikesville, Maryland 21208

Firearms Reports shall be completed in accordance with the Instruction Guide. (Attachment B)

ATTACHMENT: A – Firearms Report MSP 97  
B – Firearms Report Instructional Guide

REFERENCE – Maryland Annotated Code  
Article 27, Section 36D (e)

**5-105 PROPERTY AND EVIDENCE CONTROL AND MANAGEMENT**

The purpose of this policy is to establish guidelines and procedures for all Office of the Sheriff Personnel relative to the handling of property and evidence. The seizure of property, not directly pursuant to a civil court order, may include, but is not limited to:

- Evidence incident to an arrest or an investigation;
- Dangerous or valuable items held for safekeeping, such as weapons, jewelry, cash and other negotiable securities;
- Contraband.

**5-105.1 POLICY**

Any member of the Office of the Sheriff who seizes, records, transports, or maintains custody of property shall adhere to strict accountability and control procedures, whether during normal assignment, off-duty or engaged in Secondary Employment.

Sheriff’s Office employees shall not keep evidence or property that has been seized, abandoned, turned in or confiscated, beyond the end of their assigned shift or before securing from Secondary Employment.

Under any exceptional circumstances preventing a Deputy from complying with the requirements for reporting and transferring custody of property, the Deputy shall make immediate and direct notification to the on-duty Supervisor or on-call Duty Commander for direction and guidance.

Prior to the employee who seizes or recovers property or evidence ending his/her tour of duty (including secondary employment), all property and / or evidence coming into the custody of agency personnel shall be logged into agency records, and; placed under the control of the Agency Property and Evidence function.

Exceptions to the transfer of items to the Office of the Sheriff are detailed via procedures specific to the different classes of items and include:

- Property seized to satisfy court ordered judgments;
- Perishable items of evidence requiring refrigeration must be submitted to the Prince George’s County Police Forensic Science Division for preservation;
- Controlled dangerous substances or paraphernalia requiring either analysis or destruction.

Citizens desiring to report abandoned property, other than property abandoned in the Judicial Center, must be directed to contact the Prince George’s County Police Department.

OFFICE OF THE SHERIFF  
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**5-105.1 a PROPERTY CLASSIFICATIONS**

Property held by the Sheriff’s Office is classified according to the following categories:

**Sheriff’s Office Property:** property purchased, leased, donated or loaned for the operation and administration of the Sheriff’s Office or property acquired through conversion of evidence or abandoned property in accordance with State and Federal laws;

**Evidence:** property held as pending court action, appeals or other stipulations;

**Abandoned Property:** property held pending the identification of the legal owner and/or subsequent transfer to the County Police Property Custodian;

**Contraband:** Illicit and/or illegal items which cannot be released and that are held pending transfer to the County Police Property Custodian;

**Civil Process Property:** property received, seized, held for safekeeping or otherwise acquired by the Sheriff’s Office by order of the court<sup>1</sup>.

**5-105.2 a PROCEDURES, MANDATORY<sup>2</sup>**

Prior to the end of the shift or before securing from Secondary Employment, the Deputy seizing or recovering the property shall complete the following mandatory procedures for: reports, notifications, and obtaining supervisory review of paperwork:

- 1) Obtain a CCN from Public Safety Communications (PSC) and;
- 2) Contact the Office of the Sheriff Teletype Section (TTY) via landline and:
  - a) Obtain from the TTY operator a Property Number (# E- \_ \_ \_ \_) and, at the same time;
  - b) Relay the following mandatory information, to be recorded into the TTY Property Log under the corresponding Property Number:
    - \_ The CCN obtained by the Deputy
    - \_ Confiscating Deputy and ID number
    - \_ Date / Time of confiscation
    - \_ Name/Address of owner (if known)
    - \_ Address of confiscation

<sup>1</sup> CALEA 74. 1. 1

<sup>2</sup> CALEA 83. 2. 1; 83. 3. 2; 84. 1. 1 a, b, c, d

Effective: August 24, 2014

- Brief description of the property, including quantity, serial/model number, and any obvious defects or damage
- Reason confiscated, e.g., evidence, safekeeping, court order
- Name and ID number of person logging the information

3) The Deputy seizing the property shall, before the end of the shift or secondary employment, complete the following paperwork and forms:

1. Incident Report as per G.O. 5-101, and detailing:
  - the location and circumstances by which the property came into the agency's possession and
  - describing each item of property in detail
2. Property Recovered Report (Attachment A)
3. Property Record (Attachment B)
4. Either a yellow Evidence Tag, or a blue Property Recovered Tag, (Attachment C), whichever is applicable, shall be filled out and attached to the property.

**CDS evidence** shall be placed into a lock seal envelope of the specific type and dimensions prescribed by the County Police Drug Lab with the following two forms completed and attached:

- Evidence sticker (Attachment D). *This label shall be attached to the lower right, front-side of the envelope.*
- Chain of Custody Log/Request for Analysis / Analysis Report (Attachment E). *This form must be typed and may be completed on a personal computer in 'Word' format and printed out; or, it may be printed out and typed on a typewriter. Only one copy is necessary for submission. The submitting Deputy may make additional copies for his/her case file. Earlier, carbon copy versions of the form are still acceptable; however, the form must be typed.*
- *In accordance with County Police procedures, the envelope used for submitting CDS must be: Heat-Sealable; Transparent; Heavy-duty (4.5mil thick); Capacity: 64 oz.; W x L: 9-1/2" x 16"*

Questions regarding submission of CDS or related items should be directed to the PGPD Drug Lab at (301) 772-4705.

Weapons not confiscated pursuant to a Protective Order shall have the following two forms completed and attached:

- ATF Trace Form (Attachment F)
- Firearms Request for Analysis (Attachment G).

4) Where possible, the Deputy shall have an NCIC stolen check made of the property. If evidence, the Deputy should mark the property, for later court identification, in an inconspicuous place with his/her initials and/or ID number.

5) The Deputy seizing the property shall, before the end of the shift (or before going out-of-service, if engaged in secondary employment), submit all forms and paperwork to their supervisor for review.

- NOTE: If for any reason the Deputy's assigned supervisor is not available, the Deputy shall contact an on-duty supervisor or the on-duty Commander directly, in order that all forms and paperwork undergo supervisory review, before going out-of-service, whether assigned shift or secondary employment.

6) The on-duty supervisor / on-call Commander shall review all and paperwork related to the property in question prior to releasing the Deputy from service. The supervisor / Commander shall review all forms for completeness and accuracy and ensure any corrections are made as necessary.

7) The Deputy shall then turn the property over to the Office of the Sheriff Property Custodian for storage; obtain the Property Custodian's signature on the Property Recovered Form, and; retain the yellow copy.

Under any exceptional circumstances preventing a Deputy from complying with any requirement for reporting and transferring custody of property, the Deputy shall make immediate and direct notification to the on-duty Supervisor or on-call Duty Commander for direction.

8) At times other than normal Property Section operating hours (including when off-duty or engaged in Secondary Employment), a Deputy having confiscated property shall, before the end of the shift (or before going out-of-service, if engaged in secondary employment):

- Ensure that all required supervisory review of paperwork and forms is obtained and completed;
- Store the items in the property lockers installed and maintained by the Bureau Chief, Bureau of Administration outside the Supply Services section and located on the ground floor of the Headquarters building;
- The Deputy shall include in his/her incident the identification number of the property lockers in which any items were secured.
- The Office of the Sheriff Property Custodian shall, upon retrieving the items from the property locker, sign and maintain files of all receipt forms and forward the signed, yellow copy of the Property Recovered Report to the submitting Deputy.

**5-105.2 b POTENTIALLY INFECTIOUS MATERIALS, PRECAUTIONS<sup>3</sup>**

There exists the ever-present potential for any item of property or evidence to be contaminated with human blood, body fluids or, 'Other Potentially Infectious Materials' (OPIM's) as defined in General Orders 3-115 and 5-109. Employees should always take standard precautions to include the wearing of personal protective equipment (PPE's), to include gloves or other safety devices as appropriate.

All items containing or suspected of being contaminated with blood, body fluids or other potentially infectious materials (OPIM's) must be:

- 1) contained in leak-proof containers or bio-hazardous plastic bags, and
- 2) prominently marked as potentially bio-hazardous material both;
  - a) during handling and transport, and;
  - b) prior to storage or submission to any Property Technician, FEU Intake Officer, etc.

**REMAINDER THIS COLUMN LEFT BLANK INTENTIONALLY**

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<sup>3</sup> CALEA 84. 1. 1 d, e  
 OFFICE OF THE SHERIFF  
 PRINCE GEORGE'S COUNTY, MARYLAND  
 GENERAL ORDERS MANUAL

**5-105.3 TREATMENT OF SPECIFIC CLASSES OF PROPERTY<sup>4</sup>**

In addition to the foregoing Mandatory Procedures, and due to the different end-locations and handling procedures for various types of property, the following classes of property shall require separate property numbers and sets of forms:

- Evidence and Non-Evidence
- Firearms,
- Drugs,
- Jewelry
- Cash

**5-105.3.a Evidence:**

If a laboratory analysis of evidence is desired, the Deputy shall initiate a written request for analysis to the Prince George's County Police Drug Lab by use of Chain of Custody Log/Request for Analysis/Analysis Report (Attachment E)<sup>5</sup>.

The evidence and accompanying form should then be delivered to the Drug Lab located at 7600 Barlowe Road, Landover, MD (District III). When the analysis has been completed, the Deputy will be notified (via the mail) of the results from the Drug Lab.

Except when needed for court or investigation, evidence shall be stored in a secure manner within the Supply Services Section.

When the evidence is no longer needed, the Deputy shall notify the Property Custodian within seven days, in writing (Attachment H). The memorandum shall indicate whether the property may be returned to the owner/claimant, or otherwise disposed of. The Property Custodian shall arrange to either; return the property to the owner/claimant; forward it to the County Police Property Custodian or; in the case of certain desirable firearms, follow the procedures for retaining the firearm.

When custody of the property is relinquished by the Office of the Sheriff, the Property Custodian shall obtain receipt by having the individual sign the Property Recovered Form. This Form shall be retained as a permanent record.

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<sup>4</sup> CALEA 84. 1. 1 d, e

<sup>5</sup> CALEA 84. 1. 2



### **5-105.3.b Non-Evidence:**

Following completion of the 'Mandatory Procedures' outlined in Section 5-105.2, the Deputy shall hand-carry and deliver the property, and accompanying forms, to the Office of the Sheriff Property Custodian, or; when prior authorization is received, to the County Police Property Warehouse located at 3711 Ardwick Place, Landover, MD.

The Deputy shall obtain the signature of the receiving Property Custodian on the Property Recovered Form and retain the yellow copy as the Deputy's receipt, at the time the property is received by the Property Custodian. For property accepted by the County Police Property Warehouse, give the goldenrod copy to the Police Property Custodian and turn in the pink copy to the Office of the Sheriff Property Custodian along with a copy of the Incident Report.

### **5-105.3.c Firearms:**

Firearms confiscated pursuant to Protective Orders shall remain in the custody of the Office of the Sheriff Property and Evidence Section for the duration of the Protective Order. Protective Orders have a possible eighteen (18) month life. Firearms confiscated pursuant to Protective Orders:

- May be returned to the Respondent at the conclusion of the Protective Order; only after a complete background check to determine that no criminal or civil matters are pending that would preclude the Respondent from possessing the firearm;
- Are no longer needed after the expiration of the Protective Order, the Respondent shall be notified that the weapon may be picked up at the Office of the Sheriff. After ninety (90) days have elapsed from the date of the notification and the firearm remains unclaimed, then the firearm is otherwise subject to forfeiture.

All other firearms confiscated under the scope of this order shall be taken to County Police's Firearms Examination Unit (FEU), also located at 7600 Barlowe Road, for test firing, by the Deputy seizing the property and before the end of the shift (or before going out-of-service, if engaged in secondary employment). Firearms confiscated outside the FEU operating hours shall be retrieved from the Agency Property Section and taken to the FEU by the recovering Deputy, prior to the end of the next scheduled shift.

Firearms which are of the type and quality that would make them desirable for retention by the Office of the Sheriff, either for issue or trade-in purposes, shall be noted as such. The Deputy shall note on the firearms

Request for Analysis Form and the Property Recovered Form "Return to the Office of the Sheriff if Unclaimed," or; if the weapon was seized pursuant to Article 27, Section 36B, note "For Forfeiture" on the forms.

After 90 days have elapsed from the date of seizure or conclusion of criminal proceedings and the firearm remains unclaimed or, the firearm is otherwise subject to forfeiture, the Office of the Sheriff Property Custodian shall send a copy of the annotated Property Recovered Form to the Assistant Sheriff, Bureau of Administration, who shall determine if the firearm is desirable for retention. If so determined, the Assistant Sheriff shall initiate action through the County Office of Central Services, Procurement Division, to retain the firearm for Office of the Sheriff's use.

### **5-105.3.d Drugs and CDS**

The Office of the Sheriff cannot accept any drugs, controlled dangerous substances (CDS), or any items bearing CDS residue. Following completion of the 'Mandatory Procedures' outlined in Section 5-105.2.a of this directive, all drugs must be taken directly to the County Police Drug Lab or be put in their drop box, prior to the end of shift or securing from Secondary Employment. *Questions regarding submission of CDS or related items should be directed to the PGPD Drug Lab at (301) 772-4705.*

### **5-105.3.e Money, Currency and Cash**

The Office of the Sheriff does not maintain custody of any cash or other money not held as evidence (e.g., currency "lost and found" or recovered for safekeeping, etc.). Following completion of the 'Mandatory Procedures' outlined in Section 5-105.2 of this directive, all cash must be taken directly to the Office of the Sheriff Property Custodian who shall make arrangements for the money to be hand-carried and transferred directly to the County Office of Finance, via transmittal and procedures as provided by the Cash Management Division.

If a deputy receives property which will not fit into an evidence locker the Duty Officer is accountable to see that the property is held in a secure area until the Property Custodian is available. In the event the property is of extremely high value, i.e., precious metals, gems, artwork, etc., or of high sensitivity, the Property Custodian may be summoned to assume possession. In any case, the duty officer is held accountable to see that the property is secured until received by the Property Custodian and that every effort is made to maintain the chain of custody so the integrity of the case is not compromised.

### 5-105.3.f Items Requiring Refrigeration or DNA Analysis<sup>6</sup>

Perishable items of evidence requiring refrigeration and / or Items requiring DNA or serology analysis shall be taken to County Police's Forensic Division, DNA / Serology Laboratory located at 7600 Barlowe Road, by the Deputy seizing the items and before the end of the shift or secondary employment undertaking. Any DNA swabs necessary must be done before submission of such items to the Property Sections or other units within either the Office of the Sheriff or the Police Department.

### 5-105.4 ADMINISTRATION AND MANAGEMENT

The Office of the Sheriff Property Custodian shall safeguard all property in his/her possession and maintain records to accurately reflect the status and disposition of property confiscated by members of this Agency.

#### Property Storage Area Security

The Office of the Sheriff will store all property in its custody in designated, secure areas. The Property Room of the Office of the Sheriff will remain securely locked at all times that they are not in use by the Office of the Sheriff Property Custodian or another authorized person. Only the Property Custodian will have unescorted access to property storage areas. Each entry into the Property Room will be recorded with the date, time and individual entering the room.<sup>7</sup>

The Commander of the Teletype / Records Section shall maintain within the Teletype Section a property log for the purposes of recording specified information pertaining to every Property Number issued for items taken into custody by a member of the Agency.

The Assistant Sheriff, Bureau of Administration, shall:

- Ensure that secure property storage areas / containers are established and maintained, and;
- Provide overall direction and oversight to ensure that the provisions on this General Order are followed.

Scheduled and formal inspections of the Property / Evidence Section shall be conducted in accordance with General Order 3-109 (Agency Inspections Programs) and 5-112 (Agency Administrative Reports Program)

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<sup>6</sup> CALEA 84. 1. 2

<sup>7</sup> CALEA 84.1.2, 84.1.4

### 5-105.4. a Release of Items from the Control of the Property and Evidence Function<sup>8</sup>

1) **Temporary Release** of items from the control of the Agency Property Custodian for any reason shall require completion of the following and respective tracking forms. Completion of the documents is in order to document each release by and then return to the control of the Agency Property Custodian of property and evidence items. The procedures respective to either evidence and/or property are required in order to maintain the chain of custody and thereby ensure the integrity of every case and/or instance of safekeeping by the Agency:

- a) **Evidence:** items shall require completion of the:
  - i. Reverse (chain-of-custody) side of the Property Record Form (PGC # 4350, Attachment B); and,
  - ii. Reverse (chain-of-custody) side of the yellow Evidence Tag, (PGC # 137, Attachment C)
- b) **Non-evidence, Property:** items shall require completion of the Property Released section of the Property Recovered Report (PGC # 1130, Attachment A)

2) **Final Release** of items from the control of the Agency Property Custodian is typically accomplished through one of two procedures:

- a) **Release to Owner:** in instances where law and regulation do not prohibit the return of non-evidence property items to a person identified as the owner, a person of interest (e.g., family member or heir) or legal custodian:
  - i) The Agency Property Custodian shall notify the owner of the property held by the Agency;
  - ii) The notification may be phone and/or by letter sent via first-class pre-paid postage;
  - iii) If by mail, the letter shall be addressed to the address of record for the owner;
  - iv) The owner shall be given a maximum of forty-five (45) days to retrieve the

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<sup>8</sup> CALEA 84. 1. 1 f, g

property after making an appointment with and providing photographic proof of positive identification to the Agency Property Custodian;

- v) When custody of the property is relinquished by the Office of the Sheriff, the Property Custodian shall obtain receipt by having the individual sign the Property Recovered Form. This Form shall be retained as a permanent record;
- vi) When an item remains unrecovered for ninety (90) or more days, because: notification to the owner has gone without positive response; efforts to either identify and/or notify the owner have proven unsuccessful; or, existing statute or law prohibits the owner from taking possession of the item, the Property Custodian shall initiate procedures for transfer of the property in question to the County Police Property Custodian;
- vii) In instances where a question arises regarding the legality of returning a certain property item to a person, the Agency Property Custodian shall consult with the Agency General Counsel and/or Inspector General.

Prior to the release of any firearm, the Property Custodian shall cause the completion of a complete criminal history of the person identified as the owner and/or identified as the person to whom the firearm is to be released to ensure no local, state or federal law prohibits the possession of the firearm by that person.

A copy of the criminal history shall be retained in the permanent files maintained by the Agency Property Custodian.

**b) Transfer of items from the control of the Office of the Sheriff to the County Police Property Custodian:**

In accordance with provisions of the County Code, items no longer needed for evidence and/or which are not returned to the owner by the Office of the Sheriff shall be delivered by the Agency Property Custodian to the County Police Property Custodian.

At the time of transfer, the Office of the Sheriff Property Custodian shall obtain the signature of the County Police Property Custodian on the Property Record Form (Attachment B). The Office of the Sheriff Property Custodian shall retain the copy within permanent files to be maintained by him / her.

**5-105.5 SUPERVISION AND OVERSIGHT**

It shall be the direct responsibility of every member, supervisor and Commander to ensure that all procedures and paperwork pertaining to property taken into custody by Agency members are completed in an accurate and timely manner.

The Office of the Sheriff Property Custodian shall make immediate notification regarding each instance involving procedures and/or paperwork lacking completion, accuracy or timely submission, in writing (e-mail acceptable), to the following individuals:

- The recovering Deputy or member
- The member's immediate supervisor
- The member's Division Commander
- The Agency Manager, Assets Management

Incomplete or incorrectly submitted documentation pertaining to recovered property shall be corrected, either by the submitting member or his/her chain-of-command within one (1) working day following notification from the Property Custodian. The Agency Property Custodian shall notify the Commander, Policy Compliance Division of each failure to comply with these procedures.

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## REFERENCES:

General Order 3-109 (Agency Inspections Programs)

General Order 3-115 (Infection Control Plan)

General Order 5-101 (Incident and Field Reporting Systems)

General Order 5-109 (Infection Control Exposure Report)

General Order 5-112 (Agency Administrative Reports Program)

Bureau of Court Services Standard Operating Procedures

The Prince George's [County Code, Subtitle 18 \(Police\)](#), Division 2 (Property):

Section 18-112 (Police Designation of Property Custodian and Property Records),

Section 18-113 (Property Custodian Receipt and Disposal of Property received from Sheriff)

The Annotated Code of Maryland, Courts and Judicial Proceedings, § 2-311.

## ATTACHMENTS:

A – Property Recovered Form, PGC Form 1130

B – Property Record Form, PGC Form 4360

C – Evidence Tag and Property Recovered Tag, PGC Forms 137 and 129

D – Evidence Sticker, PGC Form 3645

E – Chain of Custody Log/ Request for Analysis / Analysis Report, PGC Form 3747

F – National Trace Center Firearms Request Form

G – Firearm Request for Analysis, PGC Form 4449

H – Evidence Disposition / Release Memorandum

I – Deputy / Supervisor's Property-handling Checklist

## **5-106 RIDE-ALONG PROGRAM**

The purpose of this order is to outline policy and procedures whereby citizens or documented foreign nationals become passengers/observers in Agency vehicles, accompanying on-duty personnel.

### **5-106.1 POLICY**

In order to give the public a better understanding of the Office of the Sheriff and its role in the community, the Agency shall maintain its Ride-Along Program.

Applicants requesting to participate in the Ride-Along Program shall meet at least one of the following criteria:

- Students in an accredited law enforcement program or related field;
- Members of religious or civic organizations interested in law enforcement;
- Members of other law enforcement agencies;
- County or State officials whose positions may require that they have knowledge of the nature of the Agency operations, e.g., Judges, Grand Jury Members, Landlord-Tenant Commissioners, Personnel Officers;
- County or State officials with special interests in our operations;
- Such other persons whose ride-along experiences would, as deemed by the Sheriff or Chief Assistant Sheriff, be in the best interests of this Agency.

Female participants should be assigned to ride with a female member.

Minors (those under 18) should be accompanied by a parent, guardian, other adult relative, or other responsible adult, e.g., church, scout, school, or youth group official.

With the exception of those adults described as accompanying minors, ride-along participants shall be limited to a maximum of three sessions within any inclusive three month period.

### **5-106.2 PROCEDURES**

Anyone interested in participating in the Ride-Along Program will be provided a copy of Guidelines for Ride-Along Participants (Attachment A), a General Release Form (Attachment B), and a Ride-Along Program Application (Attachment C). The applicant's signature

on the General Release Form must be witnessed. Minors (those under 18) must have this release signed by a parent, legal guardian, or spouse of legal age, in the presence of a sworn member of the rank of Lieutenant or higher.

The applicant must then be interviewed by a sworn member of the rank of Lieutenant or higher or Policy Compliance sworn personnel of any rank. Based upon review of the application and release form, and interview of the applicant, the interviewer shall determine if the applicant qualifies for participation in the program. The interviewer shall also verify the applicant's true identity.

If approval is to be granted, the interviewer shall return copies of the approved application and completed release form to the applicant. In all cases, whether approval is granted or denied, the interviewer shall forward the original signature documents to the Office of Policy Compliance. The Office of Policy Compliance shall maintain the program file.

The interviewer shall coordinate arrangements with the Division Commander who will determine when the ride-along will take place.

The Division Commander and/or Supervisor should select members who do well in representing the Office of the Sheriff, and who are knowledgeable and experienced in Agency activities.

The member is responsible for the safety of the ride-along, and should not unnecessarily expose the participant to a dangerous situation, although the member should perform low risk duties as if the participant were not present.

- In low risk matters, it is discretionary whether the ride-along should or should not accompany the member into a private residence;
- Good judgment should be exercised in situations where the member suspects or knows that the subject will be hostile, or is a situation that otherwise carries a higher level or risk.

The member may terminate the ride-along if the participant hampers, interferes, or hinders the member in the performance of duty. In such an event, the member shall:

- Immediately notify his/her supervisor;
- Submit a Memorandum to the Supervisor documenting the circumstances for the termination of the ride-along.

ATTACHMENTS: A – Guidelines for Ride-Along  
Participants  
B – General Release Form  
C – Ride-Along Program Applications

**5-109      INFECTION CONTROL  
              EXPOSURE REPORT**

The purpose of this order is to provide documentation of instances wherein members have been exposed to persons carrying communicable diseases. This order applies to all personnel, but primarily those performing duties involving the custody, care, processing, and transporting of prisoners.

**5-109.1     POLICY**

Members who become exposed to persons carrying communicable diseases shall fill out an Infection Control Exposure Report.

**5-109.2     PROCEDURES**

The Infection Control Exposure Report (Attachment) will be completed in it's entirety and forwarded to:

- The Infection Control Officer no later than 24 hours post-incident;
- *The Budget and Finance Manager for the Office of the Sheriff no later that 24 hours post-incident.*

A copy of the report will be returned to the member after completion by the Infection Control Officer.

The supervisor shall:

- Ensure the employee completes the Infection Control Exposure Report and that it is forwarded to the Infection Control Officer in a timely manner;
- Prepare and submit this report for the employee if the employee is medically unable to do so.

Nothing in this order negates or diminishes any other individual or supervisory requirement pursuant to General Order 5-102, Occupational Injuries or Illness.

ATTACHMENT: *Infection Control Exposure Report*



## 5-110 MOTOR VEHICLE CITATIONS

The purpose of this order is to establish procedures for issuing, maintaining, accounting for and analyzing records of traffic citations. These citations include; Motor Vehicle Law Citations, Warning Citations, and Safety Equipment Repair Orders. This order also outlines procedures for submitting information dealing with Race Based Traffic Stops.<sup>1</sup>

### 5-110.1 POLICY

Storage, issuance and accounting of traffic citations are to be rigidly controlled. Copies of citations and related reports issued by Deputies are to be filed in agency records for statistical analysis and reporting, as required by law. Issuing, accounting, and storing of citations may be accomplished by electronic means, as approved by the Sheriff.

The Office of the Sheriff prohibits Agency Deputies from exercising law enforcement powers in a manner that unlawfully discriminates against individuals based on race, national origin, gender, religion, or ethnicity<sup>2</sup>. In addition, except in the situation described below, Deputies will not use race, national or ethnic origin of drivers or passengers in deciding which vehicles to subject to a traffic stop, checkpoint, or roadblock stop. Where Deputies are on the "lookout" for, or are seeking to stop, detain, or apprehend, one or more specific persons who are identified or described in part by race or national or ethnic origin, Deputies may then rely in part on race or national or ethnic origin given as part of the "lookout" in taking appropriate action.

**Demeanor:** When confronting violators, Deputies will present and maintain a professional and courteous demeanor. At no time will members of this Agency appear nasty, make derogatory statements, or otherwise become verbally abusive.

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RESERVED INTENTIONALLY**

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<sup>1</sup> CALEA 61. 1. 2 a, b, c; 82. 2. 1; 82. 2. 2

<sup>2</sup> CALEA 1. 2. 9 a

## 5-110.2 PROCEDURES

### Supply Services shall: <sup>3</sup>

- Maintain rigid control of all un-issued traffic citation books via secure storage within an area of restricted access that is inaccessible to the public or unauthorized persons.
- Issue citation books to those Deputies who have completed training;
- Remove the tally sheet out of each citation book issued and have the receiving Deputy fill in the information required;
- Forward each completed tally sheet to the Commander, Civil Operations Division;
- Upon issuance of any other citation booklet, obtain a receipt bearing the sequential numbers comprising the booklet and the signature of the Deputy to whom the booklet is issued.
- Place the original of each completed Receipt of issued citation booklets in the respective Deputy Sheriff's Equipment / Supply folder;
- Forward a copy of the Deputy's completed Receipt for each issuance of a citation booklet to the Commander, Civil Operations Division.

### The Deputy shall:

- Issue a written warning, a safety equipment repair order, or a traffic summons as necessary;
- Appear in court as necessary, and in proper uniform;
- Be in complete proper uniform when making a traffic stop. Only in the most serious cases will Deputies in civilian clothing be permitted to execute a traffic stop under the provisions of this order. Pursuant to the Transportation Article, a uniformed Deputy may be required to respond to demand the driver's license from the violator;
- Complete a Traffic Stop Form (Attachments A & B) for every traffic stop made;

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<sup>3</sup> CALEA 82. 3. 4 a, c

- Deliver all turn-in copies/originals of citations or repair orders and the completed Traffic Stop Form to their immediate supervisor, prior to the end of the shift upon which the traffic stop was conducted;
- Deputies conducting a traffic stop while off-duty or while engaged in Secondary Employment shall deliver all turn-in copies/originals of citations or repair orders and the completed Traffic Stop Form to their immediate supervisor or on duty supervisor within 24-hours from the time the traffic stop was conducted, regardless of any type of leave the Deputy may be on;
- Document each and any instance in which the Deputy fails to deliver all turn-in copies/originals of citations or repair orders and the completed Traffic Stop Form to their immediate supervisor within the above-stated timeframes, utilizing Attachment 'C' to this directive;
- All copies of the uniform complaint citation that are voided by the Deputy or damaged must also be turned in to the immediate supervisor, along with a written memorandum explaining the reason for the non-issuance or detailing the cause of damage.  
***The voided citation and memorandum shall be forwarded to the Commander, Civil Operations Division.***
- (required for Agency audit.)
- Disposition of cases;
- Time spent in court;
- Overtime hours related to traffic enforcement.
- Ensure documentation (Attachment 'C' to this directive) is completed and submitted by the Deputy for each instance in which a subordinate Deputy assigned to that supervisor fails to deliver all turn-in copies/originals of citations within the above-stated timeframes;
- Review and take necessary corrective and/or effect appropriate disciplinary action upon each instance in which a subordinate Deputy assigned to that supervisor fails to deliver all turn-in copies/originals of citations within the above-stated timeframes;
- Ensure each documentation of late citation submission (Attachment 'C') is annotated by the supervisor to apprise his/her chain of command as to the corrective and/or disciplinary action taken; and
- Ensure each completed notification of late citation submission (Attachment 'C') is forwarded through the chain of command, with delivery of the original ultimately reaching the Commander, Civil Operations Division without undue delay.

**The Supervisor shall:**

- Hold each subordinate accountable to the policy and procedures of this General Order;
- Inspect all turned-in copies of citations, traffic stop forms, safety repairs orders, and written warnings for completeness and accuracy;
- Routinely monitor the amount of traffic-related activities being conducted by his/her subordinates, to include the number of citations issued;
- Hold the subordinate accountable for every citation issued to him/her;
- Forward all turn-in copies/originals of citations or repair orders, the completed Traffic Stop Form, and any written memos to the Commander, Civil Operations Division;
- Maintain accurate, up to date statistics, for personnel assigned to that supervisor, showing monthly and annually:
  - Number of cases presented in court, including appeals;

**The Commander, Civil Operations Division shall:<sup>4</sup>**

- Store and maintain rigid control of traffic citations received within an area of restricted access and inaccessible to the public or unauthorized persons;
- Cause the required copies/originals of all submitted documents to be transmitted to the appropriate court or agency;
- Monitor the traffic enforcement program and compile a monthly traffic report synopsis to indicate:
  - Total summonses issued;
  - Total warning citations issued;
  - Total safety equipment repair orders issued
  - Types of violations and numbers of each;
  - Names of personnel issuing citations;

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<sup>4</sup> CALEA 82. 3. 4 b, c

- Any other information required by higher authority.
- Forward data collected on all Traffic Stop Forms received to the Assistant Sheriff, Bureau of Field Operations;
- Forward notice to the appropriate court documenting each instance in which any turn-in copies/originals of citations are not received by the Civil Division and/or submitted to that appropriate court within 50 days from the time the traffic stop was conducted, utilizing Attachment 'D' to this directive.

**ATTACHMENTS:**

- A – Traffic Stop Form T-001
- B – Traffic Stop Form Instruction Guide
- C – Deputy Sheriff’s Memorandum of Late Citation Submission, with chain-of-command review
- D –Notice to Court of Late Citation Submission (when 50-days or more Late)

**The Training Section shall:**

- Arrange appropriate and necessary training for vehicle law and enforcement related material.

**REFERENCE:** Transportation Article 16-112

**The Assistant Sheriff, Bureau of Field Operations shall:**

- Compile the data from the Traffic Stop Forms for each calendar year;
- Submit a report to the Sheriff by January 31<sup>st</sup> of each year for submission to the State of Maryland Justice Analysis Center no later than February 15<sup>th</sup> of each year<sup>5</sup>;
- Maintain secure records of all data by calendar year<sup>6</sup>.
- Monitor this program to determine the overall impact on the Agency’s efficiency and public image, and advise the Sheriff as necessary<sup>7</sup>;
- Annually review the data report from the Traffic Stop Forms to insure compliance with this General Order.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

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<sup>5</sup> CALEA 1. 2. 9 d

<sup>6</sup> CALEA 82. 3. 4 b

<sup>7</sup> CALEA 1. 2. 9 d

## 5-111 VOLUNTEER PROGRAM

The purpose of this order is to establish policy and procedure whereby students or other community members volunteer their time, expertise or services to the Office of the Sheriff. Included in this category are students seeking "Community Service Hours", and non-violent offenders performing "Community Service" (pre and post trial).

### 5-111.1 POLICY

In order to give the public a better understanding of the Agency and its role in the community, the Office of the Sheriff shall maintain its Volunteer Program.

Applicants requesting to participate in the Volunteer Program shall meet at least one of the following criteria:

- Students in an area high school seeking community service hours;
- Members of religious or civic organizations interested in promoting the "Livable Community" concept;
- Family members from this, and other law enforcement agencies;
- Non-violent post trial individuals directed to perform community service;
- Community activists with special interests in our operations;
- Such other persons whose volunteer experiences would, as deemed by the Sheriff or Chief Assistant Sheriff, be in the best interests of this Agency.

Minors (those under 18) shall be accompanied by a parent, guardian, other adult relative, or other responsible adult, for the application procedure.

With the exception of those adults accompanying a minor, volunteer participants shall be limited to a maximum of 48 hours within any inclusive three month period.

Applicants requesting to participate in the Volunteer Program shall have initial criminal screening (Attachment A) before accessing secure areas and proprietary information.

### 5-111.2 PROCEDURE

Anyone interested in participating in the Volunteer Program shall be provided a copy of a Volunteer

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Program Application (Attachment B), Guidelines for Volunteer Participants (Attachment C), an Authorization For Release of Personal Information (Attachment D), and a General Release Form (Attachment E). The applicant's signature on the General Release Form must be witnessed. Minors (those under 18) must have this release signed by a parent, legal guardian, or spouse of legal age, in the presence of a sworn member of the rank of Lieutenant or higher.

The applicant must then be interviewed by a sworn member of the rank of Lieutenant or higher or Public Information Office sworn personnel of any rank. Based upon review of the application and release, and interview of the applicant, the interviewer shall determine if the applicant qualifies for participation in the program. The interviewer shall also verify the applicant's true identity.

*Applicants specifically interested in the Domestic Violence Intervention Division, must be interviewed by a sworn member of the rank of Lieutenant or higher or the Domestic Intervention Community Developer Manager. Based upon review of the application and release, and interview of the applicant, the interviewer shall determine if the applicant qualifies for participation in the program. The interviewer shall also verify the applicant's true identity.*

If approval is to be granted, the interviewer shall return copies of the approved application and completed release form to the applicant. In all cases, whether approval is granted or denied, the interviewer shall forward the original signature documents to the Public Information Officer. The Public Information Officer shall maintain the program file and provide staff supervision over this program.

The interviewer shall coordinate arrangements with the command that will be utilizing the volunteer.

Commanders/Supervisors should select members who do well in representing the Office of the Sheriff, and who are knowledgeable and experienced in Agency activities. Volunteers will work with the selected person and receive assignments and guidance from these members.

The member is responsible for the safety of the volunteers, and should not unnecessarily expose the participant to a dangerous situation, although the member should perform low risk duties as if the participant were not present.

Strict record shall be kept with respect to timekeeping where volunteers are concerned.

Effective: August 2, 2006

Some volunteers must achieve required hours of service, and produce documentation from the agency attesting to the amount of time volunteered.

The member may terminate the volunteer if the participant hampers, interferes, or hinders the member in the performance of duty. In such an event, the member shall:

- Immediately notify his/her supervisor;
- Submit a Report by Memorandum for "Termination of Volunteer", documenting the circumstances of the termination.

ATTACHMENTS A – Criminal Background Check  
B – Volunteer Program Applications  
C – Guidelines for Volunteer Participants  
D – Authorization For Release of Personal Information  
E – General Release Form

## 5-112 ADMINISTRATIVE REPORTS PROGRAM AND AGENCY FORMS

The purpose of this order is to establish an Administrative Reporting Program in order to:

- Provide information to the Sheriff, Agency members and others regarding performance of the Agency and all its components, and;
- Ensure the monitoring, progress, and review of administrative and management activities.

This program includes a number of reports which are produced on a regular basis or are triggered by an event or incident. In addition to providing tracking and analysis information of practical value in the operation of the Agency, these reports satisfy CALEA requirements which must be documented. This program shall include the compilation and review of statistical data, progress reports, analytical reports, as well as goals and objectives<sup>1</sup>.

### 5-112.1 POLICY

It is the policy of the Sheriff's Office that wherever work performance can be measured objectively, automated records shall be kept of such work performed (i.e. detainee transports, arrests, process completed and/or served, evictions, attachments, ex partes, etc.). When it is possible to compare requests for service with actual service, reports shall reflect this comparison. Managers will utilize reports to determine personnel deployment and to identify the objectives for the next quarter and beyond. This information will also be used in formulating budget recommendations.

Wherever possible, the primary method of forwarding and submitting reports through the chain of command should be electronically (e.g., as a separate attachment to an e-mail). Excepted are forms requiring original signatures (i.e., inspection forms, etc.) or which may contain sensitive and/or confidential information, as determined by the Chief Assistant Sheriff or recommended by a respective Bureau Chief.

### 5-112.2 SHERIFF'S PREROGATIVE

Nothing in this order is intended to abridge the Sheriff's prerogative to unilaterally make changes to any administrative reporting procedures, in any manner, as he / she may see fit. The administrative reports in this directive and its respective attachment shall, however, be completed as indicated unless the Sheriff approves deviations.

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<sup>1</sup> CALEA 11.4.1

## 5-112.3 DEFINITIONS

As used in this Directive:

**The Agency** shall mean the Office of the Sheriff for Prince George's County, Maryland.

**Administrative Reports** are those reports and records designed to provide information within the agency on a day-to-day operational basis as well as provide a mechanism to report agency activities outside the immediate structure of the agency.

Examples of administrative reports include daily reports, monthly reports, annual reports, etc. The periodic reports required by CALEA standards that are applicable to the agency may be included on the list of administrative reports.

Control of administrative reports is not to be confused with routine records control. The Commander, Teletype (TTY) / Records Management Section is responsible for the manner of collection, storage and retention of operational records to include warrants and fugitive files, Incident Reports files, vehicle impound notices, property number logs, etc.

**Administrative Reports Matrix** (Attachment 'A')<sup>2</sup> is the chart indexing numerous administrative reports made within the Agency, not explicated within other, existing directive, law or regulation. The Matrix provides details as to:

- the person(s) or position(s) responsible for formulation of each report;
- a description of the report(s) purpose;
- frequency of the report(s), and;
- distribution of the report(s).

Unless noted otherwise herein, reports appearing in the matrix with "End of Shift" deadlines are to be submitted in accordance with existing General Orders and/or Standard Operating Procedures. The recipient(s) of these reports shall provide the Accreditation Coordinator with copies, upon request.

**Audit** is a sampling or review of: records and practices that conform to generally accepted standards as prescribed by the American Institute of Certified Public Accountants, Government Finance Officers Association or local legislation, and/or; a significant sampling of property (and evidence) including high-risk items.

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<sup>2</sup> CALEA 11.4.1 a

## 5-112.4 RESPONSIBILITIES

- A. The Chief Assistant Sheriff is responsible to oversee the Administrative Reporting Program within the Agency and all of its components, and as such shall require, on behalf of the Sheriff, all reports be submitted on or before their respective due dates, and; determine those reports subject to administrative review by the Inspector General.
- B. It shall be the responsibility of each Bureau Chief to direct a copy of each report generated within their command and which addresses a specified CALEA standard to the Agency Accreditation Coordinator. Reports appearing in the Matrix with deadlines of "daily," "weekly," and/or "monthly" shall require a minimum of three (3) consecutive reports. If a report is not submitted within the prescribed time frame, the Accreditation Coordinator will contact the respective Bureau Chief to ensure that the assigned employee completes the report within a timeframe determined by the respective Bureau Chief.
- C. It shall be the responsibility of the Accreditation Coordinator, upon receipt of each report from respective Bureau Chiefs, to ensure every report addressing a CALEA standard is maintained within its respective CALEA file and in a fashion which prepares the Agency to submit required CALEA reports and prepares the Agency for Reaccreditation.
- D. It shall be the responsibility of the Commander, Research, Planning and Development Division (PRD) to maintain an administrative reports matrix, to include the following information<sup>3</sup>:
- 1) Administrative reports made within the Agency
  - 2) The position(s) or person(s) responsible for the formulation of each report(s)
  - 3) The purpose of each report
  - 4) The frequency at which each report is submitted
  - 5) The distribution and recipient(s) of each report
  - 6) A reference to any relevant CALEA standards which may be applicable to each report.

Each Bureau Chief will use the Matrix to ensure compliance with all Agency and CALEA requirements.

- E. It shall be the responsibility of the Commander (Lieutenant or above) or Civilian Manager over each agency component to ensure that automated records are kept wherever deemed appropriate.

## 5-112.5 DAILY REPORTS

In addition to other reports itemized within the Administrative Reports Matrix, and/or as may be ordered by higher authority, the following daily reports shall be submitted when directed and as they relate to the date on which they are submitted:

### a) Bureau Daily Report

Every working day, each Bureau Chief shall direct the compilation and distribution of the Bureau Daily Report (BDR) for their respective Bureau. Distribution of the report on a daily basis shall be as an e-mail attachment and shall include the following recipients:

- The Senior Command Staff (G.O. 1-103)
- The Agency Personnel Coordinator(s)
- The Agency Accreditation Coordinator
- Any other persons designated by the respective Bureau Chief

**Leave Status Designation:** The Daily Report for each Bureau shall accurately reflect the status of every employee assigned within that respective Bureau:

- Employees present and working in a normal duty status may be reflected via by a designated code denoting the specific work-shift to which each employee is assigned, that day;
- The status of any employee who is not present (e.g., any form of leave, IOJ, etc.) and/or whose status is other than normal duty status (e.g., extradition, TDY or training) shall be indicated using a code, pre-designated by the respective Bureau Chief, to accurately indicate the type of leave or assignment the employee is on.

**Other Information:** Each BDR may contain other information (e.g., statistical data or chronological logs) as determined appropriate by the respective Bureau Chief or Chief Assistant Sheriff.

**Change of Status during Tour of Duty:** When an employee's duty status changes during his or her tour of duty, the supervisor shall ensure that the proper type of leave or status is accurately entered on the employee's Electronic Time-keeping System (ETS) timesheet.

It shall be the responsibility of each supervisor, Division Commander and civilian Manager to ensure that the status of each subordinate reporting to them is reflected accurately on their respective Bureau's Daily Report.

<sup>3</sup> CALEA 11.4.1. a, b, c, d, e



**5-112.6 WEEKLY and BI-WEEKLY REPORTS**

**a) Weekend Duty Officer’s Log and Report**

Each assigned duty day, the Weekend Duty Officer shall compile and distribute the Duty Officer’s Report and Log for their respective shift. The report shall be on a format as prescribed by the Chief Assistant Sheriff and shall include, at a minimum:

- An overview as to the scheduled status of each section within in the agency;
- The names and assignments of any members scheduled a work shift but who were, are or will not present, as scheduled;
- The outcome and / or notifications made in response to any unusual events or major incidents.

Distribution of the report shall occur each assigned duty day and as an e-mail attachment and shall include the following recipients:

- The Senior Command Staff
- The Agency Personnel Coordinator
- The Agency Accreditation Coordinator
- Any other persons designated by the respective Bureau Chief

**b) Community Affairs “Week-in-Advance” Agenda**

Prepared by the Community Relations Section, this calendar outlines agency participation in various community events. Distribution shall occur as an e-mail attachment and include the following recipients:

- General Command Staff and above (G.O. 1-103);
- Other persons as designated by higher authority.

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**5-112.7 MONTHLY REPORTS**

**a) Division Monthly Schedules**

Prior to the fifteenth (15<sup>th</sup>) day of every month, each Division Commander and civilian Manager shall prepare and e-mail their respective Bureau Administrative Aide a monthly schedule showing the shift or known status assigned each subordinate within their Division, for the next approaching month.

The Administrative Aide assigned to each Bureau will assemble and forward all schedules for their assigned Bureau to one Administrative Aide, as designated by the Chief Assistant Sheriff, prior to the twenty-fifth (25<sup>th</sup>) day of each month.

That designated Administrative Aide shall then collate and post the monthly schedules for the entire agency on the agency shared “I”-drive, prior to the last working day of each month.

Submission deadline dates for monthly schedules cannot be altered or modified without the prior approval of the respective Bureau Chief.

**b) Exception to Normal Duty Status Report**

It shall be the responsibility of every supervisor, Division Commander and civilian Manager to ensure that the status of each subordinate reporting to them is accurately reported on their respective Bureau’s Daily Report (as well as the employee’s timesheet).

Utilizing the information provided by each respective Bureau’s Daily Report, the Agency Personnel Coordinator will collate complete an Exception to Normal Duty Status Report, and forward that report for the preceding month to each Bureau Chief by the fifth day of every month.

The report shall list any employee who, for more than five (5) consecutive working days, has been temporarily reassigned or is otherwise unavailable for regular duty for any reason, to include:

- Administrative assignment
- Administrative leave
- AWOL
- Disability leave
- Family and medical leave
- Jury duty
- LWOP
- Military leave
- Sick leave

**c) Monthly Statistical Reports  
(Workload Assessments)**

Prior to the fifth (5<sup>th</sup>) working day of every month, each Division Commander (or civilian Manager) shall complete and submit through the chain-of-command to their respective Bureau Chief a Monthly Report. Each Monthly Report shall relay the chronological logs, statistical data and/or other performance measures as determined appropriate by the Bureau Chief or higher.

**d) Monthly Inspections, Supervisors' – Personnel Appearance, Uniform & Issued Equipment**

Every month, each supervisor shall complete a documented inspection of each subordinate to ensure compliance with General Orders 5-102, 7-101, 7-102, 7-106, 7-107, 7-108, 7-109, 7-110, 8-101, 8-102 and 8-104. Refer also to General Order 3-109 (*'Inspections Programs'*).

**e) Monthly Inspections, Supervisors' – Agency Vehicles (both Assigned and Pool)**

Every month, the immediate Supervisor of each member assigned a vehicle is responsible for completing a documented inspection of each subordinates' vehicle, in strict accordance with General Order 7-105. Refer also to General Order 3-109 (*'Inspections Programs'*).

**f) Fiscal Accounting System Reports**

An account activity listing accessed through the automated financing program, this report lists each activity by program code and shows:

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

To assist the Sheriff in the day-to-day administration of the Agency, the Manager, Budget and Finance keeps an unofficial running tally of availability by account.

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**g) Monthly Inspection / Test of Teletype Alternate Power Source<sup>4</sup>**

An inspection and test of the alternate power source for the Agency Teletype Section will be conducted monthly, by the last day of each month. This inspection / test will be documented in writing on a log kept for this purpose, and will be maintained for not less than three years. The Manager, Assets Management is responsible to have this inspection / test conducted and as such, may coordinate as necessary with the Building Engineer. Any deficiencies discovered as a result of this inspection / test will be immediately corrected. A copy of the test / inspection log will be transmitted to the Accreditation Coordinator through the Bureau Chief, Bureau of Administration annually in January.

**5-112.8 QUARTERLY REPORTS**

In addition to other reports itemized within the Administrative Reports Matrix, the following reports shall be completed and submitted, quarterly:

**a) Bureau Quarterly Reports**

Prior to the fifth (5<sup>th</sup>) working day of every January, April, July and October, each Division Commander (or civilian Manager) shall complete and submit through the chain-of-command to their respective Bureau Chief a Quarterly Report to include, at a minimum, the following information:

- 1) Section Overview: Brief explanation of the duties and responsibilities of the section;
- 2) Major Accomplishments achieved during the quarter;
- 3) Section Staffing Level: number of persons assigned to the section on a permanent and temporary basis;
- 3)4) Training Received: Any in-service and /or specialized training received by any section personnel during the quarter;
- 4)5) Detail Activities: Each instance and duration where section personnel were assigned to assist any other agency unit, and how that/those details impacted section operations.
- 5)6) Other information as determined appropriate by the respective Bureau Chief or Chief Assistant Sheriff (e.g., compilation of statistical data or chronological logs from monthly reports, etc.).

Each Division Commander (or civilian Manager) shall remain accountable for the timeliness,

<sup>4</sup> CALEA 81. 3. 2

completeness and accuracy of the Quarterly Report for each section under their command; however; completion of the initial report may be delegated, for training purposes.

Prior to the tenth (10<sup>th</sup>) day of every January, April, July and October, each Bureau Chief shall compile the quarterly submissions for all divisions under their command and submit to the Chief Assistant Sheriff the finalized Quarterly Report for their respective Bureau.

**b) Quarterly Inspections – Agency Weapons (Lethal and Less Lethal)**

Every quarter, each supervisor shall complete a documented inspection of the agency handgun, handgun ammunition and all less lethal weapons issued to each subordinate. The purpose of this inspection is to ensure compliance with General Order 7-107 and the operational readiness of the issued weapon(s). Refer also to General Order 3-109 ('*Inspections Programs*').

**c) Quarterly Inspections, Special Operations Division (SOD) Vehicles, Assigned and Pool**

At least every quarter, the Commander, Special Operations Division (SOD) shall complete a documented inspection to ensure the operational readiness<sup>5</sup> of all equipment and supplies to be used in support of emergency operations, critical incidents, and various emergencies, to include:

- All SOD-issued or specific equipment and vehicles;
- All equipment designated for use in support of the Agency's critical incident plan(s).

**d) Grant, and other Funding Program Reports**

Nearly all grants require very specific actions (activities, productivity and/or outcomes) of the agency. Also required is a format for scheduled, status-reports on progress or challenges in achieving those outcome "performance-measures."

Typically due on a quarterly basis, these reports are the responsibility of the "Project Director," that Commander or civilian Manager overseeing the agency component primarily carrying out the grant-related program or activities.

These reports are submitted electronically, by the designated Project Director / Commander and typically to the Agency Budget & Finance Manager.

**5-112.9 SEMI - ANNUAL REPORTS**

**a) SWAT Information to State of MD**

Prepared by the Commander, Special Operations Division, this report contains information pertaining to Specialized Services Team (SST) activation and deployments. It is submitted every January 15<sup>th</sup> and July 15<sup>th</sup> to the Maryland Statistical Analysis Center (MSAC), within the Governor's Office of Crime Control and Prevention (GOCCP), as mandated by MD Code Ann., Public Safety Art., § 3-507 (B).

**b) General Order Manual (GOM) Inspections**

All Supervisors shall at least once every six months inspect the GOM issued each subordinate to ensure that Manuals are being kept up to date. Refer also to General Order 3-109 ('*Inspections Programs*').

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<sup>5</sup> **CALEA 17. 5. 3**

## 5-112.10 ANNUAL REPORTS

In addition to other reports itemized by the Administrative Reports Matrix, and/or as ordered by higher authority, the following annual reports shall be submitted when directed and as they relate to the previous calendar year:

- a) **Agency Organizational Chart** The Commander, Research, Planning and Development Division (PRD) shall ensure the agency's organizational structure is depicted graphically on an Agency Organizational Chart to be maintained on the agency "I" drive and reviewed and updated as directed by the Sheriff or Chief Assistant Sheriff. To ensure it is accessible to all personnel, the Agency Organizational Chart shall be printed and posted by each Division Commander, in section work areas.
- b) **Past Performance Appraisals**<sup>6</sup> Each employee will be evaluated, at a minimum, annually. All employee performance evaluations will be conducted in accordance with the evaluation system developed by the Office of Human Resources Management, in accordance with County Personnel law. Each evaluation shall be prepared by the individual employee's immediate supervisor, reviewed by Division Commanders / Managers and submitted to the respective Bureau Chief. Once completed at the Bureau level, each evaluation is forwarded to the Chief Assistant Sheriff and finally held on file by the Agency Personnel Coordinator. The Commander, Personnel, Recruitment, and Training Division will, prior to January 31<sup>st</sup> of each year, certify to the Bureau Chief, Bureau of Administration that a performance evaluation has been completed for the previous calendar year for each permanent employee.
- c) **Agency Goals and Objectives**<sup>7</sup> Each year, the commander or civilian Manager of each Agency component will update the goals and objectives of his / her respective component of the Agency. This will be accomplished by consulting with members of the component in an organized fashion during the preparation and review of the respective Bureau's Quarterly Reports. There will be an attempt to develop consensus among the various members of the component regarding these goals and objectives.

The result of this process will be reflected in the form of recommendations prepared by all Commanders/Managers and submitted to the Chief Assistant Sheriff through their respective Bureau Chief, prior to July 31<sup>st</sup> of each year. Once received

and compiled, the Administrative Assistant to the Chief Assistant Sheriff will forward copies of each Agency component's goals, objectives and recommendations to the Accreditation Coordinator in August of each year.

- d) **Budget Recommendations**<sup>8</sup> Each year, the commander or civilian Manager of each Agency component will supply budget recommendations to the Chief Assistant Sheriff through their respective Bureau Chief, prior to July 31<sup>st</sup> of each year. These recommendations will be complete with justification, goals and objectives, and time lines for completion.
- e) **Agency Use of Force Analysis**<sup>9</sup> The Commander, Policy Compliance / Internal Affairs Division will collect an Incident Report for each use of force incident as stipulated by GO 7-107.2 (Use of Force, Policy) within this Manual. The Commander will review each incident of use of force to determine that the use of force was within the guidelines established by Agency policy and to note any need for discipline, remedial training or revision to policy. The Commander will publish, in March of each year, a report concerning the use of force by Agency personnel. This report will be a confidential document for distribution to: the Sheriff; Assistant Sheriffs; General Counsel; Manager, Planning & Accreditation; Manager, Assets Management, and; the senior-ranking member within the Training Division. No information contained in the report will be shared with any other entity without the approval of the Sheriff.

The report will contain:

- a listing of all use of force incidents;
- the final disposition of each incident which has reached a final conclusion;
- any developing trends in use of force;
- any conclusions regarding the need for additional training;
- need for revision of policy or procedure;
- identified individuals who may need further evaluation for developing perceived tendencies of excessive use of force;
- possible biases developing toward any particular group or segment of the population, and;
- developing technology which may impact the use of force or monitoring of the use of force.

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<sup>6</sup> CALEA 35. 1. 2

<sup>7</sup> CALEA 15. 2. 1

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<sup>8</sup> CALEA 17. 2. 2

<sup>9</sup> CALEA 1. 3. 13, 33.1.5

f) **TASER Deployments Report to State of MD**  
Prepared by the Commander, Policy Compliance Division this report contains specific information pertaining to agency TASER deployments, outside of training. It is submitted prior to March 31<sup>st</sup> of every year to MSAC / GOCCP, as mandated by MD Code Ann., Public Safety Art., § 3-508.

g) **Evaluation of the Personnel Early Warning System** for operational and functional considerations (submitted to the Chief Assistant Sheriff by the Policy Compliance / Internal Affairs Division)

h) **Audit of central records system** for verification of all passwords, access codes, and access violations. Conducted in conjunction with the County Office of Information and technology (OITC) and submitted by the Manager, Assets Management to the Bureau Chief, Bureau of Administration.

i) **Audit of Property and Evidence** stored within the Supply Services Section. Conducted separately by Policy Compliance on behalf of, and submitted to, the Chief Assistant Sheriff.

j) **Unannounced Inspection of Property and Evidence** stored within the Supply Services Section. Conducted separately by Policy Compliance on behalf of, and submitted to, the Chief Assistant Sheriff.

k) **Analysis of grievances filed during the preceding calendar year**<sup>10</sup> Each year an analysis of grievances filled by employees of the Agency will be conducted by the Commander, Personnel, Recruitment, and Training Division. This analysis will attempt to determine any patterns which point to improvements which might be made in Agency management. The analysis will provide the basis for a report which the Commander over Personnel will generate and submit to the Sheriff, through the Bureau Chief, Bureau of Administration by March 31<sup>st</sup> of each year covering the period of the previous calendar year.

l) **Analysis of Vehicular Pursuits**<sup>11</sup> The Bureau Chief, Bureau of Field Operations will collect an Incident Report for each vehicle pursuit or use of forcible stopping incident as stipulated by GO 4-118 and complete an analysis to be made of the information gained from these reports. The analysis

will seek to determine the need for changes in policy, training and pursuit techniques. The Bureau Chief, Bureau of Field Operations will submit to the Chief Assistant Sheriff, prior to January 31<sup>st</sup> of each year, a report describing the results of this analysis. The report will list each pursuit by date and time of occurrence and will include for each pursuit:

- the reason for the pursuit;
- the geographical scope of the pursuit;
- Agency employees involved in the pursuit;
- any other agencies involved in the pursuit;
- injuries (or deaths) resulting from the pursuit (including those to the fleeing suspect(s) and to third parties);
- nature and amount of damages to vehicles or property;
- arrests made or charges placed;
- violations of policy, training, procedures or techniques by any pursuing employee or other member;
- adequacy of policy, training, procedures or techniques to the pursuit; and
- recommendations for improvement of any kind.

m) **Traffic Stop Data Compilation** Submitted by the Bureau Chief, Bureau of Field Operations, in accordance with General Order 5-110.

n) **Agency Recruitment Plan.** Prior to January 31<sup>st</sup> of each year the Agency Recruitment Coordinator shall review, revise and submit to the Chief, Bureau of Administration the Agency Recruitment Plan. At a minimum, the Plan shall contain:

- i. Statement of objectives;
- ii. Plan of Action designed to achieve those objectives;
- iii. Procedures to:
  - a. Evaluate the progress toward the objectives every three years, and;
  - b. Revise/reissue the Plan as needed, and;
- iv. Statistics approximating the Agency's ethnic and gender composition in the law enforcement ranks, in comparison to the make-up of the available work force in the county<sup>12</sup>.

The assigned Captain, Bureau of Administration will regularly monitor the progress of the goals and objectives in the Plan. Revised plans will be reissued to members of the Senior Command Staff and the Agency Personnel / Employee Services Section.

<sup>10</sup> CALEA 25. 1. 3

<sup>11</sup> CALEA 41. 2. 2; 41. 2. 3

<sup>12</sup> CALEA 31. 2. 1; 31. 2. 2



**o) Annual Full Load Test of Teletype Alternate Power Source<sup>13</sup>**

Each year, the alternate power source for the Agency Teletype Section will be tested and operated under full load. This test and its results will be documented in writing on a log kept for this purpose, and will be maintained for not less than three years. The Manager, Assets Management is responsible to have this test conducted and as such, may coordinate as necessary with the Building Engineer and generator manufacturer or maintenance vendor. Any deficiencies discovered as a result of this inspection / test will be immediately corrected. A copy of the annual full load test log will be transmitted to the Accreditation Coordinator through the Bureau Chief, Bureau of Administration in January of each year.

**p) Equal Employment Opportunity (EEO) Report**

The Chief, Bureau of Administration will submit to the Chief Assistant Sheriff, prior to January 31<sup>st</sup> of each year, an Annual EEO Report to include:

- Review of the Agency's EEO policies, with changes recommended as appropriate;
- Review of procedures for the filing and handling of complaints, with changes recommended as determined to be appropriate;
- Analysis of all EEO complaints filed by employees of the Agency or matters handled within the preceding year, and;
- The Agency Recruitment Plan (2-103.3.b).

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**5-112.11 OTHER REPORTS<sup>14</sup>**

**a) Shift Activity Summaries, aka – Daily Stats.**

The accounting for activities on a daily basis, by individual subordinates and/or sections or groups of employees. Required at the discretion of supervisors or as directed by higher authority, data from these daily activity sheets is compiled for reporting in Monthly and Quarterly Reports.

**b) Special Events Plan.** A written plan is developed for each special event in which the Office of the Sheriff will commit staffing and resources. The affected Bureau Chief or his or her designee is responsible for developing written plans for major special events. To ensure consistency, at a minimum, all plans will identify:

- The incident commander
- Location of the event
- Nature of the event
- Allocation of agency resources and personnel
- Means/methods of communication between participants
- Location of command post, if any.

**c) After-Action Report.** In addition to the Incident Report(s) required by GO 5-101 and 6-102, an After-Action Report shall be completed on either the Agency After Action Critique Form, (GO 4-120, Attachment A) or, an Inter-Office Memorandum and submitted to the Chief Assistant Sheriff, via the reporting member's respective chain of command, immediately after the following incidents:

- Activation of the Incident Command System
- Each major incident or special event
- Each unusual occurrence, disaster, or civil disturbance
- Each hostage/barricade situation

A copy of the After-Action report shall be forwarded to the Accreditation Coordinator by the reporting member's respective Bureau Chief.

<sup>13</sup> CALEA 81. 3. 2  
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<sup>14</sup> CALEA 46. 2. 7

d) **Field Training Program.** The following reports are required as a part of every new Deputy's Field Training Assignment:

**Daily Observation Report.** submitted by the Field Training Officer / Deputy (FTO), to the Training Coordinator, through the section supervisor;

**Bi-weekly Evaluation Report.** submitted by the supervisor of the section to which the new Deputy is assigned;

**End Phase Summary Report.** submitted by the Agency Training Coordinator, to the Bureau Chief, Bureau of Administration.

e) **Court Security Needs Assessment**<sup>15</sup>. Every three years, beginning January 2008, a security needs assessment of the Justice Center will be conducted to determine the court security function of the Agency is being properly addressed. This assessment, conducted in conjunction with court personnel, will examine:

- facilities;
- equipment; and
- security plans / procedures.

The Bureau Chief, Bureau of Court Services, is responsible for this assessment. The written report of this assessment will be forwarded to the Sheriff with recommendations for any improvements or changes to be made as a result of the assessment. A copy of this report will be forwarded to the Accreditation Coordinator by the Bureau Chief, Bureau of Court Services.

f) **Property and Evidence Reports, Audits and Documented Inspections**<sup>16</sup>

Each instance whereby an item of property or evidence comes into the possession of personnel of the Agency a report will be written in accordance with property procedures contained in this Manual (see GO 5-105). Commanders will determine that this is happening in all cases and take any corrective action necessary to assure all procedures are being followed. The Policy Compliance Division will audit property procedures as a part of any component audit to determine that property is being properly reported and handled.

**An annual audit** of the management of property and evidence collected by the Agency will be conducted by the Policy Compliance Division. The results of this audit

will be reported in writing to the Chief Assistant Sheriff prior to January 31st of each year by the Commander, Policy Compliance Division. Additionally, the Policy Compliance Division may conduct random and unannounced inspections of all property collection and handling throughout the Agency. Results of these inspections will be documented in writing and forwarded to: the Chief Assistant Sheriff; any affected Bureau Chief(s), and; the Accreditation Coordinator.

**Semi-annually** (prior to January 31<sup>st</sup> July 31<sup>st</sup> each year) the Manager, Assets Management, will cause an inspection to be conducted to determine that all property and evidence procedures, and all property and evidence security measures, are being properly followed. This inspection will be documented using a checklist developed by the Manager, Assets Management and/or Commander, Policy Compliance Division for this purpose. Copies of the checklist and any discrepancies found as a result of the inspection, as well as the steps taken to correct any discrepancies and prevent their reoccurrence will be documented and filed for a period of three years. A memorandum certifying this inspection has been timely accomplished will be sent to the Bureau Chief, Bureau of Administration with a copy to the Accreditation Coordinator.

**Upon any assignment and/or transfer**, of any employee, having authorized access to any property holding area and/or evidence storage area; a complete and detailed inventory of all property and/or evidence will be conducted and the keys to the affected storage areas will be changed. This inventory will be conducted under the supervision of the Policy Compliance Division and will be documented in writing. A report of this inventory will be forwarded to the: Chief Assistant Sheriff; the Bureau Chief, Bureau of Administration, and; the Accreditation Coordinator.

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<sup>15</sup> CALEA 73.2.1

<sup>16</sup> CALEA 84.1.1, 84.1.6



**5-112.12 AGENCY FORMS**

The creation, maintenance and updating of the forms for each section throughout the agency shall remain a primary responsibility of that Commander (Lieutenant and above) or civilian Manager who is assigned command over the respective Division utilizing a form. A Division Commander (or civilian Manager) shall not transfer responsibility for the mandatory writing, review and updating of the forms relevant to their command. Forms which are used on an agency-wide basis shall be the responsibility of the Bureau of Administration.

**5-112.12.a RECOMMENDATIONS FOR NEW OR CHANGED FORMS**

An employee who has a suggestion for a new form, for the modification of an existing form, or the combination of several existing forms, will submit that suggestion, along with mock-ups of the new form(s), via the chain of command, to the respective Bureau Chief.

- Whenever any form utilized by a component of the agency is to be found either deficient or lacking, the assigned Division Commander (or civilian Manager) shall immediately revise and/or create a draft of new form, as appropriate or as directed by higher authority.
- Once completed, the Division Commander (or civilian Manager) shall first submit the final draft of the revised or newly created form to the Bureau Chief over the section in question, through the Bureau chain-of-command, for final approval. (Drafts of revised forms utilized agency-wide shall be submitted to the Commander – Planning, Research and Development.)
- Once approved by the Bureau Chief over the agency component in question, that Bureau Chief shall:
  - Forward an electronic copy of the revised or new form to the Commander – Planning, Research and Development for:
    - Assignment of a Prince George’s County government form number (PGC Form #) by the County Print Shop, if required, and;
    - Installation on the agency-shared “I”-drive.
- Once the form is assigned the PGC Form # and installed on the Agency “I” drive, the Commander – Planning, Research and Development shall immediately notify the affected Bureau Chief, in order that agency-sanctioned use of the form may be initiated.

**5-112.12.b FORMS CONTROL<sup>17</sup>**

The Commander - Planning, Research and Development is responsible for managing the forms created and used by the Agency. This responsibility will include:

- Maintaining an inventory of all forms created and approved for use by the Office of the Sheriff.
- Reviewing all proposed Agency forms received in accordance with the procedures outlined in this order, to ensure that they are complete, accurate, and do not duplicate another form already in existence.
- Making the forms available on the Sheriff's Office “I” drive for the deputies to use.
- Obtaining the approval of the Bureau Chief, Bureau of Administration and/or Chief Assistant Sheriff for issuance and use of any form to be utilized on an agency-wide basis.

The Bureau of Administration, Supply Services Section is responsible for maintaining an inventory of forms created and approved for use by the Office of the Sheriff.

No form will be created or used in the conduct of Office of the Sheriff business at level of Bureau or below, which has not been approved by the Bureau Chief over that respective Bureau.

No form will be created or used in the conduct of Office of the Sheriff business at an agency-wide level, which has not been approved by the Bureau Chief, Bureau of Administration and/or Chief Assistant Sheriff.

Each Division Commander shall be responsible for coordinating the re-ordering and re-stocking of a sufficient quantity of all forms used within their Division.

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<sup>17</sup> CALEA 11.4.2

## 5-112.12.c AGENCY ROUTING FORMS

The Agency Routing Form (Attachment B) may be used as a cover sheet to written reports, inter-office memoranda or other correspondence and for the purposes of quickly and efficiently informing readers as to:

- The intended recipients of the correspondence;
- The status of review by intended recipients, and;
- The general nature and scope of the attached document(s).

The Agency Routing Form (Attachment B) is to be used in accordance with the provisions of General Order 8-101.10 (*Agency Communication*) and as such, the proper order of recipients on the routing form should be from the employee to:

- (1) The employee's immediate supervisor.

If it is understood the correspondence at hand is to go further than the employee's immediate supervisor, additional recipients should appear in order according to;

- (2) Members higher than the immediate supervisor within the employee's chain of command, and then;
- (3) Members outside the employee's chain of command.

It is the responsibility of members to route correspondence first through their immediate supervisor. It remains the responsibility of supervisors, managers and Commanders to fulfill their responsibilities in attempting to resolve and / or clarify issues before subordinates are directed higher in, or outside of, the respective chain of command.

Attachments: A – *Agency Administrative Report Matrix*

B – Agency Routing Form, Blank

## 7-102 UNIFORM AND CIVILIAN ATTIRE

The purpose of this order is to establish official and acceptable items of wear for all Office of the Sheriff personnel as well as times and circumstances of use and maintenance procedures.

### 7-102.1 POLICY

**General:** Except as specified below, Sworn Members, Sheriff Security Officers, and Intake Technicians while on duty, shall wear the officially prescribed uniform of this Agency. Exceptions to this are as follows:

- Members assigned to the Child Support Enforcement Division, the Warrant Squad, the Fugitive Unit, and the Internal Affairs Section;
- Other Deputies may be authorized to wear civilian clothing by a *Captain or above within their chain of command* and for a good reason on a case-by-case basis. Those members shall conform to the standards set forth for civilian attire. The sole exception to these standards being those assigned to a particular undercover old clothes assignment.

**Civilian Employees Appearance and Attire:** It is the policy of the Agency that each employee's dress, grooming and personal hygiene should be appropriate to the work situation.

- Employees are expected at all times to present a professional, businesslike image. Radical departures from conventional dress or personal grooming and hygiene are not permitted;
- Office workers and any employee having regular contact with the public shall comply with the following personal appearance standards:
  - Employees are expected to dress in a manner that is normally acceptable in a business establishment. (Class "E" Attire) Employees may not wear suggestive attire, jeans, athletic clothing, shorts, sandals, t-shirts, novelty or political buttons, and similar items that do not present a businesslike appearance;
  - Hair should be clean, combed, and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible regardless of length;
  - Sideburns, moustaches and beards should be neatly trimmed;
  - Suggestive tattoos and body piercing (other than earrings) should not be visible.

- Certain employees shall be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of the assignment:
  - Security Officers or other, uniformed civilian employees while on duty shall wear the officially prescribed uniform of this Agency as outlined in this order;
  - Civilian employees appearing in court shall wear acceptable business attire;
  - Civilian employees assigned to the Teletype/Records, Fugitive, Domestic Violence, Warrant Processing and Civil Processing Sections shall wear the "business casual" uniform as described below:
    - 1) Shirt – Issued golf shirt with collar and official logo on the left breast. A long sleeve crew or turtleneck shirt of a coordinating color may be worn under the issued shirt.
    - 2) Pants – Properly fitted, full length, solid colored casual or dress slacks. No jeans, spandex or athletic wear.
    - 3) Shoes – Solid black or brown casual, athletic or dress shoe. No logos or other contrasting designs may be visible. No sandals are permitted.
    - 4) Socks – Solid coordinating colored socks or stockings required.
- At the discretion of a *Captain or above within the member's chain of command*, an employee may be allowed to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing.

**Uniform Standards:** Uniforms shall be kept in serviceable condition, clean, neatly pressed, properly fitted, in good repair and otherwise presentable when being worn. (Attachment A) Brass items and leather goods will be clean, and highly polished or shined. Hats will be cleaned, brushed, and blocked as necessary. Only Agency issue or items approved by the Sheriff or his designee will be worn.

**Civilian Clothing Standards:** Civilian clothing shall be clean, neatly pressed, properly fitted, in good repair and otherwise presentable when being worn. (Attachment A):

- Deputies wearing civilian clothing shall conceal their firearms from public view when outside offices used exclusively by the Agency whether on or off duty.
- With exceptions as described below, Deputies assigned to the Warrant Squad and the Child Support Enforcement Division may wear, in lieu of Class "E" attire, the following modified civilian clothing:
  - Shirt Without Tie - A summer shirt specifically designed to be worn outside the pants and of a solid color. One of these type shirts is sometimes known as a safari shirt. Gun and handcuffs will not be exposed at anytime other than in one's own office.
  - Pants - Solid colored slacks. No jeans or sweat pants will be permitted.
  - Shoes - Regular street shoes made for dress not casual, will be required. Absolutely no athletic type.
- If a Deputy chooses not to wear the above described attire, the Deputy will be required to wear standard Class "E" attire. The standard male Class "E" attire will include the wearing of a tie when outside one's own office. The following may not avail themselves of the above stated modification, but must continue to wear standard Class "E" attire:
  - Lieutenants and above
  - Policy Compliance/Internal Affairs
  - Deputies required to attend court or an Administrative Hearing.
- Moreover, a supervisor of the rank of *Captain* or above may suspend the above described clothing modification - either for specific assignments, or as to cases of individual abuse of this policy.

*Absent prior approval by a supervisor the rank of Captain or above, normal circumstances during which the uniform of the day shall be worn are limited to:*

- *While on duty and during commute or travel to and from reporting for duty;*
- *Convenience stops made during commute or travel to and from reporting for duty (i.e., retail store, bank, cleaners and the like). Unless on official business, members in uniform shall refrain from entering establishments essentially conducting Alcoholic Beverage Sales activities;*
- *While on special official Agency details or functions as specified or approved;*

- *While working secondary employment when approved under the provisions of General Order 8-104 "Secondary Employment;"*

### **Tactical Field Operations Uniform:**

Generally, the tactical uniform for position assignments in the Command Post, Inner Perimeter and Outer Perimeter will be Class D uniform with protective accessories and seasonal outer garments.

*Personnel assigned to SOD (specifically, Specialized Services Team, Hostage Negotiators, K-9, VIPER, and Civil Disturbance Unit) are authorized to wear the clothing items specified in their respective Special Operations Division (SOD) Unit Standard Operating Procedures (SOP's).*

Personnel assigned to the Canine Unit, and Motors Unit shall receive a special issuance of uniform items or equipment required for those assignments. Where not specified within the DSA Agreement, types and quantities of uniform items or equipment issued for specialized assignments shall be determined by the Assistant Sheriff, Bureau of Administration who may solicit [recommendations](#) from [the SOD Commander](#). All other SOD personnel shall receive a one-time special reissuance of one pair of BDU style tactical pants and one BDU style tactical shirt.

### **7-102.2 PROCEDURES**

Uniforms shall be designated by class. (Attach. 'A')

The Class "B" uniform shall be worn from October 15 through March 14, unless the member is approved to wear either the Class "D" or "E" uniform by their superior, the rank of *Captain* or above.

From March 15 through October 14, sworn members may wear the Class "C" uniform, unless the member is approved to wear either the Class "D" or "E" uniform by their superior, the rank of *Captain* or above.

The Sheriff reserves the prerogative to modify the forgoing procedures and circumstances of wear and any such provisional, seasonal or specified uniform will be designated by published special order, and will refer to class of uniform.

There will be a standard arrangement and proper wearing of all individual uniform items. (Attachment B) Deviations, omissions, or substitutions are not authorized, except those specifically approved by the Sheriff or his designee. Uniform shirt and pants shall only be worn in a proper and complete manner and as specified.

The Assistant Sheriff, Chief – Bureau of Administration or his/her designee shall:

- Provide each Sworn Member, Sheriff Security Officer, and Technician with an initial uniform issue of those uniform classes necessary for the members duty assignment, except that there shall be no initial issue of Class "E" attire;
- *Upon request, provide a civilian member assigned to the Records and Teletype Division an agency-approved, collared "business casual" shirt;*

Sworn members shall be responsible for:

- Maintaining and replacing the initial uniform issue as necessary. *Unless authorized to purchase uniform items elsewhere, items of uniform wear shall be procured only through the Office of the Sheriff Supply Services section; or, the uniform vendor authorized by the Office of the Sheriff.*
- Upon terminating employment with the Office of the Sheriff, turn in to the Supply Services Section, all uniform and equipment items in the quantity issued and in the quality issued, less reasonable wear and tear.
- Comply with any other requirements which the Assistant Sheriff, *Bureau of Administration*, may establish from time to time in order to discharge his/her responsibilities under this order.

All supervisors and commanders shall be responsible for ensuring compliance with this order by their respective subordinates. However, any supervisor of the rank of Sergeant or above may approach any subordinate who is in violation or out of uniform and is displaying an image unfavorable to the Office of the Sheriff. Such infraction shall be immediately corrected if possible or prior to reporting to duty. The Deputy's Supervisor shall be notified verbally or in writing of such action by close of business that day.

### **7-102.3 AGENCY REPLACEMENT OF UNIFORM ITEMS**

Issued items of uniform wear which are lost or damaged in the course of duty (i.e., physical contact, chase or other performance of office while on-duty) and not involving careless handling or neglect shall not constitute negligence.

Replacement of issued items of uniform wear either lost or damaged in the course of duty (i.e., physical contact, chase or performance of office while on-duty) and not involving careless handling or neglect shall be in accordance with the following procedures:

The employee shall submit an Inter-Office Memorandum through the chain of command to the Bureau of Administration requesting replacement of the item; and, with an attached copy of an Incident Report detailing the circumstances of the on-duty loss or damage of the uniform item(s) in question.

Upon approval of the memorandum outlining that the loss or damage was not the result of careless handling or neglect, the employee may obtain a replacement item from the Supply Section at no cost to the employee.

Uniform items may be replaced prior to the conclusion of a supervisor's investigation. If it is determined that the employee was negligent for the loss, damage, or theft of a uniform item, the Commander, Policy Compliance shall determine if the employee should be held responsible for replacement expenses or restitution and submit that recommendation to the Chief Assistant Sheriff.

The Chief Assistant Sheriff may order the employee to pay for the repair or depreciated replacement cost of the item, as appropriate. Restitution does not in and of itself constitute a disciplinary action (General Order 8-106). If it is determined that the employee was not at fault for the loss, theft, or damage of the item, the replacement shall be at no cost to the employee.

The preceding procedures do not apply to replacement of uniform items necessary due to normal wear or age.

The preceding procedures apply only to items of issued uniform wear; responsibilities for reporting, repair and/or replacement of non-uniform items (i.e., official identification, Agency property, vehicles, etc.) shall be in accordance with the applicable provisions elsewhere within this Manual.

*Replacement of civilian uniform and “business casual” uniform shirts shall be in accordance with the following stipulations:*

- *The Agency shall replace an issued civilian uniform item following receipt and approval of documentation the item has become unserviceable due to change in body size, normal wear, or accidental damage determined to not involve neglect, careless handling or negligence;*
- *Absent an Incident Report outlining the circumstances leading up to and the extent of the wear or need for replacement, civilian requests for replacement issued uniform items shall be accompanied by a supervisor’s or Commander’s written statement describing and substantiating justification of the specific need for issuance of a replacement civilian uniform item;*
- *A uniform item will not be replaced or ordered until the item being replaced has been inspected by a member of the Asset Management Division – Clothing / Supply Section;*
- *Replacement of civilian uniform and “business casual” uniform shirts shall be on a “one for one” basis (i.e., the previously issued item of clothing is to be turned in at the time of issuance of the replacement item).*

ATTACHMENTS: A – Uniform Classes

B – Arrangement and Manner of  
Wear

REFERENCES: Collective Bargaining Agreement,  
Deputy Sheriff’s Association

## **7-103 AGENCY UNIFORM BOARD**

The purpose of this order is to provide for the evaluation and review of uniform and equipment requirements for sworn as well as uniformed civilian members of this Agency. This order applies to all aspects of uniforms, insignia and related equipment.

### **7-103.1 POLICY**

The Office of the Sheriff Uniform Board has been established to provide a means of addressing uniform and equipment requirements for the Agency.

### **7-103.2 PROCEDURES**

Individuals may submit their recommendations, via inter-office memoranda, directly to the Chairperson for consideration by the Board.

The Board may initiate evaluation and review of any aspect of uniform and equipment, and make recommendations to the Sheriff.

Composition and Operation:

- The Sheriff may appoint the Board Chairperson as well as the sworn personnel and uniformed civilian personnel as Board Members as he deems appropriate. Such members shall serve two year terms, but shall otherwise serve at the pleasure of the Sheriff;
- The Board shall meet at least semi-annually;
- All members, including the Recorder, shall be voting members, with the exception of the Chairperson, who shall vote only in the event of a tie vote. The Chairperson shall determine, within the parameters of this order, the Board's internal procedure;
- A quorum shall consist of the Chairperson or Vice-Chairperson and at least 50 percent of the remaining membership.



## **7-104 PISTOL PROFICIENCY MEDAL**

The purpose of this order is to maintain the levels of pistol proficiency and to define and specify the pistol qualification medal authorized for wear. To recognize all sworn member's individual annual qualification scores with their issued or approved handgun.

### **7-104.1 POLICY**

The following levels of pistol proficiency are hereby maintained:

- Marksman - 75 to 84.6
- Sharpshooter - 85 to 94.6
- Expert - 95 to 98.6
- Master - 99 to 100

### **7-104.2 PROCEDURES**

Metals shall be based upon annual qualification scores as certified by the Agency firearms instructor.

Deputies shall be entitled to wear the metal for their levels of qualification for the ensuing year.

Metals shall be worn in conformance with General Order 7-102.

The officially authorized pistol qualification medal shall be 1 ¼" X 1 ½", yellow gold in color, consisting of a horizontal bar with raised block lettering indicating the qualification class; supporting a wreath at opposite ends; with crossed revolvers superimposed upon the wreath. The crossed revolvers shall not extend beyond the wreath.

## **7-106 MANAGEMENT OF AGENCY ASSETS, PROPERTY AND EQUIPMENT**

The purpose of this directive is to establish uniform procedures for the management and inventory of assets, to include the reporting of lost or damaged Office of the Sheriff and/or County-owned equipment.

### **7-106.1 POLICY**

It is incumbent upon all members of the Agency to conserve and protect all assets, and resources over which they have control. As integral parts of the Agency's fiscal and asset management system, periodic audits and inventories ensure accountability and efficiency.

### **7-106.2 DEFINITIONS**

**Office of the Sheriff Equipment** - equipment or parts thereof owned and issued by the Office of the Sheriff, or; equipment or parts thereof issued to the Office of the Sheriff by the Prince George's County Government. This term does not include consumable equipment.

**Damage** - includes any physical damage. This term does not include malfunction or normal wear.

**Loss** - includes accidental loss and/or theft.

### **7-106.3 CLASSES OF PROPERTY / EQUIPMENT**

**Consumable Items** - equipment expected to be expendable, by its type and intended use. Examples include: agency forms, hand cleanser, safety flares, etc.

**Equipment** – all agency-issued, owned or controlled items designed or intended for repeated use or deployment and not otherwise classified as a fixed asset, consumable item or issued item of uniform wear.

**Fixed Assets** - equipment items as may be determined by the Office of Central Services (OCS), not acquired by operating lease agreements, and which include:

- Serialized items (bearing any identification number);
- Agency firearms and electronic control weapons (e.g., Tasers);
- Items with an initial acquisition cost of \$5,000 or more and having a usable life of not less than one year, except permanently mounted vehicle equipment;
- Agency computer items (to include hard-drives, monitors, printers, laptops, Mobil Data Terminals (MDT's), and;
- Communications equipment costing \$500.00 or more.

## **7-106.4 EMPLOYEE RESPONSIBILITIES**

Employees are held responsible for their uniforms, motor vehicles, and other equipment issued to them or in the employee's control or possession.

Where it is established that equipment has been damaged or lost through negligence or misuse, replacement of the item(s) may be at the employee's expense. Employees at fault for the careless handling, damage or loss of County property shall be held accountable for the violation(s) and reasonable replacement costs.

Every employee of the Office of the Sheriff will assume personal responsibility for all County property issued to him/her or placed in service for his or her use or convenience.

## **7-106.5 TRANSFERS AND INVENTORIES OF EQUIPMENT AND FIXED ASSETS**

The inventory and transfer of agency fixed assets and other agency equipment shall be coordinated through and managed by the Agency Assets Management Division.

The Agency will conduct annual inventories of fixed assets and document transfer of fixed assets for future inventories. The Agency shall report on fixed assets and/or other capital items, as required by the Office of Central Services, the Office of Information Technology and other governmental agencies with authority with respect to certain types of equipment.

Whenever practical, equipment items or fixed assets listed on completed Requisition / Turn-in Forms, Equipment Custody Receipts or Inventory Control Sheets will be grouped according to item type (e.g., all cameras together; all cell-phones or computer hard-drives together, and; all furniture items together, etc.).

The Agency Manager, Assets Management Division, shall monitor compliance with this General Order and report non-compliance through the Bureau Chief, Bureau of Administration to the Policy Compliance Division, who will direct appropriate disciplinary action.

The Office of Central Services or the Agency Manager, Assets Management Division, may require additional forms and/or alternative distribution procedures to be completed in the transfer of fixed assets or certain equipment items.

**7-106. 5.a Transfers – Equipment and Consumable Items (Non-Fixed Assets)**

Whenever any component of the agency or individual employee assumes custody of an item of equipment or consumable items (which is not a fixed asset), the component Commander, civilian *Manager* or the individual employee shall document the transfer of custody on a Requisition / Turn-in Form, PGC # 1097 (Attachment 'A').

Requisition / Turn-in Forms are to be used to record both long-term and temporary transfers of equipment and consumable items such as the issuance of equipment or uniform items to a Deputy or office supplies to any employee.

Signatures on Requisition / Turn-in Forms will be obtained at the time equipment or consumable items are received.

Distribution of completed Requisition / Turn-in Forms shall be as follows:

- Original: shall be submitted by the form preparer, to the Agency Assets Manager, for forwarding to the appropriate section within the Assets Management Division (i.e., Supply Section, Vehicle Services) or Budget & Finance;
- Copy #1: shall be retained by the component Commander, civilian *Manager* or the individual employee transferring custody of the item, and;
- Copy #2: shall be retained by the component Commander, civilian *Manager* or the individual employee receiving custody of the item.

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**7-106. 5.b Transfers – Fixed Assets**

Whenever any component of the agency or individual employee assumes custody of a fixed asset, the component Commander, civilian *Manager* or the individual employee shall document the transfer of custody on a Equipment Custody Receipt, PGC # 1890 (Attachment 'B').

Equipment Custody Receipts are to be used to record both temporary and long-term transfers of fixed assets. Examples include a Division Commander or supervisor issuing or retrieving a Taser or other fixed asset to or from a Deputy, or; any sworn member turning an agency firearm into the Armorer for repair, etc.).

Signatures on Equipment Custody Receipts will be obtained at the time equipment or fixed asset items are received.

Distribution of completed Equipment Custody Receipts shall be as follows:

- Original: shall be submitted by the form preparer, to the Agency Manager, Assets Management Division
- Copy #1: shall be retained by the component Commander, civilian *Manager* or the individual employee transferring custody of the fixed asset, and;
- Copy #2: shall be retained by the component Commander, civilian *Manager* or the individual employee receiving custody of the fixed asset.

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## 7-106. 6 INVENTORY OF ASSETS AND EQUIPMENT

### 7-106. 6.a Commander's / Civilian Manager's Responsibilities

The inventory of and responsibility for fixed assets, agency equipment and other county property are primary responsibilities of Commanders and civilian Managers, with assistance in coordinating efforts from the Agency Assets Manager.

### 7-106. 6.b Annual Inventories

Commanders (to include Lieutenants and Captains) and civilian Managers shall, each January, conduct an inventory of fixed assets within their commands using the Fixed Asset Physical Inventory Control Sheet, PGC Form # 3288 (Attachment 'C'). During the inventory they shall:

- 1) Compare the list of fixed assets provided by Agency Manager, Assets Management Division with the fixed assets in custody;
- 2) List additional, missing or transferred fixed assets;
- 3) Correct inventory control sheets to reflect changes in room number, condition or usage of the fixed assets.

On completing the inventory, the Commander / civilian Manager shall complete each inventory control sheet, listing all fixed assets added to their inventory.

Distribution of completed Annual Fixed Asset Physical Inventory Control Sheet shall be by the respective Commander / civilian Manager, as follows:

- Original: to Agency Manager, Assets Management Division no later than February 1<sup>st</sup>;
- Copy #1: Each respective Commander / civilian Manager shall retain a copy for their Division files, for reference in conducting future inventories.

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## 7-106. 6.c Change of Command Inventory

Each incoming Commander / civilian Manager shall conduct a fixed assets inventory within 30 days of receiving / assuming a change of command, to include:

- All fixed assets
- Any items acquired with State funds
- Office furniture and office equipment including computers valued at more than \$50.00
- Communications equipment costing \$500.00 or more
- Weapons, lethal and less lethal (e.g., Tasers, pepper-ball guns, etc.)
- Specialized equipment (e.g., dedicated protective body armor or external carriers, flashlights, MDT's, cameras, cell-phones, etc.)

When the change of command occurs close to January, the incoming Commander / civilian Manager shall contact the Agency Assets Manager, who may authorize one inventory to document and satisfy the requirements for both the change of command and annual inventories.

The incoming Commander / civilian Manager shall document change-of-command inventories primarily using the following two inventory control sheets:

- 1) Fixed Asset Physical Inventory Control Sheet, PGC Form # 3288 (Attachment 'C'), and;
- 2) Furniture and Equipment Physical Inventory Control Sheet, PGC # 3289 (**Attachment 'D'**)

Distribution of completed change-of-command inventory control sheets shall be by the incoming Commander / civilian Manager and as follows:

- Original: to Agency Manager, Assets Management Division within 30 days of the effective date of a change of command;
- Copy # 1: Provided to the outgoing (transferring) Commander / Manager;
- Copy # 2: Retained by the incoming (receiving) Commander / Manager

The incoming Commander / civilian Manager shall note discrepancies in the inventory via inter-office memorandum to the Agency Manager, Assets Management Division. The Agency Assets Manager, will attempt to resolve the discrepancies and, if unable to do so; he or she shall contact the Policy Compliance Division for guidance in conducting an investigation.

#### **7-106.6.d Other Agency Inventory Notifications**

The Agency Manager, Assets Management Division shall notify the appropriate division within Office of Central Services of any the following:

- Lost or destroyed fixed assets, using the forms:
  - Notice of Loss or Damage Form, # 556 (Attachment 'E'), and; when necessary;
  - Explanation of Missing Fixed Asset Items (Attachment 'F').
- Newly acquired fixed asset items, using the Fixed Assets Item Identification Sheet, PGC Form # 1852 (Attachment 'G')
- Transfer of fixed assets using the Transfer of Fixed Assets sheet, PGC Form # 2514 (Attachment 'H')

Commanders / civilian Managers shall also use the aforementioned forms to notify the Agency Manager, Assets Management Division of any the forgoing acquisitions, transfers or the loss of or damage to any fixed asset or other item of Agency equipment.

Unexplained or undocumented shortages of equipment items or fixed assets will be reported immediately to the Policy Compliance Division for investigation.

#### **7-106.7 Asset Transfer between Commands**

Interagency transfers of fixed assets are made through and coordinated by the Assets Management Division.

Fixed assets and Departmental equipment will not be transferred between divisions without authorization from the Bureau Chief, Bureau of Administration or, at his/her discretion, the Agency Manager, Assets Management Division.

Transfer of fixed assets is recorded on equipment custody receipt and transfer or fixed asset reporting forms, as provided or designated by the Agency Assets Manager.

Distribution of completed forms documenting transfer of fixed assets between agency commands shall be by the receiving Commander / civilian Manager and as follows:

- Original: to the Agency Manager, Assets Management Division immediately upon receipt of the transfer;
- Copy # 1: Provided to the transferring Commander / civilian Manager (surrendering custody of the equipment);
- Copy # 2: Retained by the receiving Commander / civilian Manager

Interdivision transfer of fixed assets (within the same Bureau) may be made, with appropriate revisions being made to inventory records. For these items the receiving Commander/ civilian Manager shall immediately notify the Agency Assets Manager of the equipment / fixed asset transfer by memo with a second copy attached to the next following annual inventory.

#### **7-106.8 Disposal of Inventory Items**

When an item of inventory is determined to be unserviceable, the respective Commander / civilian Manager will request removal of the item from their inventory by submitting a completed Notice of Loss or Damage Form, PGC Form # 556 (Attachment 'E') to the Manager, Assets Management Division.

Only after receiving approval from the Agency Assets Manager, the requesting command must facilitate delivery of inventory items to the Assets Management Division.

The Agency Manager, Assets Management Division shall review, complete and forward to the County Government Surplus Property Branch of the Office of Central Services the following forms:

- 1) Completed Notice of Loss or Damage Form;
- 2) Completed Property Turn-In Report, PGC Form # 8 (Attachment 'I').

The Assets Management Division must then facilitate delivery of inventory items to the County Government Surplus Property Branch by either: storing the item within the Assets Management Division and coordinating timely pickup by the Surplus Property Branch, or; delivering the item directly to the Surplus Property Branch.

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## **7-106.9 LOSS OF OR DAMAGE TO AGENCY / COUNTY PROPERTY OR EQUIPMENT**

All procedures for reporting loss of or damage to Office of the Sheriff and/or County-owned equipment shall be in accordance with established County Government policies and practices, in addition to the procedures outlined by this Agency.

The following procedures and reports apply in all cases involving the loss or damage of Agency equipment. Additionally, damage to an Agency vehicle as a result of an Agency vehicle accident shall be reported in compliance with General Orders 5-101, 7-105 and 8-101.

### **7-106.9.a Initial Notification**

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

### **7-106.9.b Report Required**

In each case of damage to or loss of any equipment, or misuse of consumable items; the employee or the immediate supervisor first aware shall make initial notification by completing, titling and submitting an Incident Report, in accordance with GO 5-101.

In each case of damage to or loss of any fixed asset, any communications equipment or, any item acquired with state or federal funds; the employee or the immediate supervisor first aware shall make initial notification by completing both forms:

- 1) Incident Report, titled in accordance with GO 5-101, and;
- 2) Notice of Loss or Damage Form, PGC Form # 556 (Attachment 'E').

If any incident involves the loss or theft of any equipment, fixed asset, communications equipment or weapon (lethal or less lethal) that can be identified by number, or any other equipment of significance, the reporting member shall cause all relevant information to be entered into the METERS computer system.

### **7-106.9.c Distribution of Reports**

The original of each Incident Report shall be submitted in accordance with GO 5-101, via the reporting member's chain of command, with a copy of any Notice of Loss or Damage Form attached.

The original of any Notice of Loss or Damage Form shall be submitted directly to the Manager, Agency Assets Management Division, with a copy of any corresponding Incident Report attached. The Agency Assets Manager shall then handle and distribute completed Notice of Loss or Damage Forms in accordance with OCS procedures.

### **7-106.9.d Supervisory Review**

In addition to the supervisory responsibilities prescribed by GO 5-101, the supervisor receiving an Incident Report or Notice of Loss or Damage Form pertaining to the loss, theft, misuse or damage to agency equipment will initiate an appropriate investigation into the incident to determine if any employee was at fault or negligent.

Supervisory investigations shall be conducted in accordance with General Orders 8-105 and 8-106. If needed, guidance as to the conduct of supervisory investigations should be sought from the Commander, Policy Compliance Division.

If the fault or negligence of any employee is determined, the supervisor shall report the facts and appropriate recommendations in accordance with General Orders 8-105 and 8-106.

### **7-106.9.e Replacements Pending Review**

Any replacement of lost, stolen or damaged equipment prior to the completion of all required reports and subsequent investigations shall be requested through the affected employee's Chain of Command and approved by the Chief Assistant Sheriff.

### **7-106.9.f Restitution to Office of the Sheriff**

If an incident or report involves the theft of or damage to equipment by a third party from whom restitution may be gained, the Chief Assistant Sheriff, through the Commander, Policy Compliance Division, will be responsible for monitoring the progress of the case through the courts. The Chief Assistant Sheriff will be responsible for obtaining and acting upon a certified copy of any court decision ordering restitution in favor of the Office of the Sheriff.

**7-106.10 OPERATIONAL READINESS<sup>1</sup>**

The term "operational readiness" includes: care and cleaning; functioning; preventive maintenance; repair, and; responsiveness.

Maintaining issued agency property and equipment in a state of operational readiness is a responsibility of the individual or Commander of any unit to which the property is assigned.

Maintaining non-issued, stored agency property in a state of operational readiness when not assigned to an individual or unit is a responsibility of the Assets Management Division.

As such, the Assets Management Division is responsible for ensuring that non-issued, stored items of the agency's equipment (e.g., radios, handcuffs, batons), and items of special equipment (e.g., cameras and surveillance devices) are maintained in a state of operational readiness.

The operational readiness of equipment should be examined at regular intervals to include but not necessarily be limited to inspections as required by other General Orders found within this manual.

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**7-106.11 TACTICAL EMERGENCY CASUALTY CARE (TECC) KITS**

*Tactical Emergency Casualty Care (TECC) kits are issued to Deputies in order for them to provide critical emergency medical care to themselves or another in circumstances when they are the first arriving responders. TECC kits are designed to assist a Deputy with providing life saving techniques associated with a severe life threatening hemorrhage to the extremities, such as the neck, arms, or legs. Examples of injuries include, but are not limited to, gunshot wounds, stab or slash wounds, and any amputation.*

*Training administered and / or approved in writing by the Training Division on deployment of items comprising the TECC kit is mandatory prior to issuance.*

*The TECC kit shall be assigned to the individual Deputy and is not to be considered as equipment assigned to a vehicle. If reassigned a vehicle, the Deputy is responsible for retaining their TECC kit and placing it into their newly assigned vehicle.*

*Upon issuance, the TECC kit shall be attached to the back of the vehicle's front headrest (driver or passenger side) so that it is readily available for the Deputy or another first responder in the event of an emergency. (In dedicated prisoner-transport vehicles with prisoner screens or other barriers which prevent attachments to the back of headrests; or, while operating Agency motorcycle units, the TECC kit shall be placed in the vehicle so as to be readily accessible to the Deputy.)*

*Deployment, loss of or damage to any item or the integrity of any packaging of contents or the TECC kit itself shall require mandatory documentation in accordance with the provisions of this Manual (see G.O. 7-106.9, "Loss Of or Damage to Agency / County Property or Equipment"). If an incident involves use of TECC items, the Incident Report must detail the Deputy's actions in reference to the kit item(s) and technique(s) applied to the victim.*

*Additionally, deployment of any item within a TECC kit shall require the Deputy to complete the TECC Kit Usage Reporting Form (Attachment 'J') and submit the form to the Agency Training Coordinator.*

*Finally, the Deputy shall bring a copy of the Incident Report approved by their supervisor – and their TECC kit – to the Supply Division for replenishment of the items necessary.*

<sup>1</sup> CALEA 17. 5. 3



**REFERENCES:**

Prince George's County Government,  
Administrative Procedure #330

Prince George's County Government  
Administrative Procedure #608

Prince George's County Government  
Administrative Procedure #691

**ATTACHMENTS:**

A – Requisition / Turn-in Form, PGC #1097

B – Equipment Custody Receipt, PGC #1890

C – Fixed Asset Physical Inventory Control  
Sheet, PGC # 3288

D – Furniture and Equipment Physical  
Inventory Control Sheet, PGC # 3289

E – Notice of Loss or Damage Form, # 556

F – Explanation of Missing Fixed Asset Items

G – Fixed Assets Item Identification Sheet, # 1852

H – Transfer of Fixed Assets sheet, PGC # 2514

I – Property Turn-In Report, PGC Form # 8

J – *TECC Kit Usage Reporting Form*

## 7-107 USE OF FORCE AND AGENCY WEAPONS

The purpose of this order is to set forth guidelines and standards for the use, carriage and care of weapons approved for use for all Office of the Sheriff Personnel authorized to carry firearms pursuant to their duties.

Use of weapons also includes less lethal weapons as well as personal weapons, e.g., fists, feet, and elbows, when used to exert force against a subject or prisoner. The policies and procedures contained in this General Order are for internal use only, and are not intended to enlarge a member's civil or criminal liability in any way. This General Order is not to be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims, insofar as the member's legal duties and obligations imposed by law.

### 7-107.1 DEFINITIONS<sup>1</sup>

**Lethal (or, Deadly) Force** is that force which can cause death or serious physical injury.

**Less-Lethal Force** is force that is not intended, nor reasonably likely, to result in death or serious physical injury.

**Positional Asphyxia** occurs when a subject's body position interferes with breathing, either when the chest is restricted from expanding properly or when the position of the subject's head obstructs the airway.

**Force:** Any physical coercion used to effect, influence, or persuade a subject to comply with an order from a Deputy. The term shall include the use of: empty-handed force when used to overcome active, physical resistance on the part of a subject; chemical irritants and Electronic Control Weapons (ECW) but, shall not include ordinary, un-resisted use of restraints.

**Serious Physical / Bodily Injury** is any injury which creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term impairment of the functioning of the body.

**Imminent** indicates near, at hand, at the point of happening, threatening, such an appearance of threatened and impending injury as would put a person on instant defense.

**Reasonable Belief** is comprised of the existence of facts, or combination of facts, that the circumstances are such to cause a reasonable person to believe them to be true.

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<sup>1</sup> CALEA 1.3.2

## 7-107.2 POLICIES, GENERAL

It is the policy of the Office of the Sheriff that its members shall, in every instance, use reasonable force when force is used to accomplish *lawful objectives*<sup>2</sup>.

An Incident Report and Use of Force Report shall be submitted following: any use of physical force (including weaponless or empty-handed force) used to overcome active, physical resistance; the use of lethal or less lethal weapons (e.g., Taser, ASPs, etc.) as a means of force; any incident in which any injury occurs or is alleged to have occurred; or, any indication, whether explicit or implicit, a complaint will be made, regarding the use of force by a member of this Agency<sup>3</sup>.

The laws justifying the use of *lethal* force do not obligate the member to do so, but rather define the legal parameters within which the member may act;

A decision to use *lethal* force must be based upon facts known or reasonably perceived by the member at the time that *lethal* force is used. Information coming to light after the incident's occurrence may not be used to either enhance or diminish the degree of probable cause which existed at the time of the incident;

A decision to employ less lethal force, e.g., electronic, chemical, impact weapons, must also be based upon the same relative justification as that needed to employ *lethal* force, e.g., firearms.

Although the use of less lethal force rarely results in a fatality, that potential nevertheless exists. Therefore, serious consideration must be afforded in the decision to use any force. The degree of force used in any confrontation must be consistent with both the severity of the incident, and the urgency of disposition.

Subjects restricted in their movements or placed in prone or unusual positions while being taken into custody may encounter trouble breathing, and therefore; immediately after coming under control, subjects shall not be placed on their stomach or unusual positions for extended periods of time but rather, should be re-positioned into as close to a normal sitting position as circumstances allow, to provide for effective breathing. Whenever possible, force or weight placed on a subject in a supine or prone position should be placed on the subject's shoulders and not the head or neck.

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<sup>2</sup> CALEA 1.3.1

<sup>3</sup> CALEA 1.3.6 b, c, d

**7-107.3 REQUIRED ISSUANCE AND INSTRUCTION PROCEDURES**

Prior to authorization to carry lethal or less lethal weapons, all agency personnel authorized to carry a weapon shall be issued a copy of this order and receive appropriate instruction on, at a minimum: use of force policy; deadly force; warning shots; less lethal force, and; guidelines for providing appropriate medical aid after the use of force. Issuance and instruction shall be documented<sup>4</sup>.

In accordance with Maryland Police Training Commission regulations, all sworn deputies shall complete a basic entry-level, police-recruit training program prior to their assignment in any capacity that allows the carrying of weapons or places them in a situation to make an arrest, except as part of a formal field training program<sup>5</sup>. This policy does not affect deputies, who are attending academy training and carry weapons as part of the structured curriculum. Nor does it affect deputies participating within the guidelines of a structured field-training program.

**7-107.4 AUTHORIZED WEAPONS AND AMMUNITION**

Only those weapons and ammunition, lethal or less lethal, which have been authorized and approved by the Sheriff or his/her designee, shall be used by agency personnel in law enforcement responsibilities, both on and off duty. This directive includes weapons and ammunition approved for use by specialized personnel (e.g., SOD) and as outlined in the "Approved Weapons and Ammunition" listing (Attachment D)<sup>6</sup>;

Except where authorized in writing, Deputies are prohibited from carrying or using in an official capacity any weapon or ammunition that has been altered, tampered with, or whose construction or mechanical condition has been changed from the original manufacturers specifications;

With the exception of ammunition used for target practice, instructor testing and evaluation, training or Agency demonstrations, ammunition carried for official, on-duty use shall be factory manufactured and be Agency issued or authorized. Only Agency issued ammunition will be carried and used, while on-duty.

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<sup>4</sup> CALEA 1. 3. 12

<sup>5</sup> CALEA 33. 4. 1

<sup>6</sup> CALEA 1. 3. 9 a, b

**7-107.5 INSPECTION, MAINTENANCE, REPAIR OR MODIFICATION**

No member may have approval to carry a firearm until all of the following requirements have been met:

- The firearm, whether agency owned or privately owned, shall be inspected for safety, reliability, and accuracy by an Agency firearms instructor who shall use the Weapons Inspection Form (Attachment E) in completing the inspection procedure<sup>7</sup>. Only those firearms meeting the standards as approved by the Sheriff or his designee shall be carried/used;
- All weapons approved for on- or off-duty use, whether agency owned or privately owned, shall be re-inspected and documented by an instructor during scheduled re-qualifications;
- Any agency weapon deemed unsafe shall immediately be withdrawn from service; brought to the attention of both the Agency Assets Manager and the Agency Armorer, and; documented according to Loss / Turn-in procedures as prescribed by the Prince George's County Office of Central Services, Fixed Assets Division<sup>8</sup>.
- Routine repairs shall be performed by the appropriate Agency Instructor / Armorer or certified personnel;

Operator Maintenance:

- Firearms shall be cleaned as promptly as possible after use. Prior to cleaning, all firearms will be checked to assure that they are unloaded and safe;
- Deputies shall perform routine maintenance, lubrication and cleaning on approved weapons.
- Only the Agency Instructor/Armorer is authorized to perform or approve the adjustment, correction, or modification of a firearm's mechanisms.
- Only those persons so authorized by the Sheriff or his/her designee may clean or otherwise handle Agency weapons.

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<sup>7</sup> CALEA 1. 3. 9 c

<sup>8</sup> CALEA 1. 3. 9 d

## 7-107.6 CARRIAGE OF FIREARMS

Sworn members are obligated to take appropriate police action, whether on or off duty, on the occasion of a crime in their presence<sup>9</sup>. Therefore, sworn members, whether on or off duty, in Prince George's County, shall carry their respective Agency issued or approved firearms, badges and identification cards<sup>10</sup>. This paragraph is intended to be interpreted liberally so as to facilitate good cause and common sense when appropriate, e.g. cell block or processing duties, participation in athletic events or physical labor, or within one's own residence or property;

Sworn personnel will carry the issued sidearm, loaded with Agency issued ammunition, while on duty. Plainclothes and uniformed Deputies in administrative or technical assignments may carry either the issued sidearm or an approved personal sidearm. All Deputies will be armed with a sidearm while on duty, operating an Agency vehicle, or in uniform<sup>11</sup>. Unless in use, plainclothes Deputies must conceal their firearm from public view at all times;

Deputies assigned to plainclothes units may carry a personal weapon on duty as their primary weapon if, in addition to the standard off duty approval, they have received written permission from their Assistant Bureau Chief. Any personal weapon carried on duty as the primary weapon must be the same caliber as the issued duty weapon.

Deputies assigned to extraditions or other plain clothes special assignments may carry a personal weapon if Agency approval for off duty use has been obtained and the weapon is of the same caliber as the issued duty weapon.

All weapons, Agency or personal, carried on duty must be loaded to full capacity, pursuant to training and/or as specified by the manufacturer with agency issued ammunition.

Deputies may carry approved personal firearms while on duty to supplement issued firearms, provided they meet specifications as determined by the Agency Armorer, and are approved by the Sheriff. Supplemental firearms must be concealed from public view when not in use;

Uniformed Deputies below the rank of Lieutenant shall carry sufficient ammunition to fully reload the sidearm two times. Non-uniformed Deputies, may carry one complete reload, with an additional reload in their vehicle;

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<sup>9</sup> CALEA 1. 2. 1

<sup>10</sup> CALEA 1. 2. 2

<sup>11</sup> CALEA 1. 2. 2

No member shall carry or display a firearm or any other weapon in an indiscreet or flagrant manner, other than when that weapon is justifiably employed;

Absent exigent circumstances, agency-issued handguns worn or carried on-the-person by personnel, whether on- or off-duty, shall be carried or encased in a holster or other device designed and intended for the wearing or carriage of that type firearm.

Members shall not be armed when under the influence of alcoholic beverages or medication that may render them incapable of effectively using a firearm.

Personal weapons may be approved for off duty use in calibers between .380 to .45.

No personal weapon may be approved for substitution of the duty weapon, unless it is of the same caliber as the issued duty weapon and loaded with agency-issued ammunition.

The carrying of a privately owned firearm must be specifically authorized by the Sheriff or his designee. Once the criteria has been met, the member must initiate a "Weapon Approval" Form (Attachment A), obtaining the signed certification of the firearms instructor. Once approved, the original of the "Weapon Approval Form" will be placed in the Deputy's firearms records folder, a copy will be placed in the Deputy's personnel file, and a copy will be returned to the Deputy<sup>12</sup>. The "Weapon approval form" must be submitted annually as part of the qualification process.

Fully automatic firearms are not authorized for conventional duties. Weapons of these types are authorized only for special types of missions, and only by qualified personnel as determined by the Sheriff or his designee;

Only those persons so authorized by the Sheriff or his/her designee may use, carry, or otherwise handle Agency weapons.

The Sheriff reserves the prerogative, at any time, to rescind, suspend, or restrict any and all approval for a member to officially carry any firearm or weapon.

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<sup>12</sup> CALEA 1. 3. 9 e

**7-107.7 LETHAL FORCE AND DISCHARGE OF FIREARMS**

a. *The use of lethal force is justified when lesser force is insufficient to accomplish a lawful purpose and use is not specifically prohibited by law or Agency policy. Specifically, lethal force may be used:*<sup>13</sup>:

- 1) In self-defense from death or serious injury;
- 2) To defend another person from death or serious injury;
- 3) To effect the arrest or maintain the custody of any dangerous person whom the Deputy has probable cause to believe has used or threatened the use of deadly force in the commission of a crime; or when the Deputy has probable cause to believe that the person would use deadly force against the Deputy or another person if not immediately apprehended. The use of deadly force must be in response to an imminent threat of serious injury or death to another person or to a Deputy. Prior to using deadly force, the Deputy shall, if feasible, warn the person of the Deputy's intention to use deadly force. Deadly force must never be used based upon mere suspicion that a crime was committed, no matter how serious. The Deputy should have either witnessed the crime, or have sufficient probable cause to believe that the person committed, is committing, or is about to commit an offense for which the use of deadly force is justified;

*Additionally, firearms may be discharged:*

- 4) To kill an animal that is endangering the safety of the Deputy or public. If feasible, such cases shall be referred to the Animal Management Division, Department of Environmental Resources;
- 5) To perform euthanasia on a seriously sick or injured animal. Prior to taking such action, the Deputy shall, when feasible, request the assistance of either the Animal Management Division or the Animal Shelter: or obtain the written permission of a veterinarian or the animal's owner;
- 6) *In* formal target practice, training, or official Agency sanctioned demonstrations;
- 7) To give an alarm or call for assistance when no other more practical means is available, and only where the firearm can be discharged safely. This is never to be misinterpreted to indicate warning shots are authorized;

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<sup>13</sup> CALEA 1. 3. 2

- 8) In situations when the Deputy is involved in the fresh pursuit of a dangerous person outside Maryland, the Deputy may, consistent with the parameters of this order and laws of the asylum state or jurisdiction, use a firearm to affect or maintain the arrest of that person;
- 9) Firearms may be discharged at a vehicle when:
  - a) The occupants of the vehicle are threatening or using deadly force by means other than the vehicle and innocent persons would not be unduly jeopardized by the Deputy's actions, or;
  - b) The vehicle is operated in a manner that may cause serious injury or death to another person or to a Deputy and there is no cover available. Deputies should avoid placing themselves in situations where vehicles may strike them.

The Deputy shall be liable to exercise prudent judgment to ensure that no innocent person is injured or killed as a result of such action.

b. A firearm shall never be discharged:

- 1) As a warning<sup>14</sup>;
- 2) In any case which does not involve an actual or perceived threat of attack which could result in the death or serious bodily injury to the Deputy or any other person<sup>15</sup>;
- 3) When there is a substantial danger to innocent bystanders or passers by.

**7-107.8 WEAPONS TRAINING**

- All Deputies must demonstrate proficiency in the use of all authorized weapons before being granted approval to carry such weapons<sup>16</sup>. Deputies who are unable to qualify with an issued weapon must complete mandatory skills enhancement training before resuming official duties<sup>17</sup>. Deputies who are unable to qualify with an authorized personal weapon may not carry the weapon;

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<sup>14</sup> CALEA 1. 3. 3

<sup>15</sup> CALEA 1. 3. 2

<sup>16</sup> CALEA 1. 3. 10

<sup>17</sup> CALEA 1. 3. 11 c



- All Deputies must receive in-service training on the Office of the Sheriff's use of force *and use of lethal force policies* at least annually<sup>18</sup>;
- All Deputies must demonstrate proficiency with any approved lethal weapons and electronic controlled weapons (e.g., TASER) that they are authorized to use and carry, at least annually<sup>19</sup>.
- All proficiency training shall be monitored by an instructor certified as deemed appropriate by the Maryland Police and Corrections Training Commissions (MPCTC)<sup>20</sup>, and; documented to include, at a minimum: member's signature, date of training, weapons and equipment used and scores for both qualifications courses-of-fire and written tests administered<sup>21</sup>.

### 7-107.9 WEARING OF HOLSTERS

All holsters, Agency-issued or personal, worn on duty must meet specifications as determined by the Agency Armorer. Deputies wearing non-issued holsters on duty shall initiate a "Holster Approval" form (Attachment B), obtaining the signed authorization of the Agency Armorer and the Sheriff or his designee. Once approved, the original of the "Holster Approval" form will be placed in the Deputy's firearms records folder, a copy will be placed in the Deputy's personal file, and a copy will be returned to the Deputy.

### 7-107.10 SECURITY AND STORAGE OF AGENCY WEAPONS<sup>22</sup>

Only those persons so authorized by the Sheriff or his/her designee may use or otherwise handle Agency weapons.

All Agency Weapons (including Less Lethal) in vehicles:

- Shall be kept out of public access, and not left unsecured or unattended at any time;
- Shall be kept secure from unauthorized persons;
- Shall be secured when inside any vehicle in such a manner so as to prevent them from being thrown about the vehicle's interior or trunk, and;
- Shall be secured in a case of sufficient design and construction so as to prevent damage to the weapon and any aiming devices.

<sup>18</sup> CALEA 1. 3. 11

<sup>19</sup> CALEA 1. 3. 11

<sup>20</sup> CALEA 1. 3. 11 a

<sup>21</sup> CALEA 1. 3. 11 b

<sup>22</sup> CALEA 1. 3. 9 f

Members shall not leave any agency vehicle unlocked or unattended with keys in the ignition.

Agency Weapons shall be maintained in one of the following conditions:

- Storage safe: Magazine removed, bolt locked to the rear, safety on;
- Car Safe: Magazine inserted in magazine well, no round in the chamber, bolt forward, safety on;
- Service Ready: Magazine inserted in magazine well, round chambered, bolt forward, safety on.

Outside of assigned or approved working hours, and whenever a vehicle is not in the actual custody of its assigned Deputy for an extended period of time (e.g., overnight), extended storage of firearms in agency sedans is prohibited unless stored inside the vehicle trunk and secured with a permanent trunk-locking device, as approved by the Bureau Chief, Bureau of Administration.

No member shall alter or install emergency equipment or mount any accessories on or in any agency vehicle without the prior approval of the Bureau Chief, Bureau of Administration.

When not in use and outside vehicle-trunk security measures approved by the Bureau Chief, Bureau of Administration; agency-issued weapons shall be stored in a place which provides adequate security (e.g., a safe) and/or secured with a locking device.

Criminal Law 4-104 (c) of the Annotated Code of Maryland mandates that unsupervised minors be denied access to a loaded firearm. Employees shall conform to the provisions of this law, violation of which is a criminal misdemeanor punishable by a \$1,000 fine.

Whenever any Agency-issued firearm, to include approved alternate or off duty firearms, is outside the immediate possession of a Deputy, to include within his or her residence, the Deputy shall ensure that the weapon is either:

- Unloaded so as to be rendered safe;
- Secured in an appropriate locked container; or,
- Secured with a commercial gun lock or other locking device that renders the firearm incapable of being fired. Trigger locks shall be applied in accordance with the manufacturer's instructions.

## 7-107.11 PATROL RIFLE PROGRAM

There is established a Patrol Rifle Program, to be administered through the Bureau of Administration, with oversight and direction by the Training Section.

Only rifles of AR-15-type configuration, and approved by the Agency Armorer, or his / her designee, are authorized for participation in the Agency Patrol Rifle Program. No other style of rifle or inferior AR-15 type of rifles will be authorized.

Only those deputies certified, who attend and successfully complete the patrol rifle training program administered by the Agency's firearms staff and are able to qualify bi-annually to maintain certification, are approved to carry a patrol rifle on duty.

Deputies wishing to participate in the patrol rifle program shall submit an "Application for Patrol Rifle Program" form (Attachment C) along with a "Weapon Approval" form.

Patrol rifles shall be checked by the Deputy no less than every 30 days for lubrication and serviceability;

Patrol Rifle Configuration:

- Each patrol rifle must have "Iron" sights, either permanent mount or flip up sights. The "iron" sights may be augmented by an aiming device with an illuminated reticule, e.g., Aim Point, EOTech, etc. The iron sights must be able to be used with the augmented sighting system.
- Each rifle shall be equipped with a tactical sling as approved by the Agency Armorer, or his / her designee.
- Two magazines will be carried with each weapon. The Deputy's ID number shall be affixed to every magazine. Additional magazines or rounds may be carried;
- The Agency Armorer, or his / her designee, must authorize any modifications to or accessories worn or carried in conjunction with the patrol rifle.
- Modifications or accessories shall only be performed or added by the Agency Armorer, or his / her designee, and shall be documented on the armory maintenance card for each weapon. Re-Qualification must be completed immediately whenever any modification is made to the rifle's sighting system.

Patrol Rifle Deployment:

- The patrol rifle shall only be deployed in extraordinary circumstances. Deputies shall not deploy or carry a patrol rifle on routine calls or traffic stops, unless an on-scene supervisor has given authorization for deployment based upon the totality of the circumstances.<sup>23</sup>
- Situations in which the deployment of a patrol rifle may be appropriate, include; but are not limited to:
  - When a suspect is armed with a high-powered weapon or wearing body armor;
  - An active shooter incident;
  - Support for canine operations where cover is necessary;
  - Other situations as approved by a Lieutenant or above.

## 7-107.12 LESS LETHAL WEAPONS<sup>24</sup>:

### 7-107.12. a Less Lethal Weapons, Training

All line Deputies must receive in-service training and demonstrate proficiency with:

- Each type of issued or approved electronic control weapon (e.g., TASER) that they are authorized to use and carry, at least annually.
- All other types of issued or approved less lethal weapons and weaponless control techniques at least biennially.

Any proficiency training (e.g., practical exercises) shall be monitored by an instructor certified as deemed appropriate by the Maryland Police and Corrections Training Commissions (MPCTC).

Training and proficiency shall be documented to include, at a minimum: date(s) of training, member's names and signatures, less lethal weapons used or weaponless control techniques covered and scores for any tests administered, whether practical or written.

Deputies who are unable to demonstrate a level of proficiency as determined by the instructor with an approved less lethal weapon or weaponless control technique must complete mandatory training and skills enhancement, prior to resuming official duties.

<sup>23</sup> CALEA 81. 2. 4 f

<sup>24</sup> CALEA 1. 3. 4; 1. 3. 11 a, b, c



### 7-107.12. b Impact Weapons, e.g., ASPS:

- Are to be used only in situations where the degree of resistance given by the subject is of such magnitude that the arrest cannot otherwise be effected or custody maintained, without risk of injury to the Deputy or an innocent third party;
- Strikes are to be directed essentially at the torso and the limbs. Strikes to the head are to be avoided. An intentional strike to the head would be justified only under circumstances wherein deadly force would be justified.

### 7-107.12. c Chemical Weapons, e.g., pepper spray:

Are to be used only when repelling an attacker or subduing a violently resisting subject;

Shall not be used indiscriminately, but rather, as an alternative to an impact weapon. Chemical weapons have the potential to incapacitate all persons within areas enveloped by their sprays. Therefore, the following precautions shall be taken:

- Whenever feasible, and prior to deploying chemical weapons, a verbal warning announcement shall be made to a subject and other personnel on the scene that OC is going to be deployed (e.g., the Deputy should give a loud, clear verbal warning, "O.C.!" or "SPRAY!" before dispensing the chemical). Other personnel should immediately break contact and create distance from the subject;
- Caution shall be observed during windy or rainy weather. Wind may direct the spray to an undesired location, and rain may dilute the spray's effect;
- The effectiveness of some chemical weapons may be severely limited on certain types of individuals, e.g., intoxicated, drugged or mentally ill persons. For this reason, Deputies should place guarded confidence in the use of this type of weapon on these types of persons;
- Persons within a body of water should not be sprayed, because of the risk of resultant drowning;
- Drivers of motor vehicles wherein the engine is running should not be sprayed, because of the risk of motor vehicle accidents;
- Chemical weapons should not be dispensed within hospitals, child care facilities, senior citizen housing/care facilities, or other crowded interior areas;
- Chemical weapons shall not be carried aboard aircraft;

- O.C. spray shall not exceed a 10 percent concentration rating.

Chemical weapons may not be used on a subject once secured and properly in custody nor shall the duration of spray be more than the minimum necessary to effectively incapacitate the subject. After deploying a chemical weapon against a person, the Deputy shall take the following actions<sup>25</sup>:

1. Allow at least five seconds for any mist to dissipate. Then give specific and distinct verbal commands to the person, to include, "Remain still, Be calm";
2. As an initial measure, move the person to an area of fresh air, and face him/her into the wind. Instruct the person **not** to rub the eyes. If in a vehicle, the air conditioner may be used to direct cold air at the person's face;
3. Afford the person, as soon as practical, the opportunity to flush the eyes and exposed skin with fresh water (not commercial eye wash). A person wearing hard contact lenses may remove them and clean them with soap and water (soft contact lenses must be discarded);
4. Instruct the person to breathe normally;
5. A handcuffed subject who has been sprayed shall not be placed on his/her stomach. Nor will such a person be placed on his/her back with pressure which could cause breathing difficulties;
6. Closely monitor sprayed persons during the first 30-45 minutes, particularly those who are elderly; substantially impaired by alcohol or other drugs; very obese or with a known medical condition, e.g., diabetes, or heart condition, or who are breathing rapidly, sweating excessively, or exhibit pale skin, and;
  - a. If normal breathing does not resume after the first five minutes, activate the EMS (Emergency Medical System);
  - b. If other symptoms do not cease after 45 minutes, activate EMS;
  - c. EMS shall be activated immediately if the person hyperventilates, loses consciousness, ceases breathing, suddenly becomes incoherent, or turns pale.

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<sup>25</sup> CALEA 1. 3. 5

- With the exceptions of vehicular systems, air conditioning systems shall not be activated to dissipate chemical spray.
- The guidance and provisions of this subsection are intended primarily for individually carried chemical weapons. For policy, procedure and doctrine regarding chemical agents used in riot control or other critical incident management scenarios see: Civil Disturbance Standard Operating Procedures.

**7-107.12. d Electronic Control Weapons (ECW's), e.g., TASER**

**1) Definitions**

**ECD / ECW** – Acronyms for ‘Electronic Control Device’ and ‘Electronic Control Weapon’ respectively, these acronyms are used interchangeably within this directive.

**X26/M26 TASER** - An electro-muscular disruption weapon (or Electronic Control Weapon, ECW) that utilizes a compressed nitrogen cartridge to propel two small probes out to a range of 15-35 feet, depending on the cartridge used. The device delivers 26 watts of pulsating current, which can disrupt the sensory and motor functions of the central nervous system and thereby reduce any further aggressive behavior.

**Electro-Muscular Disruption (EMD)** – Electrical signal which overrides the central and motor nervous systems in the body. The EMD effect causes uncontrollable muscle spasms which should incapacitate a subject regardless of their level of pain tolerance, mental focus, or state of intoxication.

**Deployment** – For the purposes of this order, any use of an ECD or TASER, other than mere handling or display, and to include Discharge / Probe Stun and/or Drive Stun application techniques.

**Discharge / Probe Use** – For the purposes of this order, activation of the Taser by triggering propulsion of the probes at a subject.

**Drive Stun** – Activation of a ECD or Taser by making contact between cartridge-end of the Taser or the ECD and a subject’s body.

**Data-port** - The TASER is equipped with a built-in data-port which records the date and time of each firing.

**Anti-Felon Identification (AFID)** - Small round AFID tags are propelled out of the cartridge when the device is fired. These tags correspond to the serial numbers of the cartridge which held them.

**2) Authorized Use**

Only deputies who have received the required training and certification with the Taser are authorized to carry or deploy this device.

As an operational function, command responsibility for the management of the Taser Program is assigned to the Agency Taser Coordinator, through the Agency Training Section and, as designated by the Bureau Chief, Bureau of Administration. The TASER Coordinator shall be certified as an instructor with the device, having a skilled working knowledge of the use, nomenclature, and downloading procedures of the data-port.

The Taser Coordinator, in close coordination with the Agency Training Coordinator, shall be responsible for the scheduling of Agency personnel to obtain TASER training. All deputies selected will comply with this policy. The Bureau Chief, Bureau of Administration will ensure there are a sufficient number of additional personnel trained as certified instructors with this device, responsible to conduct:

- all initial training and certification classes; and
- annual re-certification training

When carrying any ECW on the person, members shall carry or holster the ECW in a position located opposite the side of the body upon which their sidearm is holstered (e.g., reaction-side), in order to reduce the possibility of accidentally drawing and/or firing a sidearm. When deployed under normal circumstances, the ECW should be held in the strong or ‘weapon’ hand.

The carrying of a privately owned ECW must be specifically authorized by the Sheriff or his/her designee. Once the criteria has been met, the member must initiate a “Weapon Approval” Form (Attachment ‘A’), obtaining the signed certification of the Agency Taser Coordinator. Once approved by the Sheriff or his/her designee, the original of the “Weapon Approval Form” completed for any privately-owned ECW will be placed in the Deputy’s training records folder, a copy will be placed in the Deputy’s personnel file, and a copy will be returned to the Deputy<sup>26</sup>. The “Weapon Approval Form” must be submitted annually as part of the mandated ECW in-service and re-certification process.

Any member authorized to carry a privately-owned ECW shall comply with all provisions of this directive, including sub-sections: (5) Medical Treatment; (6) Reporting and Notifications, and; 7) Inspections.

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<sup>26</sup> CALEA 1. 3. 9 e

### 3) Deployment of the Taser

ECWs should be used only against subjects who are exhibiting active aggression or who are actively resisting in a manner that, in the Deputy's judgment, is likely to result in injuries to themselves or others. Fleeing *and/or passive resistance are examples which* should not be sole justification for using an ECW against a subject. Members should consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use an ECW on a fleeing *or passively resisting* subject. The Taser will not be used to unlawfully threaten, coerce, harass, taunt or abuse any person or in any form of horseplay.

When feasible, and prior to activating the ECW, a verbal warning announcement shall be made to a subject and other personnel on the scene that an ECW is going to be activated, unless doing so would place any person at risk. Absent a spoken warning, non-verbal warnings that may be used include display, laser painting, arcing, or a combination of these tactics.

As an officer safety issue, members should also remain cognizant of similarities in appearance between any less lethal weapon and an actual firearm.

Members should be aware there is a higher risk of sudden death in subjects under the influence of drugs and/or exhibiting symptoms associated with excited delirium.

Members should not intentionally activate more than one ECW at a time against a subject. Typically, members should use an ECW for one standard cycle (five seconds) and then evaluate the situation to determine if subsequent cycles are necessary. Multiple applications or continuous cycling of an ECW resulting in an exposure longer than 15 seconds (whether continuous or cumulative) may increase the risk of serious injury or death and should be avoided.

If TASER darts are expended into a subject, and the darts penetrate the skin, the darts shall be removed only by a physician or person under a physician's direction. If TASER darts are expended into a subject, and the darts penetrate the skin, the spent cartridge(s) and probes are to be treated as biohazards with standard precautions adhered to, as outlined in GO 3-115.8, ('Standard Precautions'). At a minimum, latex gloves and red plastic bags shall be used when handling probes or cartridges deployed against any subject, in accordance with GO 3-115.16, (Mandatory Equipment Requirements).

### 4) General Precautions

Members deploying an ECW should not intentionally target sensitive areas (e.g., head, neck, genitalia).

ECWs should not generally be used:

- on handcuffed subjects unless doing so is necessary to prevent them from causing serious bodily harm to themselves or others and if lesser attempts of control have been ineffective;
- when a subject is in an elevated position where a fall may cause substantial injury or death;
- against subjects in physical control of a vehicle in motion (e.g., automobiles, trucks, motorcycles, ATVs, bicycles, scooters);
- in the known presence of combustible vapors and liquids or other flammable substances including alcohol-based Oleoresin Capsicum (O.C.) spray carriers. (Note: The Agency-issued OC spray is a non-flammable agent which is found naturally in cayenne peppers);
- against obviously pregnant women, elderly persons, young children, and visibly frail persons.

Members should evaluate whether the use of the ECW is reasonable, based upon all circumstances, including the subject's age and physical condition. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.

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## 5) Medical Treatment<sup>27</sup>

As soon as practical after deploying the TASER, the person exposed shall be transported to a hospital for medical evaluation, and probe removal by a physician, if necessary. Evidence of exposed body fluids is one circumstance which would dictate that transport of the exposed subject be by ambulance (e.g., summons EMS to the scene). A deputy shall remain with the subject at the hospital until the subject has been medically cleared.

## 6) ECW Reporting and Notifications

Any ECW deployment against a person, whether on- or off-duty, and including intentional or accidental discharges, shall require the deputy to make immediate notification to the on-duty supervisor or on-duty Commander.

Any deployment of an Electronic Control Weapon (ECW), e.g., Taser, by a member of this agency, outside of training, shall require completion and submission of both a:

- Incident Report; and
- Agency Use of Force Report (Attachment F).

Photographs will be taken of all puncture sites in the skin or of the skin area where any probe lodged into clothing of any subject struck by probes. The serial number(s) of any spent cartridge(s) will be included in the Incident Report, and the contact points of the probes will be noted.

Any member who under any circumstances deploys a Taser against a person in the field shall contact the Agency Taser Coordinator in order for the recorded data to be downloaded from the TASER device. This data will aid in protecting the employee and the Agency from false allegations of misuse of the device. This step shall be accomplished within 72 hours of the discharge or at the direction of the Agency Taser Coordinator.

Once the TASER's stored data is downloaded, it will be the responsibility of the Agency Taser Coordinator to permanently maintain the downloaded information and provide it upon request, to the Policy Compliance Division.

In addition, if the Agency wishes to have a TASER International representative testify in any civil proceedings as a result of the deployment of a Taser, the Agency Taser Coordinator shall prepare a written synopsis to document the use of the device and forward same to TASER International.

## 7) ECW Inspections – Annual

The Agency Taser Coordinator shall conduct an annual inspection, functions test and data download of each agency-approved ECW. This annual inspection will be documented on the Weapon Inspection Form Report (Attachment 'E'). The Agency Taser Coordinator shall remove any unsafe or damaged ECW from use until repairs can be made or it is sent back to the manufacturer for replacement. Once all ECW inspections have been completed, the Agency Taser Coordinator will forward copies of the inspection forms to the Agency Accreditation Manager for their files.

### 7-107.12. e Less-Lethal Launchers – FN 303 & OC Pepper-ball Launchers

Only deputies who have received the required training and certification with the FN 303 Less Lethal Launcher (at a minimum, biennially) are authorized to use the weapon.

Less-lethal launchers are a high-level force option when directed at an individual. Using less-lethal launchers for the delivery of chemical agents when impact with the subject is not intended is an intermediate-level force option. Using less-lethal launchers to break windows or remove obstacles to line of sight when impact with a subject is not intended is not a use of force.

Launchers are extended range impact weapons capable of delivering the following projectile payloads:

- Oleoresin Capsicum (OC)
- Permanent and washable marking paint

When feasible, and prior to deploying the launcher, a verbal warning announcement shall be made to a subject and other personnel on the scene that the launcher is going to be deployed, unless doing so would place any person at risk. During a civil disturbance, and with supervisory approval, a dispersal warning shall be given over a public address system prior to deployment.

The FN 303 Less Lethal Launcher may be used for the purpose of compelling individuals to cease aggressive actions, when the deputy believes deployment represents a reasonable option for resolving the situation at hand. The use of less lethal launchers will be considered for, but not limited to, the following situations:

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<sup>27</sup> CALEA 1.3.5

- Suicidal subjects
- Subjects armed with blunt force weapons
- Subjects disregarding lawful orders to disburse
- To effect an arrest of a person whose actions demonstrate aggression
- When lower levels of force would be ineffective or inappropriate and arrest is the Deputy's objective
- To control a dangerous or violent subject when deadly force does not appear to be justified or necessary
- There is a reasonable expectation that it is unsafe for deputies to approach within contact range of the subject
- When necessary to defend the Deputy or others from force or the threat of force that could cause injury to any person
- Subjects threatening physical violence or committing acts that may cause injury to others, participating in acts of arson, and/or civil disturbance.

Deployment considerations when using less lethal weapons on otherwise unarmed subjects is authorized after an evaluation of the tactical situation by the deputy(s) on scene, taking into consideration all available circumstances, including but not limited to:

- the suspect's stated or exhibited intent to violently resist being taken into custody;
- the credibility of the threat as evaluated by the deputy(s) present, additional information immediately available to deputy(s), such as indications of drug use/alcohol intoxication;
- availability of other force options and their potential effectiveness/appropriateness;
- the subject's actions dictate the need for an immediate response and the use of less lethal weapons reasonably appear appropriate, especially if the only other option to deal with those actions may be the use of deadly force.

The on-duty supervisor or Duty Commander shall be notified directly and immediately any time a less-lethal launcher has been requested or deployed against a subject with the exception of sanctioned demonstration or training exercises.

Any person struck by a less-lethal projectile shall be transported to a medical facility for evaluation and treatment<sup>28</sup>. Transportation to a medical facility will be by law enforcement transport unless on-scene medical personnel deem transport by ambulance appropriate. Deputies shall advise medical personnel that a less-lethal projectile has struck the individual, providing the

<sup>28</sup> CALEA 1. 3. 5

approximate time that it occurred. Deputies shall obtain a hospital discharge / medical release form from the emergency room physician before transporting the arrestee to a processing facility.

All instances of FN 303 or other less lethal launcher use will be reported in an Incident Report.

#### **7-107.12. f ARWEN**

An acronym for "Anti Riot Weapon Enfield," the ARWEN 37 is a rotary-drum device which fires 37 mm less-lethal rounds (consisting of rubber, foam or chemical payloads) and typically is used to introduce less lethal alternatives in resolving tactical situations or crowd and riot control.

The ARWEN is authorized for use only by SST personnel certified by the Sheriff or his/her designee.

#### **7-107.13 RENDERING OF APPROPRIATE MEDICAL AID FOLLOWING USE OF FORCE<sup>29</sup>**

When an employee uses force and a person is injured or complains of injury, the employee shall ensure the provision of appropriate medical aid.

Appropriate medical aid may include:

- increased observation to detect obvious changes in condition;
- flushing chemical agents from the eyes;
- rendering first aid;
- evaluation by Emergency Medical Services (EMS) personnel; or
- for more serious or life-threatening incidents, providing for treatment by medical professionals.

Documentation of all injuries and the medical aid obtained or offered for the person injured shall be made on the appropriate reports associated with the incident.

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<sup>29</sup> CALEA 1. 3. 5



## 7-107.14 REPORTING USE OF FORCE AND / OR WEAPONS DISCHARGE INCIDENTS

A deputy, who is involved in any of the following types of incidents, shall

- 1) Immediately, notify his/her direct supervisor, the on-duty supervisor or the on-call Commander; and
- 2) Prior to securing from the shift (or prior to securing from the incident if off duty) <sup>30</sup>, complete BOTH a
  - i. Incident Report (in accordance with GO 5-101);
  - ii. Use of Force Report (Attachment F); and
- 3) Submit both reports in accordance with General Order 5-101 following:
  - Any intentional or unintentional discharge of any firearm by a Deputy (with the exception of training, instructor testing / evaluation, official Agency demonstrations, or lawful recreational shooting sports);
  - Anytime a decision is made to use or apply force through the use of deadly or less lethal weapons ( e.g., Taser, ASPs, etc.) as a means of force<sup>31</sup>;
  - Any incident or use of physical force, **including weaponless or empty-handed force**, that:
    - is used to overcome active, physical resistance on the part of a subject;
    - Results in injury to the deputy or any other person;
    - A subject states that they are injured as a result of the force that was applied and / or requires medical attention; or
    - Is alleged to have resulted in, injury or death of another person <sup>32</sup>.

In accordance with Maryland law, any discharge of an Electronic Control Weapon (ECW), e.g., Taser, other than in training, shall also require completion and submission of a Use of Force Report (Attachment F).

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<sup>30</sup> CALEA 1. 3. 6 a

<sup>31</sup> CALEA 1. 3. 6 c

<sup>32</sup> CALEA 1. 3. 6 b, d

*A Use of Force Report is not required when:*

- *A full custody arrest is made without the use of force and transport occurs, but the subject is released without being charged by the Deputy (i.e. arrest by warrant; or, incidents involving only "handcuff and release")*
- *An individual is temporarily handcuffed for the safety of themselves or others and released*
- *A Deputy points a weapon at an individual*
- *A Deputy employs an un-resisted escort, or,*
- *A Deputy utilizes the Hobble strap without the use of force.*

*Handcuff and release incidents shall be documented on an Incident Report (Title: "Use of Restraints, Without Arrest") and submitted in accordance with General Order 5-101; or, in instances arising during and involving only arrest by warrant, in the narrative of the Arrest Report which details the circumstances of the incident.*

Code 'A' notification pursuant to General Order 6-101 shall be made forthwith upon any intentional or unintentional discharge of a firearm by any Deputy (with the exception of training, instructor testing / evaluation, official Agency demonstrations, or lawful recreational shooting sports).

The Teletype Section shall notify the primary police agency of the jurisdiction of occurrence under the following circumstances:

- Cases wherein the firearm is discharged pursuant to or contrary to the provisions of the Discharge of Firearms Section of this Order;
- In cases of unintentional discharges resulting in any personal injury or damage to property.

Based upon the preliminary investigation of any use of force incident, lethal or less lethal, the individual involved is subject to duty status modification by the Sheriff, pending the outcome of the full investigation.

Any employee who inflicts a fatal or serious injury as a result of use of force in an official capacity will be placed on administrative leave, pending the outcome of a full investigation, by the Policy Compliance Division<sup>33</sup>.

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<sup>33</sup> CALEA 1. 3. 8

**7-107.15 ADMINISTRATIVE REVIEW OF USE OF FORCE REPORTS AND SUPERVISORY RESPONSIBILITIES IN INCIDENTS INVOLVING USES OF FORCE AND FIREARMS DISCHARGES<sup>34</sup>**

1. *It is the responsibility of the reporting member's supervisor to review and evaluate each use of force incident, Incident Reports describing use of force and Use of Force Reports submitted by subordinates as to the appropriateness of the use of force by the member.*
2. *Upon review of the incident and reports the Supervisor shall: either justify or fail to justify the Deputy's conduct, determine whether Agency policies were followed; and, if there were any other notable issues (i.e., potential training or equipment failures).*
3. *If the Supervisor finds no violations of policy he/she will endorse the report(s) and forward it to the Division Commander with any statements or personal comments.*
4. *The Division Commander or his/her designee shall review the report(s) and any other comments forwarded by the Shift Supervisor. If the Division Commander agrees that no policies were violated, the Division Commander shall endorse the reports and forward to the Commander, Policy Compliance for review.*
5. *The Commander, Policy Compliance or his/her designee shall review all each use of force incident, Incident Reports describing use of force and Use of Force Reports received, as well as Supervisor and/or Division Commander comments. If the Commander, Policy Compliance concurs with the Use of Force, he/she will endorse the report and file the originals in his/her office.*
6. *At any stage in the Administrative Review process, the Supervisor, the Division Commander or his/her designee or Commander, Policy Compliance or his/her designee may initiate an investigation if Agency policies were not followed.*
7. *Endorsement of the reports with a signature shall reflect that the reviewing Supervisor or Commander is in agreement that Agency policy was adhered to. Should the Supervisor or Division Commander not be in agreement a memorandum shall be attached to the Incident Report or Use of Force Report and forwarded through the chain-of-command. The Chief Assistant Sheriff or his/her designee shall*

*determine who shall investigate the possible breach of policy.*

8. *Reviewers should keep in mind whether training, policy, weapons/equipment or discipline issues need to be addressed.*
9. *If training, policy, weapons or equipment issues are noted, the Commander, Policy Compliance shall notify the Assistant Sheriff, Bureau of Administration or assigned investigator, whichever is appropriate, to ensure appropriate corrective action is taken.*

Upon notification of a firearm discharge or use of force by a member resulting in death or serious physical injury, the supervisor will immediately:

1. Notify IAD;
2. Respond directly to the scene<sup>35</sup>; and
3. *Conduct an investigation. The investigation shall include, but is not limited to, interviewing and obtaining statements from witnesses and the suspect(s).*

The supervisor shall ensure completion of all applicable procedures delineated in this Manual (e.g., General Orders 5-101 ('Incident Reports'), 6-102 ('Response to Major Incidents')).

The Internal Affairs Division is required to investigate all:

1. Firearm discharges by Office of the Sheriff employees (excluding exceptions specified in this General Order), inside or outside of the county, and;
2. Any use of force resulting in, or alleged to have resulted in, death or serious physical injury.

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<sup>34</sup> CALEA 1. 3. 7

<sup>35</sup> CALEA 81. 2. 4 f



## 7-107. 16 SUPERVISORY INSPECTIONS

Every quarter, each supervisor shall complete a documented inspection of the agency handgun, handgun ammunition and all less lethal weapons issued to each subordinate. The purpose of this inspection is to ensure the operational readiness of the issued weapon(s) as well as: compliance with this directive; General Order 3-109, and; all other relevant provisions of this Manual.

The deputy being inspected shall (with the weapon pointed in a safe direction or into an unloading / containment device, if available):

- Keep his / her finger away from the trigger at all times;
- Remove the magazine and secure it;
- Retract and lock the slide in the open position, and empty the chamber;
- Visually and physically (with fingertip) check that the chamber and magazine well are empty;
- Look away and then check again, and only then;
- Present the unloaded weapon to the inspector with the slide locked to the rear, in accordance with training.

Recognizing that supervisors are not trained as armorers but rather, are trained in safe weapons handling and clearing techniques, the quarterly handgun inspection centers primarily on overall condition of the weapon. As such, the inspecting supervisor shall:

- document the serial number, manufacturer, model and caliber of the weapon
- examine the chamber and magazine well to ensure the weapon is unloaded
- examine the weapon for damage, dents, rust, carbon accumulation, modifications, etc.
- check the barrel for obstructions or powder fouling residue
- check the slide for proper lubrication
- remove the ammunition from the magazine(s) and ensure the magazine(s) and ammunition are of proper issue and quantity
- examine the condition of the magazine, and
- return the weapon, magazines and ammunition to the Deputy with the slide locked to the rear and in accordance with training.

Shotgun/rifle inspection(s) shall be conducted by the Agency Armorer or designee during in-service or qualification at the range.

Recognizing that supervisors are not trained as less lethal instructors but rather, are trained in safe weapons

handling, the quarterly inspection of less lethal weapons (e.g., TASER, OC spray, ASP baton, less lethal launchers, etc.) centers primarily on overall condition of the weapon exterior and particularly confirming individual employee possession of a specific weapon through written recordation of serial numbers.

Division Commanders shall ensure any damaged weapon or ammunition, lethal or less lethal, is removed from service and ensure any damage or significant deficiency revealed by inspections is immediately and directly reported via Incident report, as follows:

- Firearm – notify Agency Armorer / Rangemaster
- TASER – notify Agency TASER Coordinator
- Less Lethal – notify Training and Supply sections

The Division Commander respective to each chain of command shall be responsible for retaining a copy of the preceding quarter's inspection and forwarding the original of all quarterly weapons inspections to the Manager, Assets Management Division.

The Captain respective to each chain of command shall monitor this inspection process within their command(s).

Other inspections may be conducted by supervisory personnel, when appropriate (i.e., annual inspection of TASER's by the Agency TASER Coordinator, etc.).

## 7-107. 17 AGENCY WEAPONS, RECORD-KEEPING

The Agency Armorer / Rangemaster / Lead Firearms Instructor shall be responsible for maintaining a record on each weapon approved by the agency for official use and according to fixed asset, county property inventory procedures as prescribed by the Fixed Assets Division of the County Office of Central Services,<sup>36</sup>.

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<sup>36</sup> CALEA 1. 3. 9 e

**7-107. 17 GOVERNING CASE LAW AND STATUTE**

- Tennessee v. Garner
- Graham v. Connor

**Tennessee vs. Garner (471 U.S. 1 (1985), 105 S. Ct. 1694)**

In this case, the United States Supreme Court held that officers cannot resort to deadly force unless they have probable cause to believe that the suspect has committed a felony and poses an immediate and significant threat to the safety of the officer, or a danger to the community at large. The Court affirmed the Court of Appeals decision limiting the use of deadly force to apprehend a fleeing felon.

**Facts of the Case**

On October 3, 1974, a Memphis, Tennessee police officer and his partner were dispatched to a call for a prowler inside a residence. Upon arriving on the scene, a neighbor advised that someone was breaking in to the house next door. As his partner radioed for assistance, the officer went to the back of the house where he heard the door slam and saw someone running across the backyard.

The suspect stopped at a six-foot chain link fence at the edge of the yard. With the aid of a flashlight, the officer could see the suspect's face and hands. He saw no signs of a weapon, and though not certain, was "reasonably sure" that the suspect was unarmed. While the suspect was crouched at the base of the fence, the officer ordered him to stop. When the officer took a few steps toward the suspect, he started climbing the fence.

The officer was convinced that the suspect would elude capture if he got over the fence, so the officer shot the suspect. The suspect was taken to a hospital where he died on the operating table. Ten dollars and a purse taken from the house were found on his body.

In using deadly force to prevent escape, the officer was acting under the authority of a Tennessee statute and following department policy.

The Memphis Police Department's Firearms Review Board and Grand Jury reviewed this incident and neither took any action.

**Court Review of the Case**

The suspect's father took the matter into the Federal District Court seeking damages for the violation of the suspect's constitutional rights. The claims were dismissed in the United States District Court.

The Court of Appeals reversed and remanded the decision. It held that the killing of a fleeing suspect is a "seizure" under the Fourth Amendment, and the use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.

The Tennessee statute did not adequately limit the use of deadly force because it failed to distinguish between felonies of different magnitudes.

**Supreme Court Decision**

The U.S. Supreme Court held that apprehension by the use of deadly force is a seizure subject to the Fourth Amendment's reasonableness requirement.

To determine whether such a seizure is reasonable, the suspect's rights must be balanced against the police department's need make an arrest and enforce laws. This balancing process stipulates that, even though there is probable cause to seize a suspect, an officer may not always do so by killing him. The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is unreasonable under the Constitution.

The Supreme Court went on to say that while burglary is a serious crime, the officer in this case could not reasonably have believed that the suspect – unarmed, young, and of a thin build – posed any threat. The Court further held that the fact that an unarmed suspect burglarized a dwelling at night does not automatically mean he is dangerous.

The Supreme Court affirmed the decision of the Court of Appeals on March 27, 1985.

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## **Graham vs. Connor (490 U.S. 386, 109 S.Ct. 1865)**

In *Graham v. Connor*, the U.S. Supreme Court determined “reasonableness” as the standard to be used to judge constitutional claims of excessive force brought by citizens against police officers.

### **Facts of the Case**

On November 12, 1984, Graham, a diabetic, asked Berry, a friend, to drive him to a convenience store to purchase orange juice to prevent the onset of an insulin reaction. Upon entering the store and seeing the number of people ahead of him, Graham hurried out and asked Berry to drive him to a friend’s house instead.

Connor, a city police officer, became suspicious after seeing Graham hastily enter and leave the store. Connor followed the car Graham was riding in and made an investigatory stop.

Although told that Graham was suffering from an insulin reaction, Officer Connor ordered both men to wait while he investigated what had happened in the store.

Backup officers arrived on the scene, handcuffed Graham, ignoring attempts to explain and treat his condition. During the encounter, Graham sustained multiple injuries. He was released when Connor learned that nothing had happened in the store.

Graham filed suit against all the officers involved, alleging the use of excessive force in making the investigatory stop.

### **Court Review of the Case**

During the trial, the District Court considered the following four factors in determining whether the officers used excessive force:

- The need for the application of force
- The relationship between the need and the amount of force that was used
- The extent of the injury inflicted
- Whether the force was applied in a good faith effort to maintain and restore discipline, or maliciously and sadistically for the purpose of causing harm

Using the above factors, the District Court found that the amount of force used was appropriate under the circumstances. The Fourth Circuit Court of Appeals heard the appeal from the District Court and agreed with the District Court’s decision.

## **Supreme Court Decision**

The case was appealed to the U.S. Supreme Court which determined allegations of excessive force by law enforcement officers – deadly or not – should be analyzed under the Fourth Amendment.

According to the U.S. Supreme Court, the “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of hindsight. This “reasonableness” must include the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain and rapidly changing – about the amount of force that is necessary in a particular situation. Thus, the test used by the District Court is incompatible with a proper analysis under the Fourth Amendment.

The proper analysis is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, regardless of their underlying motive or intent.

### ***Estate of R. Armstrong v. Village of Pinehurst (NC), 4<sup>th</sup> Circuit Court of Appeals (No. 15-1191)***

*Deploying a TASER is a serious use-of-force:*

*The court stated, "Our precedent makes clear that Tasers are proportionate force only when deployed in response to a situation where a reasonable officer would perceive some immediate danger that could be mitigated by using the Taser..."*

*The court held that officers are required to take reasonable measures to de-escalate a confrontation when the subject is "exhibiting conspicuous signs that he is mentally unstable" and should adjust the use-of-force downward.*

*An officer must consider other factors when deciding what level of force (e.g. deploying the TASER) is objectively reasonable. Some of these factors include:*

*Has a crime been committed and, if so, what is the nature and severity of the crime? (For example: Deploying the TASER against an individual that was merely being belligerent and where the subject was not an immediate threat to the officer would be an unjustified use-of-force.)*

*Does the subject pose an immediate danger to himself or to others and what is the totality of the circumstances faced by the officer at the time of the encounter?*

**REFERENCES:**

Maryland Code, Criminal Law, Section 4-104

Maryland Code, Criminal Law, Section 4-203, Wearing,  
Carrying, Transporting Handgun

Maryland Code, Public Safety, Section 5-308, Public  
Safety - Use of Electronic Control Devices - Reports

General Order 3-109 (Inspections Programs)

General Order 3-115 (Infection Control Plan)

General Order 5-101 (Incident Reports)

General Order 7-105 (Agency Vehicles)

*General Order 7-108 (Use of Restraints)*

*General Order 9-101 (Agency Training)*

ATTACHMENTS: A – Weapon Approval Form

B – Holster Approval Form

C – Application for Patrol Rifle  
Program

D – Approved Weapons Listing

E – Weapon Inspection Form,  
(Handgun and Less Lethal,  
Combined)

F – *Use of Force Report*

G – Use of Force Report Instructions

H – Use of Force Report Instructions  
Template with Numbered Overlay

## 8-104 SECONDARY EMPLOYMENT<sup>1</sup>

The purpose of this policy is to establish guidelines and standards under which all Office of the Sheriff personnel may engage in secondary employment. The rendering of any service or the sale of anything for pay or remuneration, from any source other than Prince George's County Office of the Sheriff must receive authorization. Excluded are: investing in real properties or securities; selling on isolated occasions, of real or personal property owned by the employee.

### 8-104.1 POLICY

#### Authorization:

- Employment with the Prince George's County Office of the Sheriff will be the prime responsibility of all personnel;
- Secondary employment is not permitted, except with the written authorization of the Sheriff, the Chief Assistant Sheriff, or his/her designee, as outlined in Procedures, 8-104.2;
- The nature of the duties and obligations of the Office of the Sheriff requires that employees work irregular duty schedules, which are subject to change in meeting deployment needs. Additionally, it is necessary that employees have adequate rest to be alert during their tours of duty. For these reasons and because certain occupations inherently conflict with an employee's primary responsibility to the Office of the Sheriff, the Office of the Sheriff reserves the right to limit or prohibit off-duty employment which is detrimental to Office of the Sheriff's mission and objectives. Such determinations will be balanced against the Office of the Sheriff's capability to execute its responsibilities and to ensure that the Office of the Sheriff receives full and faithful service in return for expenditure of its resources.

**REMAINDER THIS COLUMN SPACE**

**RESERVED INTENTIONALLY**

#### Sheriff's Prerogative:

The Sheriff may refuse to approve an application for secondary employment authorization and may, at any time amend, alter, suspend, revoke, or terminate a written authorization for secondary employment for reasons which may include, but not necessarily be limited to:

- Conflicts with the employee's duties with the Office of the Sheriff;
- Impairment of the employee's ability to perform duties with the Office of the Sheriff;
- Participation in any employment which would require or likely promote conduct inconsistent with the Office of the Sheriff's mission, objectives, regulations, ethics or reputation or which creates a real or potential conflict of interest.

#### Supervisory Responsibilities:

Members of supervisory rank or above (e.g., Sergeant and higher) shall undertake and assume the responsibilities commensurate to their rank, when engaged in secondary employment. That is, a Deputy Sheriff Sergeant, Lieutenant or Captain is expected to take the same actions and fulfill the same responsibilities corresponding to their rank (e.g., giving direction, making notifications, etc.), when engaged in secondary employment.

#### Incapacitation:

- Employees engaging in secondary employment shall note that an injury or illness arising from secondary employment may not be compensated under the State Workmen's Compensation system;
- Such employees shall further note that serious incapacitation might result in medical disqualification to resume active employment with the Office of the Sheriff;
- All injuries or illnesses sustained while engaged in secondary employment shall be reported to the assigned Duty Officer or on-duty supervisor no later than securing from the incident or place of medical treatment; failure to do so may disqualify employees from eligibility for disability leave.

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<sup>1</sup> [CALEA 22.3.5](#)

## Secondary Employment Limitations:

- Employees will not exceed 20 hours of secondary employment per work week (not including days off or leave time);
- Employees on sick leave or 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 Sheriff for good cause. Exception: If an individual is on pre-approved Sick Leave (for a scheduled doctors 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 Sheriff for each separate occasion;
- Approval to engage in employment where arrest powers would likely be used shall be limited to those sworn members holding valid certification from the Maryland Police Training Commission and are off probation and have completed the FTO Program;
- Experienced Police Officers (EPO) requesting Secondary Employment must have at least one year of experience as a police officer and submit a memo detailing their prior experience as a law enforcement officer;
- The proper attire for secondary employment is Class B, C or D uniforms. A special request to wear civilian attire will be considered on a case by case basis.
- The impounding of vehicles is not a primary responsibility of the Sheriff's Office, particularly when initiated by members engaged in secondary employment.
- Generally, deputies are not permitted to impound vehicles from private property. It is the responsibility of private property owners to have vehicles towed from their property.
- Deputies engaged in secondary employment shall only impound a vehicle: with the prior approval of a supervisor or, the on-call Duty Officer; when required by law or the immediate safety of the public, and; in strict accordance with agency policies and procedures.

## Prohibited Secondary Employment:

No one shall request to, or engage in any secondary employment whereby the nature of such employment would bring discredit or disrespect to the Office of the Sheriff, the law enforcement profession, or to the individual, or in any manner jeopardize the impartial position of the Office of the Sheriff, or involve the individual in violation of any of the rules, regulations, and procedures of the Office or any Federal, State, or local law or ordinance;

Secondary employment situations specifically prohibited include, but are not necessarily limited to any employment:

- Conflicting with the employee's duties with the Office of the Sheriff;
- Impairing upon the employee's ability to perform duties with the Office of the Sheriff;
- Requiring or reasonably construed so as to likely cause conduct inconsistent with the Office of the Sheriff's mission, objectives, regulations, ethics or reputation or which creates a real or potential conflict of interest;
- Employment for either party in a labor management dispute (*If a labor dispute arises at a previously approved secondary employment site, approval is immediately suspended and any interested Deputy is to contact the Commander, Internal Affairs for guidance*);
- Employment or ownership in or on behalf of any private detective, attorney, insurance agency, bail bond agency or involvement in any form of private investigation duties, including the service of civil process;
- Use of Deputy Sheriff Commission for employment as a law enforcement officer for any other county, municipality or political subdivision (This shall not apply to duties related to U.S. Military Reserves or National Guard activities);
- No authorization will be given for secondary employment for any location that has nudity or partial nudity as a form of entertainment.

Secondary employment situations also prohibited and for which exceptions shall only be as specifically authorized by the Sheriff, the Chief Assistant Sheriff, or his/her designee, on a case-by-case basis include employment in:

- Any establishment where alcohol is consumed, security will only be provided to the exterior areas of the establishment;
- [Any private residence.](#)

### **Civilian Employees Secondary Employment Restrictions:**

The below listed restrictions apply to all civilian secondary employment unless specifically exempted by the Sheriff or his/her designee. Requests for such exemptions must be made in writing to the Sheriff or his/her designee:

- Civilians may not work in any line of employment or establishment prohibited to sworn personnel;
- Civilians may not wear Office of the Sheriff uniforms or display agency insignia in the performance of any secondary employment.

### **Responsibilities When Working in a Law Enforcement or Security Capacity:**

#### Notification of Secondary Employment Activities

- Deputies working secondary employment shall make the following two notifications prior to and at the conclusion of their part-time work and positively relay the following information: location, work hours, duties, *Agency vehicle number* and manner of attire (uniform or plainclothes);
  - 1) Public Safety Communications via radio, and;
  - 2) Sheriff's Teletype (TTY) Section by phone.
- It is the responsibility of each Deputy working secondary employment to make his/her own part-time work notification. Members shall not make required secondary employment notifications for other members.
- The Commander, Teletype Section, will maintain a log of this information for 60 days.
- Employees engaging in secondary employment shall comply with all applicable provisions of the General Orders Manual, particularly regarding reports and notifications (e.g., 5-101, 5-102, 6-101, 8-109, etc.);
- Reports will be submitted to the Deputy's Division Commander;

- Incidents occurring on the premises of the secondary employment will be handled by the Deputy working. This is to include reports, lookouts, arrests, etc. If the Deputy possesses an issued agency vehicle, he/she will transport his/her own prisoners.

### **8-104.2 PROCEDURES**

*The Commander, Policy Compliance Division, shall publish and maintain on the Agency-shared "I"-drive that list of secondary employment employers and locations which are approved by the Sheriff (aka – the "Agency-approved list"). Agency personnel authorized to work secondary employment are generally limited to secondary employment at only the employers and locations appearing on the Agency-approved list, with approval in conformance with 8-104.2.b.*

#### **8-104.2. a Applications for Authorization to Work Secondary Employment**

Persons seeking authorization to engage in secondary employment shall complete Part 1 of the "Application for Secondary Employment Authorization" (Attachment A) and submit the original through their respective chain of command, ending with their respective designated *Bureau Chief*.

The employee requesting initial authorization shall also immediately fax an advance copy of the request to the Policy Compliance Division.

The requesting employee's *Bureau Chief* shall, upon timely review, forward the employee's Application directly to the Policy Compliance Division, for review by the Chief Assistant Sheriff, or his/her designee.

Each member of the Chain of Command shall initial, date and note any comments on the request form.

#### Supervisors:

- Shall ensure eligibility status of the requesting member prior to signing off on *Secondary Employment Authorization Requests*, e.g., time on agency, prior experience, one year or more from hire date, etc.;
- Shall maintain up-to-date file copies of *Secondary Employment Requests* of individuals under their command.

#### Distribution of Approved Original and Copies:

- Agency Personnel Folder (Original);
- Division Commander or respective *Bureau Chief*;
- Immediate supervisor;
- Individual Employee.



**8-104. 2. b      Application for Approval of a Secondary Employer Not Appearing on the Agency-Approved List**

*Persons seeking authorization to engage in secondary employment at any employer or location not appearing on the published Agency-approved list shall complete the following requirements prior to engaging in such employment:*

- *Complete Part I of the “Application for Approval of a Secondary Employer Not Appearing on Agency-Approved List” (Attachment B);*
- *Submit the completed Application for Approval of a Secondary Employer (Attachment B) directly to the Commander, Policy Compliance Division via e-mail;*
- *Receive written authorization (e.g., reply e-mail) from the Commander, Policy Compliance Division.*

*The Commander, Policy Compliance Division shall determine if any approval of a secondary employer or location not appearing on the Agency-approved list shall be a “one-time” approval or shall result in the addition of the employer/location to the Agency-approved list.*

**REMAINDER THIS COLUMN SPACE**

**RESERVED INTENTIONALLY**

**8-104. 2. c      Remuneration or Services involving Property Owners or Managers (e.g., Rental Agreements)**

Sworn members receiving reduced or free rent from a property owner or manager, either in consideration of the member’s sworn employment status or in return for the member parking a county-owned or leased vehicle on a specific property shall complete Part 1 of the “Application for Secondary Employment Authorization” (Attachment A) and submit same through their respective chain of command, ending with their respective designated *Bureau Chief*.

The “Duties to be performed by Applicant” section of Part 1 should be marked in bold uppercase letters, **“NOTIFICATION – RESIDENCE AGREEMENT ONLY.”**

The requesting employee’s *Bureau Chief* shall, upon timely review, forward the employee’s Application directly to the Policy Compliance Division, for review by the Chief Assistant Sheriff, or his/her designee.

Sworn members receiving reduced or free rent from a property owner or operator does constitute remuneration as defined by this order when in return for or in consideration of any benefits realized by that property owner or operator as a result of either the member’s sworn employment and/or the parking of a county-owned or leased vehicle on a specific property.

The Office of the Sheriff reserves the right to implement procedures appropriate in preventing any perceptions of conflict of interest while simultaneously providing for the mutual and best interests of both the agency and individual Deputy Sheriffs.

ATTACHMENT: A – Application for Secondary Employment Authorization

*B – Application for Approval of a Secondary Employer Not Appearing on Agency-Approved List.*

## 8-105 INVESTIGATION OF COMPLAINTS AGAINST DEPUTY SHERIFFS

The purpose of this order is to establish policies and procedures in compliance with the statute regarding the filings and investigations of complaints against Deputy Sheriffs. This order applies to all Deputy Sheriffs with the exception of probationary Deputies to whom this order shall apply only insofar as to matters of alleged brutality. Complaints include:

- Formal, written, sworn complaints from outside the Department
- Requests for Departmental disciplinary action from Agency supervisors
- As initiated at the direction of the Sheriff or the Chief Assistant Sheriff
- Anonymous Complaints

### 8-105.1 POLICY

This Agency shall fully and thoroughly investigate all official and **anonymous** complaints made against Deputies until a given complaint is either substantiated or unfounded. A complaint is any statement or other communication alleging a conduct or performance-related offense by any employee.

Internal investigations shall be handled confidentially. Investigative information and evidence shall not be disclosed unless authorized by the Sheriff or Chief Assistant Sheriff.

Any authorized officer of the Internal Affairs Section may order any employee to provide a statement in conjunction with an internal investigation. Refusal to comply with that order will be considered insubordination.

Where complaints are substantiated, appropriate disciplinary action will follow pursuant to General Order 8-106 and General Order 8-107.

Instances wherein investigation shows that a complaint has been knowingly made by falsehood and with malice aforethought may result in:

- The complainant being criminally charged with making a false statement, in accordance with the Annotated Code of Maryland, 3-104;
- Administrative action where the complainant is an Agency member, in addition to, or exclusive of any criminal action taken pursuant to the Annotated Code of Maryland, 3-104;

- Civil tort action against the complainant by the aggrieved deputy.

All filings and investigations shall be made in compliance with the Maryland "Law Enforcement Officer's Bill Of Rights" (LEOBR).

### 8-105.2 PROCEDURES

Filing of complaints by parties outside of the Agency:

- Complaints for incidents of any type must be made by the aggrieved party, a member of his immediate family, the parent or guardian in the case of a minor child, or by a person with first-hand knowledge obtained as a result of his/her presence at the alleged incident **or has a video recording of the incident that, to the best of the individuals knowledge, is unaltered.** Complaints alleging brutality shall not be accepted or investigated unless filed within **366** days of the alleged incident. Moreover, any complaint alleging brutality must be **signed and sworn to under penalty of perjury.**
- Investigation of complaints wherein information from sources outside the Agency indicate possible on-going, violations of a general nature, or where the intent of said investigation is aimed at rectifying defective procedure or doctrine.
- Externally initiated complaints shall be directed to the Internal Affairs Section, Office of Policy Compliance. Commander, Office of Policy Compliance, may refer less serious complaints through the accused member's chain of command to the appropriate level for investigation and disposition.

Filing of complaints from Within the Agency:

- For minor violations see General Order 8-106.
- For major violations:
  - The involved member's first line supervisor shall obtain an initial report and make an initial inquiry. The supervisor is authorized to question the involved member only to clarify statements made by the involved member in the report given by the member.

- The member's supervisor shall report the facts and circumstances of the incident in the format as provided by the Commander, Office of Policy Compliance. Said report, with attachments, shall be forwarded through the Chain of Command to the Chief Assistant Sheriff.
- The Chief Assistant Sheriff shall review the Commander's report and endorsements and shall make such determination as to whether the incident warrants further investigation. If so, he/she shall forward the report to the Commander, Office of Policy Compliance, with an order for investigation. If in his/her judgement, the incident does not warrant further investigation, he/she may make whatever corrective disposition he/she deems appropriate, but always in accordance with the "Law Enforcement Officer's Bill of Rights."
- A complete record, either written, tape recorded, or transcribed, shall be kept of the complete interrogation of the Deputy, to include all recess periods. Upon completion of the investigation, and upon request of the Deputy under investigation, or his/her counsel, a copy of the record of his/her interrogation shall be made available not less than 10 days prior to any hearing;
- At the request of the Deputy under interrogation, he/she shall have the right to be represented by counsel, or any other representative of his/her choice, who shall be present at all times during the interrogation and available for consultation, unless waived by the Deputy. The interrogation shall be suspended for a period of time not to exceed 5 days until representation is obtained. The Sheriff may, for good cause shown within that 5 day period, extend that period of time;

#### Interrogations for Investigation of Complaints:

- The Deputy under investigation shall be informed in writing of the nature of the investigation prior to any interrogation;
- Interrogations shall take place either at the office of the Commander of the Investigating Deputy or at the office of the Sheriff Headquarters or section in which the incident allegedly occurred, as designated by the investigating officer, unless otherwise waived by the deputy, or at any other reasonable and appropriate place;
- The investigation shall be conducted at a reasonable hour, preferably at a time when the Deputy is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required;
- The Deputy under investigation shall be informed of the name, rank, and command of the officer in charge of the investigation, the interrogating investigator, and all persons present during the interrogation. All questions directed to the Deputy under interrogation shall be asked by and through one interrogator during any one interrogating session;
- Interrogation sessions shall be for reasonable periods and timed to allow for any personal necessities and rest periods as are reasonably necessary;
- If the Deputy under interrogation is under arrest, or is likely to be placed under arrest as a result of the interrogation, he/she shall be completely informed of all his/her rights prior to the commencement of the interrogation;
- Duress statement:
  - If upon request of a superior officer or a member of the Internal Investigations Section, the Deputy refuses to give a statement, the following statement will be written prior to the Deputy's statement being received in writing:
 

"This statement is being made, after having been ordered to do so by  
                    Name                    Title                     to answer questions specifically, directly, and narrowly relating to the performance of my official duties. Therefore, this statement may not be used in a court of law in a criminal prosecution, but may be used in administrative hearings, such as before an Agency Hearing Board."
- The Deputy may not be required or requested to disclose any item of his/her property, income, assets, source of income, debts, or personal or domestic expenditures (to include those of any member of his/her family or household), unless that information is necessary in the investigation of a conflict of interest with respect to the official performance of duties, or unless such disclosure is required by State or Federal law;
- The Deputy under interrogation shall not be threatened with transfer, dismissal, or disciplinary action.

#### Investigative Tools for Investigation of Complaints:

- The Deputy under investigation may be required to submit to any chemical tests, handwriting tests, polygraph examinations, or voice stress analyzer specifically focused upon the issues at hand. Results of any test so ordered may not be used in any criminal proceeding against the Deputy. Moreover, results of an ordered polygraph examination may not be used in any administrative hearing against the Deputy unless mutually waived by the Agency and the Deputy.

#### Completion of Investigation of Complaints:

- The results of the investigation with recommendations shall be forwarded by the investigator, through the Commander, Office of Policy Compliance, to the Chief Assistant Sheriff promptly upon completion;
- The Chief Assistant Sheriff shall review the investigation and if appropriate, direct the convening of an Agency Hearing Board in accordance with General Order 8-107;
- If a Hearing Board is so directed, the case investigator shall be notified as to that decision so as to enable him/her to discharge his/her responsibilities in accordance with General Order 8-107;
- Disclosure prior to a Hearing Board of any results, findings, or details of an investigation to a member of the public or media shall be made only with the express approval of the Sheriff.

REFERENCE: Maryland Annotated Code/Public Safety  
Title 3 Subtitle 1

**8-106 DISCIPLINE**

The purpose of this order is to state the disciplinary and non-disciplinary philosophy of the Office of the Sheriff and establish a disciplinary and non-disciplinary system.

**8-106.1 POLICY**

As an Agency, we are committed to our collective integrity; such integrity is dependent upon the personal conduct, integrity, discipline, accountability and responsibility of each employee. The Office of the Sheriff holds these values in high esteem, and through fairness and objectivity, has created Agency guidelines. When employees do not perform or behave in a manner consistent with Agency philosophies, expectations and guidelines, their behavior should be addressed through the disciplinary process.

The Office of the Sheriff for Prince George’s County is committed to a progressive disciplinary process. The focus of the disciplinary process is corrective action through individual employee responsibility and accountability.

Remedial discipline, such as problem solving and behavior changes, should be the primary emphasis while punitive discipline is secondary. Punitive discipline shall be for cause and shall follow the basic concepts of due process.

The Office of the Sheriff is committed to maintaining an effective internal disciplinary and citizen complaint system. Such a system maintains high professional standards and improves morale by establishing a fair and thorough means to process complaints, while eliminating arbitrary disciplinary applications.

The Office of the Sheriff for Prince George’s County does not discriminate in any manner against current members, potential members or member groups on the basis of sex, ethnic background, race, religion, color, age or physical disability, in any disciplinary or termination process<sup>1</sup>.

**REMAINDER THIS COLUMN INTENTIONALLY LEFT BLANK**

<sup>1</sup> CALEA 26.1.4 c  
OFFICE OF THE SHERIFF  
PRINCE GEORGE’S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL

**8-106.2 DEFINITIONS**

**Disciplinary Action Recommendation Guide** - A Disciplinary Action Recommendation Guide (DARG) is established to provide a uniform range of recommended disciplinary actions for certain offenses (Attachment A).

**Supervisory Investigations Manual** - A written directive serving as a guide for prompt, fair disposition of complaints about an employee’s conduct or performance. The manual outlines procedures for supervisors to investigate and, when authorized; to initiate and take disciplinary action against subordinates. The Supervisory Investigations Guide also describes the investigative responsibilities of supervisory and Internal Affairs personnel.

**Less Serious Transgressions** - Are acts or omissions not of a serious nature, which lend themselves to prompt and appropriate actions and do not require a full scale Internal Affairs Investigation and may be handled as a Minor Violation.

**Minor Violations** - Are those offenses for which recommended disciplinary action, in the form of a Summary Punishment Action Request, shall be limited in the imposition of any punishment, not to exceed three days suspension-without-pay or \$150.00.

**Summary Punishment** - Discipline recommended by the supervisor of a unit or member acting in that capacity, which may be imposed when the facts constituting the offense are not in dispute.

**8-106.3 AUTHORITY OF THE SHERIFF<sup>2</sup>**

The Sheriff, as the elected State Constitutional Officer responsible for the Agency, has the authority to take disciplinary action against any employee of the Agency and to delegate that authority to selected subordinates. The authority to initiate or administer disciplinary action is delegated by the Sheriff to commanders and supervisors, both sworn and civilian, or those deputies in acting capacity of commanders or supervisors.

The authority to suspend a sworn member in an emergency situation is delegated to any supervisor in accordance with LEOBR, and will cause an immediate notification, via the chain of command, to the Sheriff. All supervisors will have the authority

<sup>2</sup> CALEA 26.1.4 c

to make recommendations of disciplinary actions through the proper channels and to the appropriate individual within the chain of command. Only the Sheriff or his/her designee has the authority to terminate any sworn member subject to the provisions of LEOBR.

Any employee, who observes unethical conduct or a violation committed by another employee, regardless of rank, will report the violation to the offending employee's supervisor.

The Commander of the Office of Policy Compliance (OPC) is hereby specifically assigned and delegated the responsibility to oversee and administer the disciplinary process within the Office of the Sheriff for Prince George's County. In this regard, the Commander, OPC will report directly to the Chief Assistant Sheriff. Any sworn member assigned to the OPC will assist the Commander in this assignment and will have the authority of the Commander when acting on his behalf. Any supervisor, when accomplishing the discipline requirements of this section, is acting on behalf of the Commander, OPC and in such matters has the authority to require employees to give truthful and accurate statements.

#### **8-106.4 SUPERVISORY RESPONSIBILITIES**

The Role of the Supervisor in the disciplinary process is as follows:

- A. To communicate clear expectations for employee performance and conduct based upon the Vision, Values, and Mission Statement of Office of the Sheriff, as well as policies, procedures and individual employee position descriptions.
- B. To observe the conduct and appearance of personnel and detect those instances when commendations, counseling, training, or disciplinary actions are warranted.
- C. To immediately correct any ongoing violation and then make notification through proper channels to the appropriate individual within the correct chain of command.
- D. To investigate allegations of employee misconduct when within the scope of their authority and responsibility.
- E. To recommend the most effective methods of discipline, taking into consideration the behavior history, circumstances, and personality traits of the personnel under their supervision.
- F. To implement the type of disciplinary action approved by the Sheriff at the level authorized.

#### **8-106.5 NON-DISCIPLINARY ACTION**

Non-disciplinary Action is intended to improve employee productivity and effectiveness, develop good working habits and to establish a norm for acceptable employee conduct through positive and constructive methods. Non-disciplinary Action may include:

1. Advice given
2. Counseling (positive and corrective)
3. Employee Recognition (including Citations)
4. Training. Training of subordinate employees remains a primary responsibility of every supervisor.
5. Remedial training<sup>3</sup>. Remedial training is considered an informal corrective action and shall be employed whenever it is determined that an employee's performance can be improved or minor misconduct can be corrected through its use.
  - a. An employee's immediate supervisor (or above) may make the determination that an employee requires remedial or additional training.
  - b. The supervisor shall document actions taken to provide the remedial or additional training required by the employee, and;
  - c. Where the training required is of a specialized nature (e.g., use of weapons or vehicle operations), the supervisor shall make a recommendation to the Training Coordinator, via the Chain of Command, that remedial or additional training be arranged.
6. Verbal Counseling<sup>4</sup>. Informal counseling of any employee by an immediate supervisor and absent documentation may be used to resolve minor allegations of misconduct or to address work performance issues that need to be corrected.
  - a. The counseling session shall take place as soon after the offense / incident as possible.
  - b. The counseling session shall take place while the employee is on duty.

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<sup>3</sup> CALEA 26.1.4 a, 33.1.5

<sup>4</sup> CALEA 26.1.4 b

- c. The counseling session shall be conducted in private.
- d. Documentation shall not be entered into the employee's file.

**7. Counseling Letter<sup>5</sup>**

Informal counseling of any employee and documented by an immediate supervisor may be used to resolve minor allegations of misconduct or to address work performance issues that need to be corrected.

- a. The counseling session shall take place as soon after the offense / incident as possible.
- b. The counseling session shall take place while the employee is on duty.
- c. The counseling session shall be conducted in private.
- d. A counseling letter shall be given to the employee and a copy shall be entered into the Supervisor's working file.
- e. The supervisor has the discretion to determine if it is appropriate to note the contents of a counseling letter in the employee's annual performance evaluation.

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**8-106.6 DISCIPLINE / DISCIPLINARY ACTION**

Discipline / Disciplinary Action is intended to correct or halt employee misconduct or poor performance.

Discipline may include<sup>6</sup>:

1. Termination
2. Demotion
3. Reduction-in-salary, including special assignments with incentive pay, hazard pay or educational incentives
4. Suspension without pay
5. Fine
6. Transfer for the purposes of sanction
7. Disciplinary probation
8. Written Reprimand

**Fines Versus Restitution**

Fines may be imposed as part of the conclusion of a disciplinary case. Restitution for lost or damaged property, on the other hand, is not considered discipline, and therefore, does not require the procedures outlined within the disciplinary policy. Restitution should generally not be over 5% of the deputy's base salary. However, the Agency is not bound by the 5% rate if circumstances dictate a greater amount of restitution.

**8-106.7 SUPERVISORY LIMITATIONS TO INITIATE DISCIPLINARY ACTION**

Among the primary responsibilities delegated by the Sheriff and to certain supervisors are to conduct investigations and, when necessary, recommend disciplinary action.

Disposition of investigative and disciplinary recommendations can only be authorized by the Sheriff or his / her designee, except as provided in section 8-106. 9, (Minor Violations) of this General Order.

Disciplinary recommendations shall not be presented to a respondent until authorized by the Commander, OPC. The supervisor shall contact the Commander, OPC, to ensure that the

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<sup>5</sup> CALEA 26.1.4 b  
OFFICE OF THE SHERIFF  
PRINCE GEORGE'S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL

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<sup>6</sup> CALEA 26.1.4 c



disciplinary action recommendations proposed are commensurate with the charged offenses.

Before presenting a respondent employee with a disciplinary recommendation, the supervisor must have cleared the recommendation with the Commander, OPC. An exception would be recommendations made in the following cases, which must be approved by the Sheriff before presentment to the respondent:

- Abusive language
- Criminal misconduct
- False statements
- Harassment
- Use-of-force

The Commander, OPC, will confer with the Chief Assistant Sheriff to ensure discipline is consistent throughout the agency. The Commander, OPC will then notify the assigned supervisor to proceed with the appropriate disciplinary action.

In instances of minor violations, the Commander, OPC may recommend discipline upon contact by the charging supervisor. Prior to the initiation of major disciplinary action, the supervisor or their superior shall verbally discuss the following with the Commander, OPC:

- Facts of the investigation
- Unusual circumstances
- Charge(s)
- Offense category
- Proposed disciplinary action

#### **8-106.8 LIMITATIONS OF AUTHORITY**

##### **Discipline of Civilian Employees & Probationary Deputy Sheriffs (Non-sworn)**

Supervisor-imposed disciplinary action for civilian employees and probationary Deputy Sheriffs is limited to a written reprimand for conduct-related violations. For performance or conduct-related violations where more than a written reprimand is contemplated, the supervisor shall send a Disciplinary Action Recommendation Letter (Attachment 'B') to the Commander, OPC (ATTN: Chief Assistant Sheriff) describing the facts of the investigation and the proposed disciplinary action.

References to protections afforded by the Law Enforcement Officers' Bill of Rights (LEOBR) do not apply to probationary student deputies, except for allegations of police brutality.

##### **Discipline of Student Deputy Sheriffs**

Discipline matters for probationary student Deputy Sheriffs are handled in accordance with the Prince George's County Code.

#### **8-106.9 MINOR VIOLATIONS AND SUMMARY PUNISHMENT**

Summary Punishment via use of the Summary Punishment Action Request (SPAR) form (Attachment C) is an alternative, to formal disciplinary procedures when conduct defined as a less serious transgression is observed by or, comes to the attention of an Agency supervisor.

Less serious transgressions are acts or omissions not of a serious nature, which lend themselves to prompt and appropriate actions and do not require a full scale Internal Affairs investigation.

Summary Punishment may be imposed for minor violations of Agency rules and regulations, General and Special Orders, verbal and non-verbal orders when the following conditions have been met:

- The facts constituting the minor violation are not in dispute;
- The employee accepts the punishment imposed by the highest ranking sworn member of the section to which the employee is attached;
  - Maximum Summary Punishment which may be imposed: 3 days suspension without pay or a fine of \$150.00 per violation (unless in instances involving a Deputy Sheriff, the Deputy waives in writing certain rights afforded by Law Enforcement Officer's Bill of Rights LEOBR).
- In instances involving a Deputy Sheriff, the Deputy waives the Hearing provided for under LEOBR.

Only Sergeants and above may impose a Summary Punishment.

In the interests of consistency and fairness to all concerned, supervisors preparing to impose discipline shall first contact and consult with Internal Affairs (IAD). If IAD concurs, the supervisor will be provided with an assigned case number.

Where a supervisor of a different division observes a minor violation, he/she may impose Summary Punishment. However, the imposing supervisor must then transfer all documentation to the violating Deputy's Supervisor for appropriate forwarding through the violating Deputy's Chain of Command.

Deputy's options under Summary Punishment:

- 1) Accept Summary Punishment, whereupon copies of the Summary Punishment Action Request, which includes waivers, is forwarded to the Internal Affairs Section for dissemination to the Agency Personnel Officer who will disseminate to appropriate command staff;
- 2) Appeal Summary Punishment and demand a Summary Punishment Board (SPB). Said Board will be conducted by one member, unless otherwise directed by the Sheriff.
  - If a one member Board, the member need not be of the same rank as the accused, but will never be below the rank of the accused or below the rank of Captain;
  - The Summary Punishment Board (SPB) shall have only the authority to recommend such sanctions as stated above;
  - The one member Summary Punishment Hearing Board shall be directed by the same procedures prescribed for the three-member Administrative Hearing Board (AHB).

If a member refuses to accept the Summary Punishment and requests a hearing:

1. The Summary Punishment Action Request will be completed indicating such refusal.
2. The accused member and the Supervisor who is seeking to impose the Summary Punishment will complete an Inter-Office Memorandum relative to the circumstances involved.
3. The Summary Punishment Action Request and the Inter-Office Memorandums, along with any other related documents will be forwarded to Internal Affairs Section. After receipt of these materials, the Internal Affairs Section will be responsible for all other routing procedures, to include the scheduling of a one member hearing board.
4. When a one member hearing board is required as a result of a member's refusal to accept Summary Punishment, a disinterested sworn member above the rank of Lieutenant shall be designated hearing officer.
5. The designated hearing officer shall be limited in the imposition of any punishment, not to exceed three days suspension without pay or \$150.00.

Note: The one member board only decides the issue of the amount for the Summary Punishment. If the member denies the original charges, then a three member trial board is needed.

Judgment of Hearing Officer shall be binding on the Agency.

## **8-106. 10 DISCIPLINARY ACTION RECOMMENDATIONS GUIDE**

There is established a Disciplinary Action Recommendations Guide, hereafter referred to as "DARG" or, "guide" (Attachment A), which is applicable to sworn members and to ensure that similar violations receive similar penalties.

Although the DARG does not include all possible charges which may arise out of a violation of rules, regulations, policies, orders, or law, it provides a representative sampling.

The DARG is not binding upon the Sheriff; however, and therefore; Command and supervisory personnel will use the DARG as a guide in determining suggested punishment.

Furthermore, in conjunction with use of the DARG, mitigating and/or aggravating factors, which may suggest a greater or lesser level of discipline, may be applied. Some of these factors might include, but are not limited to:

- The nature of the incident associated with the disciplinary action, and/or
- Any associated injury severity, and/or
- The level or degree of any associated damages, and/or
- The involved employee's intent or lack thereof, and/or
- Any previous record of performance as it might relate to the incident, and/or
- The existence of any mitigating and/or aggravating factors.

The following shall be approved by the Commander, OPC:

- Deviations from recommended disciplinary actions, and/or
- Proposed disciplinary action on cases for which the violation is not listed in the guide.

When a violation is not listed, the Commander, OPC shall select an action based on the severity of the violation in comparison with violations that are listed in the guide.

The charging supervisor shall send any dis-closable case file and explanation of proposed disciplinary action to the Commander, OPC before disciplinary action is taken if:

- They select an action outside the guide recommendations, or
- The violation is not covered by the guide.

When proposed discipline exceeds that established by the LEOBR, employees must waive their rights under the LEOBR when agreeing to accept the proposed discipline.

A second (or greater) Category I or II violation of any offense within 24 months can cause the disciplinary action recommendation to advance to the next higher category, with penalties levied from the higher category.

## **8-106.11 VIOLATION CLASSIFICATIONS**

Disciplinary actions are classified as conduct- or performance-related offenses.

When disciplinary action is intended against employees covered by provisions of a civilian contract, the recommended discipline shall be initiated within 90 days of either:

- The occurrence of the wrongful act
- Departmental knowledge of the act
- The date on which the Department should have had knowledge of the act

The Sheriff may hold disciplinary actions in abeyance to allow the employee to demonstrate conformance to standards.

### **Conduct-Related Offenses**

Disciplinary action range for conduct-related offenses:

- Written reprimand
- Forfeiture of annual leave
- Maximum 20 days for a violation justifying dismissal
- Should not exceed 10 working days if issued as follow-up action to a written reprimand
- Maximum fine of three percent (3%) of the employee's annual base salary for any one violation
- Suspension
- Dismissal
- Actions held in abeyance
- Any other discipline consistent with the provisions of the LEOBR (e.g., removal from a promotional cycle, removal from a personal vehicle program, transfer, etc.)

### **Performance-Related Offenses**

Supervisors shall rely on any one of the following factors to determine if an employee's performance has degraded to a degree warranting disciplinary action:

- Employee unjustifiably fails to execute an assignment as described within his or her position description
- Employee's actions, negligence, or attitude constitute a course of conduct characterized by an inability, incapability, or unwillingness to maintain a minimum standard of performance regarding the quality or quantity of any of the duties listed in his or her position description
- Loss of any job requirement preventing satisfactory execution of job tasks, mandated training, or certification requirement

Disciplinary action range for performance-related offenses:

- Written reprimand
- Demotion
- Salary reduction by amount equal to one step rate within the applicable salary range
- Dismissal
- Actions held in abeyance
- Any other discipline consistent with the provisions of the LEOBR (e.g., removal from a promotional cycle, removal from a personal vehicle program, transfer, etc.)

### **Evaluating Discipline Severity**

The following factors shall be considered in making disciplinary recommendations:

- Severity of the disciplinary action compared to the nature of the acts constituting the grounds for disciplinary action
- Extenuating circumstances that may lessen the severity of the proposed disciplinary action
- Uniformity of the proposed disciplinary action in relation to disciplinary actions given other employees under similar circumstances
- Employee's prior record of conduct or performance

When an employee's performance is marginal, their record may be considered in the determination of performance-related disciplinary action

**8-106. 12 APPEAL PROCEDURES**

An employee receiving a proposed disciplinary action in excess of that prescribed in the Disciplinary Action Recommendation Guide may, in writing, submit a request for review to the Commander, OPC (ATTN: Chief Assistant Sheriff).

**External Appeal of Adverse Disciplinary Action**

**Deputy Sheriff: Sworn, Permanent Status**

All disciplinary actions or adverse actions are appealable in accordance with the LEOBR and/or other applicable law.

**Deputy Sheriff: Probationary Status**

Probationary Deputies may only appeal disciplinary or adverse actions alleged to be illegal or taken without the Deputy having received a statement or notice of the charges. Exception: Adverse actions resulting from allegations of use of force are appealable in accordance with the LEOBR.

**Civilian Employees: Permanent Status**

Permanent civilians who are covered by a collective bargaining agreement may appeal a disciplinary or adverse action in accordance with the grievance procedures stipulated in their respective contract. Permanent civilians who are not covered by a collective bargaining agreement may appeal disciplinary actions or adverse actions in accordance with Personnel Law.

**Civilian Employees: Probationary Status**

Probationary civilian employees may only appeal disciplinary or adverse actions alleged to be illegal or taken without the employee having received a statement or notice of the charges.

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**ATTACHMENTS:**

- A – *Disciplinary Action Recommendations Guide (DARG)*
- B – Disciplinary Action Recommendation Letter
- C – *Summary Punishment Action Request (SPAR)*

**GOVERNING LEGISLATION:**

- Maryland Code, Title 3, Sub-Title 1 Prince George’s County Code, Subtitle 16, Division 13
- Prince George’s County Personnel Law

**REFERENCES:**

- Law Enforcement Officers’ Bill of Rights (LEOBR)
- Negotiated Labor Contracts
- Internal Affairs Division, Supervisory Investigations Manual

## 8-107 HEARING BOARDS

The purpose of this order is to ensure compliance with the rules and regulations regarding Hearing Boards. In instances where an internal investigation indicates a violation of an Agency Order is serious enough, a Hearing Board will be conducted. This order applies to all Deputy Sheriffs with the exception of probationary Deputies, to whom this order shall apply only so far as to instances of alleged brutality.

### 8-107.1 POLICY

Any Deputy to whom this order applies shall be afforded the full protection of the Law Enforcement Officer's Bill of Rights, when alleged to be in violation of an Agency Order.

#### Hearing Boards:

- Shall be convened at the direction of the Sheriff, to conduct Administrative Hearings into alleged Agency violations by Deputies, and through such hearings, present to the Sheriff findings of facts concerning charges at hand and to recommend courses of action, subject to review by the Sheriff;
- It is the duty of the Board to investigate the truth or falsity of charges made upon the information of investigative reports, statements, documents, testimony of witnesses, and such other evidence that it deems appropriate;
- Are administrative proceedings, and under the Annotated Code of Maryland, 3-111, rules of evidence need not be strictly adhered to. Cases shall be decided by the preponderance of evidence summarized by the following definition:
  - "Preponderance used in connection with the weight of the evidence refers to something more than the number of witnesses who furnish it. It relates not only to the number of witnesses who testify, but also to the characteristics of the evidence itself, and the probabilities of its truth when tested by the ordinary experience of average people in their daily affairs."
- The burden of proof shall be on the Agency;
- May occur in addition to separate criminal proceedings in the appropriate court arising out of the same incident, wherein criminal violations occurred coincidental with Agency violations. If such is the case, no "double jeopardy" occurs, due to the different nature of the two classes of violations. Normally, Hearing Boards will take place subsequent to any criminal disposition. In any

event, the findings of the Board may be consistent with, but shall be arrived at independently of any criminal verdict or Grand Jury findings;

- Shall be a matter of record, with the exception of the deliberation phase;
- Shall be open to the public, except for the deliberation phase, unless it is agreed upon by all parties that, for good cause, such proceedings should be closed. Members of the general public shall not be allowed to participate, nor interfere with the Hearing Board in any manner. Any person in attendance attempting to interfere, disrupt, or become disorderly may be excluded from further attendance. Such rulings shall be made by the Board Chairman.

### 8-107.2 PROCEDURES

**Bill of Particulars:** Whenever the Sheriff directs that a Board be convened to hear a matter, the Agency Investigator shall submit to the Hearing Board a Bill of Particulars. Said Bill of Particulars shall include the name of the Deputy charged, date, time, and place of the Hearing, complainant(s), allegation(s) and a notice of the deputy's right to be represented. A copy shall be retained in the investigator's case file.

**Witnesses:** The accused shall have the right to testify, to call witnesses, and to cross examine witnesses. This right shall be strengthened by the following pre-hearing procedures:

- A memorandum listing the names and addresses of Agency witnesses shall be delivered to the Board and to the accused no less than 10 days prior to the hearing date. The investigator shall retain a copy in the case file;
- Subpoena: In accordance with the Annotated Code of Maryland, 3-107, the Sheriff or his designee may:
  - Subpoena witnesses
  - Administer oaths or affirmations
  - Examine any individual under oath
- Require and compel the production of:
  - \* Records
  - \* Books
  - \* Papers
  - \* Other documents

The Sheriff shall serve subpoenas for witnesses in the same manner as if issued from a Circuit Court.

If any individual fails to obey a subpoena lawfully served, the Sheriff will report the disobedience immediately, together with a copy of the subpoena and proof of service to the Circuit Court of the County wherein the witness resides or conducts business. The court can issue an order requiring the attendance, testimony, or production of books, records, and documents, without cost, and any failure to obey an order of the court can be punished by the court as contempt thereof. The accused shall have the right to have anyone subpoenaed to testify in their behalf.

To subpoena a witness, the accused, or his/her representative, shall submit to the Board Chairman, the name(s) of the person(s) to be served, the address(es) of the person(s) to be served, and a list of any item(s), if any, the witness(es) is/are to bring. Said list must be submitted not less than 10 days prior to the hearing date. After the Chairman has received the aforesaid, he shall give same to the Sheriff, who will issue the subpoenas in triplicate, with original to case file, and two copies out for service.

**Representation:** The accused shall enjoy the right to be assisted at the Hearing Board by an attorney or representative in accordance with the Law Enforcement Officer's Bill of Rights.

- Should the accused choose a member of this Agency as his/her representative, that member reserves the right to decline;
- The accused shall submit the name of said representative to the Board Chairman no later than 48 hours prior to the Hearing.

### **8-107.2.a THE HEARING BOARD**

The Hearing Board will be appointed by the Sheriff, and shall consist of not less than three sworn members, selected from within the Prince George's County Office of the Sheriff, or sworn members of another Law Enforcement Agency, with the approval of that Agency's head. No Board member shall have had any part in the investigation or interrogation of the Deputy under charges, or of the merits of the pending matter. At least one member of the Hearing Board shall be of the same rank as the Deputy against whom the complaint has been filed.

The Hearing Board Chairman shall be of a rank not lower than Captain (permanent), and will be appointed by the Sheriff. The Chairman shall:

- Preside over the Board's proceedings, and decide any questions of procedure, admissibility or

relevancy of evidence, and all other related matters and objections;

- Shall state the reason that the Hearing Board is being convened, the name of the Deputy being charged, the charges to be presented, and shall advise all present that the purpose of the Hearing is to determine findings of fact concerning the charges, and to make specific written recommendations to the Sheriff as to guilt, innocence, or possible punishment;
- It should be understood that it is not feasible to enumerate all the decisions, rulings, and findings which he/she may be called upon to make from time to time. The Chairman shall make the necessary rulings as the need arises, and said rulings are to be made according to his/her knowledge and objective, keeping in mind the relevancy of the problem at hand, and statutory requirements.

Functional operation of the Hearing Board:

- Nature of Proceedings: A Hearing Board is a quasi-judicial proceeding, and as such, should be conducted in adherence to appropriate guidelines and atmosphere. It is true that the proceedings should be conducted with a certain degree of informality; however, a set agenda and definite rules of procedure should be established and explained to the parties at the opening of the Hearing by the Chairman. He/she should also state for the record that any person who knowingly makes a false statement in the course of the Hearing Board is subject to the criminal penalty for making a false statement, as provided in the Annotated Code of Maryland. At this time, either party may request exclusion of witnesses prior to any testimony being presented. Witnesses will be examined under oath.
- Presentation of evidence.
  - (1) Office of the Sheriff - Direct Testimony: The Agency may present testimony of witnesses and exhibits, which may include admissible aspects of the investigation.
  - (2) Cross examination by Defense.
  - (3) Questions by Board - See (7)
  - (4) The investigating Deputy, representing the Sheriff, shall be allowed to remain with the Agency representative after he/she has testified, to assist the prosecuting representative.

- (5) Defense may present testimony and exhibits as may be admissible.
- (6) Cross examination by Agency's representative.
- (7) Questions by Board: The Board may, if so directed by the Chairman, require the testifying Deputy to answer questions specifically, directly, and narrowly relating to the performance of his/her official duties. Should the Deputy fail to answer such questions, he/she may be given a direct order by the Chairman to do so. Should the Deputy disobey this direct order, he/she may be suspended from duty and further, charged with insubordination. Such action has the support of U.S. Supreme Court case law:
  - Spevak v. Kline, 385 U.S. 511, 17L., Ed. 2d. 576 (1967) concurring majority opinion of Portas.
  - Gardner v. Broderick 392 U.S. 273, 20L ed. 2d. 1082 88's CT. 1913 (1968) Dicta in majority opinion of Portas.
  - Garrity v. N.J., 385 U.S. 493, 17LEd. 2d 562 (1967)
- (8) Summation by the Agency.
- (9) Summation by Defense.
- (10) Final rebuttal by the Agency.
- Deliberation and findings of fact and recommendation by the Board.
  - (1) Shall be done in closed session.
  - (2) Is not a matter of record.
  - (3) All Board Members shall participate in deliberation, and shall vote to determine a verdict and recommendations.
  - (4) In rendering a verdict, a majority opinion will hold.
  - (5) In decisions rendered, the Hearing Board shall utilize the findings of fact rather than merely giving a resolution which states that the person is guilty or exonerated. This is important for several reasons:
    - The matter may be subject to further review, and a more intelligent review is thus made possible.
- Findings apprise the parties of the basis for the decision.
- A statement of findings fosters the belief that the matter was carefully considered.
- The Board Members should consider the evidence presented to it and come to a conclusion as to whether it is true or untrue.
- (6) A finding of not guilty terminates the action. If a finding of guilty is made, the Hearing Board shall reconvene the hearing, receive evidence, and consider the Deputy's past job performance, and other relevant information as factors before making its recommendations to the Sheriff.
- (7) Any decision, order, or action taken as a result of the Hearing shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case. A copy of the decision or order and accompanying findings and conclusions, along with written recommendations for action shall be delivered or mailed promptly to the Deputy and to his/her attorney or representative of record.
- (8) The Chairman shall apprise the Sheriff of the Board's finding and recommendations, in writing, within 96 hours from the final Hearing Date.

#### **8-107.2.b REVIEW BY THE SHERIFF**

The Sheriff may accept, reject, or modify the recommendations presented to him/her by the Board. Before the Sheriff may increase the recommended penalty of the Board, he/she personally will review the entire record of the Board's proceedings, will permit the Deputy to be heard, and will state the reason for increasing the recommended penalty. The subject Deputy will be informed in writing of the final decision of the Sheriff within 30 days of the Sheriff's receipt of the Board's findings and recommendations. If the Sheriff was an eyewitness to the incident, the decision of the Board is final.

#### **8-107.2.c MONETARY FINES**

Shall not exceed 3% of base annual salary from any one count of the Bill of Particulars.



Shall be withheld from Deputy's bi-weekly pay check or paid by other, approved means.

If withheld from bi-weekly pay check, the Finance Officer of Prince George's County will be notified to deduct appropriate amounts from bi-weekly paycheck.

### Fines versus Restitution

Fines may be imposed as part of the conclusion of a disciplinary case. Restitution for lost or damaged property, on the other hand, is not considered discipline, and therefore, does not require the procedures outlined within the disciplinary policy.

### 8-107.2.d JUDICIAL APPEAL

The final Agency decision is appealable to the Circuit Court for Prince George's County, in accordance with Maryland Rules of Procedure.

### 8-107.2.e EMERGENCY SUSPENSION<sup>1</sup>

May be imposed by the Sheriff or his designee, in which case the designee shall immediately notify the Sheriff, when it appears that the action is in the best interests of the public and of the Agency. Any Deputy so suspended shall be entitled to a prompt hearing.

- Any member suspended from duty will be ordered to appear for a suspension hearing to determine whether such suspension will be continued or terminated, and if such suspension from duty is to be continued, whether it shall be with or without pay. The suspension hearing will be held within 48 hours following the suspension from duty, exclusive of weekends or holidays;
- The suspension hearing is not a judicial proceeding nor is it directed to findings of fact or law. The suspension hearing is limited to the presentation of the circumstances surrounding the suspension of the member in order to determine whether such circumstances warrant continued suspension, and whether the continued suspension should be without pay.
- When the acts alleged to have been committed by a suspended member are of such a serious nature that in the judgment of the suspension hearing officer, the interests and welfare of the public, the Agency or the individual is best served by continued suspension, then the suspension hearing officer will

so order. When the acts are of such gravity and nature that criminal and/or Agency charges seem likely, then the employee may be suspended from duty without pay by the suspension hearing officer;

- Suspension hearings will be recorded. The recording will be forwarded to the Internal Affairs Section, for retention and inclusion in the investigator's case file;
- Suspended members may be accompanied by counsel; however, only matters dealing directly with the determination of the suspension will be heard;
- The suspending officer, commanding officer, and suspendee will attend this hearing. The suspendee will have the right to present testimony in his/her own behalf as to the issue to be determined. The suspension hearing officer will not consider matters in extenuation and mitigation. He/she will be the final authority as to what testimony will be heard relative to the purpose of the hearing. The suspending officer or the suspension hearing officer may, at his/her discretion, request the assistance of the General Counsel of this Agency at any hearing;
- Suspension hearings are not public in nature. Neither members of the general public or of the news media will be admitted to such hearings unless called upon to testify in matters relating to the purpose of the hearing. Further, evidence presented at such suspension hearings will be confidential in nature;
- Based on statements presented, the suspension hearing officer will determine whether suspension should be continued and whether such suspension will be without pay. The suspension hearing officer will advise the member as to his/her decision, and promptly submit a written report of his decision to Internal Investigations with copy to the member, Commanding Officer, Bureau Commander, General Counsel, and Sheriff's Administrative Aide.

REFERENCES: Law Enforcement Officer's Bill of Rights

Annotated Code of Maryland  
Public Safety Title 3 Subtitle 1

<sup>1</sup> CALEA 1.3.8

## **8-108 DRUG ABUSE AND TESTING POLICY**

The purpose of this order is to establish guidelines and procedures for all Office of the Sheriff personnel in reference to unauthorized use of controlled dangerous substances (CDS) and the drug testing program.

### **8-108.1 POLICY**

It is the aim and intention of the Office of the Sheriff to provide a safe and efficient working environment for all its members and to protect the public by monitoring, treating, and deterring the illegal use of drugs. Therefore, no one may use any controlled dangerous substances, except as prescribed by a health care provider licensed to prescribe drugs for the treatment of that individual's illness, injury, or condition.

There is established within the Office of the Sheriff a Random Drug Testing Program which shall be administratively coordinated through the Office of Policy Compliance.

All members of the Office of the Sheriff, both sworn and civilian, as well as contractual, limited term, 700 hour, and volunteers, are subject to drug testing. A drug test will be administered under the following conditions:

- Reasonable Suspicion
- Random Drug Test Selection

Once selected for random testing, a member may be deferred only under the following circumstances:

- For medical reasons as determined by the contract physician
- By the Commander, Office of Policy Compliance for the following reasons if the member is in said status at the time of notification:
  - Member is on approved leave
  - Member is on official business outside the Washington-Baltimore region
  - Member is under court subpoena for the day
  - Member is under suspension without pay.

All information concerning specific members tested is highly confidential. Such information shall only be released to the member's *supervisor or Commander* during the notification process or to others with a legitimate need to know. No member shall discuss the identity of any other member selected to be tested, except to make notifications to the member at the time of the test, or possible follow up appointment.

Records related to member drug testing are highly confidential, and shall be securely maintained by the Drug Test Manager. Any attempt by a member, who has no legitimate need to know, to obtain confidential information concerning identity of selected members, results, or tests, or to compromise or corrupt any component of the random drug test program, is subject to severe disciplinary action, to include dismissal.

### **8-108.2 PROCEDURES**

A Medical Review Officer shall be designated. This person is to be a licensed physician, who will receive laboratory results of the drug testing program. He/she is to possess the knowledge and training of substance disorders, and have the ability to correctly interpret and evaluate an individual's positive test results, in conjunction with the individual's medical history and any other relevant biomedical information.

An Office of the Sheriff Drug Testing Program Manager shall be designated. This person shall be a sworn member assigned to Office of Policy Compliance and delegated with the authority to manage and coordinate this Agency's drug testing program.

For each random drug testing period, the Drug Test Manager, utilizing packaged computer software, shall cause a random computer selection of personnel subject to random testing. *The Drug Test Manager must make notification by phone to the individual's Commander or authorized designee followed by an email with acknowledged receipt by the recipient.*

*The Commander or authorized designee shall, without delay, meet with the member personally to provide official service. Upon meeting with the selected employee, the Commander or authorized designee shall obtain the employee's signature in Section I of the "Random Drug Test Notification" Form (Attachment 'A').*

In cases based upon reasonable suspicion, a written order shall be issued to the member, and for which the member acknowledge receipt thereof.

The member shall, with "Random Drug Test Notification" Form in hand, report to the designated test facility within two hours of notification by *the respective Commander or authorized designee*.

If the member is not assigned an agency vehicle, or the member's vehicle is otherwise unavailable, the supervisor shall *arrange* transport the member to the test facility and back therefrom.

Under no circumstances will a member ordered to submit to a test based upon reasonable suspicion of being under the influence of drugs, be permitted to drive himself/herself to the test site. In all such cases, an Agency supervisor or a sworn member assigned to the Office of Policy Compliance shall transport the member to the test site, and from there, to the member's residence.

Once at the test facility, the member shall cooperate with the facility staff, to include, but not necessarily limited to:

- Giving the Notification Form or order to the facility staff
- Present photo identification
- Completing pretest forms
- Place gun belts, pocket books, and all items from pockets into a designated cabinet, with the member locking the cabinet and retaining the key
- Removing all *coats, jackets, sweaters and similar* outer garments
- Thoroughly wash and dry hands
- Remain at the test facility until a sample of urine of a quantity adequate for testing is provided
- Watch the preparation and sealing of the specimen to ensure the integrity of the collection process.
- Obtain and return the completed Random Drug Test Notification Form to the *Commander or authorized designee* without delay.

*All completed Random Drug Test Notification Forms will be immediately scanned and emailed to the Drug Test Manager and the hard copy is to be forwarded from the respective Commander or authorized designee to the Office of Policy Compliance, Drug Test Manager within 24 hours.*

OFFICE OF THE SHERIFF  
PRINCE GEORGE'S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL

Negative test results: Upon receipt of notification of a negative test result, the Drug Test Manager shall notify the member by letter.

Positive test results:

- The Drug Test Manager will receive notification from the Medical Review Officer.
- The Drug Test Manager shall immediately notify the member's Division Commander to facilitate an appointment between the individual and the Medical Review Officer, if necessary.
- The Division Commander shall designate a command officer to locate the member and transport him/her to the appointment. The member shall be ordered to attend this appointment.
- If the Medical Review Officer cannot legitimize the use of the drug after consultation with the member, the Division Commander shall contact the Office of Policy Compliance. The Office of Policy Compliance shall conduct an administrative investigation in accordance with standard policy and procedure.
- The Drug Test Coordinator shall notify the member, by letter, of the positive test results, apprising the member of his/her right to have the samples examined at a laboratory of the member's choice, at his/her expense. The letter shall include a list of those laboratories that are certified to perform this work.
- If the member desires a separate, independent test, he/she shall respond, in writing, within five working days of receipt of the notification from the Drug Test Manager. The Policy Compliance Investigator assigned to the case shall accompany the member throughout this process, to ensure the integrity of the independent test.

ATTACHMENT: A – Random Drug Test Notification Form

REFERENCES: Prince George's County Administrative Procedure 224

**THOMPSON v. MARSH**, 884 F. 2d (4<sup>th</sup> Cir. 1989)

**NATIONAL TREASURY EMPLOYEES UNION v. VON RAAB**, U.S. S. Ct. 1384 (1989)

Effective: September 25, 2016

**8-112 CARE AND TREATMENT OF PERSONS IN CUSTODY AND PROVISIONS OF THE PRISON RAPE ELIMINATION ACT (PREA)**

The purpose of this order is to establish procedures and provide guidance to ensure that all persons under the custody and/or control of the Office of the Sheriff are safeguarded from abuse, sexual assault and / or any potential for staff sexual misconduct.

**8-112.1 POLICY**

This policy establishes a zero tolerance standard for the incidence of: any sexual contact between employees and persons in custody; any in-custody sex offenses or rape; and, any attempts thereof.

Additionally, any employee who becomes aware of any conduct believed to be sexual contact between employees and persons in custody; any in-custody sex offenses or rape; and, any attempts thereof; harassment or sexual harassment or discrimination, whether or not the conduct is directed at them, witnessed by them, or related to them by another employee or a person in custody of the Office of the Sheriff, shall report the incident to their supervisor, immediately.

The Office of the Sheriff is committed to the goals of eradicating sexual assaults in all correctional facilities in the United States and vigorous investigation of all allegations of arrestee/arrestee sexual violence and staff sexual misconduct with any persons in custody.

The Office of the Sheriff shall maintain the detection, elimination and prevention of in-custody sexual assault and rape as the highest of priorities through: deliberate reviews of policy, record-keeping and reporting; in-service training; appropriate risk assessments; and, the maintenance and security of physical plant space.

The Office of the Sheriff shall strictly enforce all federal, state and local laws regarding sexual misconduct, threats of sexual assault or intimidation by:

- Providing clear definitions of prohibited conduct;
- Establishing uniform methods for the prompt reporting and investigation of allegations of sex-related offenses or threat;
- Identification of predators whenever possible;
- Protection of any known or suspected victims; and,
- Prescribing sanctions for substantiated sexual offenses as well as false allegations.

Signs declaring the Office of the Sheriff zero tolerance against sexually related offenses and misconduct will be posted in lock-up and processing areas and employees interacting with persons in custody will receive training on these policies and procedures.

OFFICE OF THE SHERIFF  
PRINCE GEORGE'S COUNTY, MARYLAND  
GENERAL ORDERS MANUAL

**8-112.2 DEFINITIONS‡**

*The Prison Rape Elimination Act (PREA)* – is a Federal law enacted by Congress in 2003 and which addresses the detection, elimination and prevention of sexual assault and rape in in-custody situations. Accordingly, the U.S. Department of Justice (USDOJ) has: developed 34 standards that apply to agencies that operate lockups; and, requires the Bureau of Justice Statistics (BJS) to collect data about the prevalence of sexual violence from holding facilities operated by law enforcement agencies and conduct administrative record reviews.

**PREA takes effect the instant a Deputy Sheriff assumes or exerts control over any person in-custody, to include escort and / or transport. PREA extends far beyond areas of confinement and situations of internment or incarceration.**

**Prison** – For purposes of PREA, the term “prison” applies to all federal, state, and local prisons, jails, police lock-ups, temporary / court holding cells, processing areas, private facilities, and even community settings such as residential facilities.

**Lockup** – For purposes of PREA, the term “lock-up” applies to any facility that contains a holding cell, cell block, or other secure enclosure that is:

- (1) Under the control of a law enforcement, court, or custodial officer; and
- (2) Primarily used for the temporary confinement of individuals who have recently been arrested, detained, or are being transferred to or from a court, jail, prison, or other agency.

**Facility** – means any place, institution, building (or part thereof), set of buildings, structure, or area (whether or not enclosing a building or set of buildings) that is used by an agency for any confinement of individuals.

**Arrestee / Detainee / Person in Custody** – For the purposes of PREA, these terms refer to *any* person held in a custodial setting – regardless of adjudication status and for *any* length of time – in *any* of the facility types mentioned.

**Direct staff supervision** – means that security staff are in the same room with, and within reasonable hearing distance of, the resident or inmate.

‡ Additional definitions and more detailed, administrative provisions of PREA are provided in Attachment ‘A’ to this directive.

Effective: August 25, 2013

## 8-112.3 PROCEDURES

### 8-112.3.a General

All employees will share in the responsibility of creating and maintaining a custody of detainees that is free from discrimination, insults, intimidation, other forms of harassment and sexual assault. Harassment based on race, religion, color, national origin, age, sexual orientation, disability or gender is in violation of this general order and will not be tolerated in the workplace.

Persons coming under or into the custody of the Office of the Sheriff remain so on a very limited and temporary basis. Primary examples include: 1) temporary detention and holding for scheduled court appearances following receipt or transport from other, outside and more permanent confinement facilities (e.g., county jails or state prisons); or, 2) temporary custody following arrest and while in transport to or during processing at other, more permanent confinement facilities.

Members of the Office of the Sheriff shall, at all times possible, protect all persons coming into the custody of the Agency from abuse, to include sexual assault or harassment; and, immediately report and take appropriate actions upon any suspicion, allegation or notification regarding the sexual assault or harassment of any detainee that may occur when a detainee is in the custody of another agency.

Accordingly, Agency procedures for the screening of detainees; the detection, reporting and investigation of suspected, alleged or confirmed abuse and/or sexual offenses; and, the rendering of care to or referral of victims to appropriate post incident services will very typically involve other, outside agencies. Such outside agencies include, but are not limited to the:

Prince George's County Department of Corrections (DOC);

Prince George's County Police Department (PGPD);

Prince George's County State's Attorney's Office (SAO);

Maryland State Department of Corrections, MD-DOC); and,

Hospitals, mental healthcare and other assault-victim care facilities available within Prince George's County.

The Chief Assistant Sheriff or Sheriff will make notification to the head of the custodial facility to which a victim-detainee is remanded any time a detainee is threatened with or sustains any sexual violence, sexual misconduct by Agency staff or persons in custody; any in-custody sex offenses or rape; and, any attempts thereof.

## 8-112.3.b Prevention Planning

### 1) Agency PREA Coordinator.

The Bureau Chief, Bureau of Court Services is designated as the Agency PREA Coordinator and as such shall develop, implement, and oversee Office of the Sheriff efforts to comply with the PREA standards in all Agency lockups.

### 2) Supervision and monitoring.

(a) For each lockup, the Agency PREA Coordinator, *or his / her designee*, shall develop and document a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect detainees against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the following shall be taken into consideration:

- (1) The physical layout of each lockup;
- (2) The composition of the detainee population;
- (3) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- (4) Any other relevant factors.

(b) In circumstances where the staffing plan is not complied with, the lockup shall document and justify all deviations from the plan.

(c) Whenever necessary, but no less frequently than once each year, the Agency PREA Coordinator, *or his / her designee*, shall assess, determine, and document whether adjustments are needed to:

- (1) The staffing plan established pursuant to paragraph (a) of this section;
- (2) Prevailing staffing patterns;
- (3) The lockup's deployment of video monitoring systems and other monitoring technologies; and
- (4) The resources the lockup has available to commit to ensure adequate staffing levels.

(d) If vulnerable detainees are identified pursuant to the screening process developed and implemented by the Agency PREA Coordinator, security staff shall provide such detainees with heightened protection, to include continuous direct sight and sound supervision, single-cell housing, or placement in a cell actively monitored on video by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible.

### 3) Juveniles and youthful detainees.

Juveniles and youthful detainees shall be held separately from adult detainees.

#### **4) Limits to cross-gender viewing and searches.**

(a) Employees shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

(b) All cross-gender strip searches and cross-gender visual body cavity searches shall be documented in accordance with General Order 4-110 (*Searches and Seizures without Warrant*).

(c) Detainees shall be allowed to perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender shall announce their presence when entering an area where detainees are likely to be performing bodily functions or changing clothing.

(d) Transgender or intersex detainees shall not be physically examined for the sole purpose of determining the detainee's genital status. If the detainee's genital status is unknown, it may be determined through conversation with the detainee, by requesting a review of medical records maintained by the Department of Corrections, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.

(e) Deputy Sheriffs shall receive and complete training in how to conduct cross-gender pat-down searches, and searches of transgender and intersex detainees, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

#### **5) Upgrades to facilities and technologies.**

(a) When designing or acquiring any new lockup and in planning any substantial expansion or modification of existing lockups, the Office of the Sheriff shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect detainees from sexual abuse.

(b) When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the Office of the Sheriff shall consider how such technology may enhance the agency's ability to protect detainees from sexual abuse.

### **8-112. 3. c Screening and Detection of Offenses, Victims and Offenders**

#### **1) Screening for risk of victimization and abusiveness.**

Even though Office of the Sheriff lockup cells are not utilized to house detainees overnight, before placing any detainees together in a holding cell, Deputy Sheriffs should be alert as to whether, based on the information before them, a detainee may be at a high risk of being sexually abused and, when appropriate, shall take necessary steps to mitigate any such danger to the detainee.

To the extent that the information is available, the Deputy Sheriff may consider the following criteria to screen detainees for risk of sexual victimization:

1. Whether the detainee has a mental, physical, or developmental disability;
2. The age of the detainee;
3. The physical build and appearance of the detainee;
4. Whether the detainee has previously been incarcerated;
5. The nature of the detainee's alleged offense and criminal history; and
6. The Deputy Sheriff may also privately and discreetly ask the detainee about his or her own perception of vulnerability.

#### **2) Victim Identification.**

Office of the Sheriff personnel may become or may be made aware of rape, sexual offense, and sexual assault or any other misconduct incident in any of the following ways:

- The Deputy Sheriff may receive notice of an assault, misconduct, or the victim- or predator-status of a detainee from an outside agency (e.g., notice from any jail or prison employee);
- A victim or other detainee may report a sexual assault incident to any member of this Agency;
- Rumored or suspected sexual assault;
- A Deputy Sheriff encounters or discovers a sexual assault or misconduct in progress.

In the event a vulnerable detainee is identified, staff shall provide such a detainee with heightened protection, to include continuous direct sight and sound supervision, single-cell confinement, or placement in a cell actively monitored on video by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible.

### **3) Verifying Suspected Sexual Misconduct.**

Occasionally an Agency member will hear of a detainee being threatened with sexual misconduct or rumored to have been victimized. Some victims of rape, sexual assault, or sexual misconduct may be suspected because of unexplained injuries, visible physical behavior such as difficulty walking, or severe personality demonstrations, such as suicidal behavior. In such instances, the Deputy Sheriff should:

1. Scrutinize a suspected victim without jeopardizing the detainee's safety, identity, and confidence;
2. Remove the suspected victim from the presence of other detainees for interviewing and ask the suspected victim open-ended, neutral questions such as:
  - a. "How are you doing?"
  - b. "Are you being hassled?"
  - c. "Would you like to be moved to another cell?"
3. If there are no indications of any problems, the Deputy will suggest that if help is ever needed the detainee can contact:
  - i. Any Deputy Sheriff to include any sworn member of the Policy Compliance Division, during or following custody under the Office of the Sheriff; and/or,
  - ii. Any public or private entity or office that is not part of the Office of the Sheriff, and that is able to receive and immediately forward detainee reports of sexual abuse and sexual harassment to agency officials, allowing the detainee to remain anonymous upon request (e.g., PGDOC employees, court officials or, the County Police);
4. If the inmate has been a victim of rape, sexual misconduct, sexual offense or sexual assault the Agency member that is made aware of these allegations will consider the following:
  - i. Advise the detainee that Office of the Sheriff staff and other available services can help him/her;
  - ii. If the detainee is scared of being labeled a "snitch" (informer), advise him/her that they do not have to identify the aggressor to get help;
  - iii. If he/she was sexually abused, sexually assaulted or was threatened by any sexual misconduct, mention the importance of getting help to deal with the sexual offense and that trained staff and other services are available;
  - iv. Determine together with the victim what service he/she needs;
  - v. As a part of the Agency Major Incident Notification process, arrange for the appropriate services as agreed upon.

5. If an investigation concludes that the sexual assault was fabricated or that the detainee inflicted or attempted self-injury, the Deputy Sheriff shall document the incident via Incident Report in order that the appropriate authority (e.g., custodial correctional facility staff) may recommend disciplinary action against the detainee and in the event that authority determines an assessment of the detainee's role and degree of culpability is necessary. Detainees who report an assault shall be informed that such inquiries by custodial correctional facility staff are routine.

### **4) Detainee Reporting.**

Any Deputy Sheriff shall accept any report made verbally, in writing, anonymously, or from third parties and promptly document any reports alleging sexual abuse or sexual harassment; retaliation by other detainees or staff for reporting sexual abuse and sexual harassment; and, staff neglect or violation of responsibilities that may have contributed to such incidents

Any Office of the Sheriff employee who wishes to privately report sexual abuse and sexual harassment of detainees may do so by contacting the Agency PREA Coordinator and/or the Commander, Policy Compliance Division, directly.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**



**8-112. 3. d      *Intervention, Reporting and Notification Requirements***

- 1) Notifications and reports made regarding any sexual contact between employees and persons in custody; any in-custody sex offenses or rape; and, any attempts thereof shall be in direct accordance with the procedures set forth in General Orders:

6-101 (*Notification of Major Incidents*);  
5-101 (*Incident Reports*); and,  
8-111 (*Criminal Investigations*).

- 2) Members knowing of other members committing discrimination, insults, intimidation, other forms of harassment, sexual assault, or crimes of moral turpitude, shall immediately report the same, in writing to their immediate supervisor.
- 3) Every member of the Office of the Sheriff shall ensure proper and immediate notification is made via the chain of command (e.g., by phone or in person) of any knowledge, suspicion, or information regarding any:
- i. Incident of sexual abuse or sexual harassment that occurred in an agency lockup;
  - ii. Retaliation against detainees or staff who reported such an incident;
  - iii. Staff neglect or violation of responsibilities that may have contributed to an incident or retaliation; or,
  - iv. Instance in which any detainee in the custody of the Office of the Sheriff was threatened with rape, sexual assault, sexual offense, or sexual misconduct.
- 4) In all cases, notification of any of the forgoing instances of rape, threat of rape, sexual assault, sexual offense, sexual misconduct or staff neglect shall reach the affected Bureau Chief as soon as possible so that proper notifications can be made to the Agency PREA Coordinator, the Chief Assistant Sheriff and/or the Sheriff within one hour.
- 5) Apart from reporting to designated supervisors within the chain of command, employees shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.
- 6) If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local statute, the Agency PREA Coordinator shall report the allegation to the designated State or local services agency (e.g, Maryland State Department of Juvenile Services; Department of Mental Health and Hygiene, etc.).

- 7) The Chief Assistant Sheriff or Sheriff will make notification to the head of the custodial facility to which the victim is remanded.
- 8) The Agency PREA Coordinator, *or his / her designee*, will immediately conduct an inquiry to ascertain the validity of any allegation and the need to contact the Prince George's County Police Department for their investigation as well as any custodial authority.
- 9) If an allegation of sexual abuse, assault, and/or threat is credible, the Agency PREA Coordinator will immediately request that the Prince George's County Police Department conduct an investigation and document its findings for consideration of a recommendation to the appropriate agency for prosecution of the alleged offender.
- 10) The Agency PREA Coordinator, *or his / her designee*, will coordinate with the appropriate members of the Prince George's County Department of Corrections (or other confinement institution to which the victim and / or offender is remanded) to ensure all necessary information (e.g., offenders identification, etc.) is transmitted in order for that institution to address, at a minimum, victim medical treatment and/or counseling.
- 11) All case records associated with claims of rape, sexual abuse / assault, sexual misconduct, threat or allegation thereof including incident reports and investigative reports, will be maintained by the Agency PREA Coordinator, *or his / her designee*, until the conclusion of investigation and/or requested by the Office of Policy Compliance and will be made available to any appropriate federal, state and local agencies upon request.

**8-112. 3. e      *Reporting to other confinement facilities.***

Upon receiving an allegation that a detainee was sexually abused while confined at another facility, the Agency PREA Coordinator, Chief Assistant Sheriff or Sheriff shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. Such notification shall be documented and provided as soon as possible, but no later than 72 hours after receiving the allegation.

**8-112. 3. f      *Response and Evidence Collection***

The Office of the Sheriff shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

The Agency PREA Coordinator, or his / her designee, shall develop a written institutional plan to coordinate actions taken in response to a lockup incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and agency leadership.

Allegations potentially involving criminal behavior shall be referred to the Prince George's County Police Department for investigation and all such referrals shall be documented via Incident Report. This policy, including a description of responsibilities of both this Agency and the Prince George's County Police Department shall be displayed on the Office of the Sheriff website or, made available through other means.

The Office of the Sheriff shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions:

- 1) If it can be determined or is suspected that an assault occurred within the previous 72 hours and injuries are minimal, the on-duty Commander will ensure:
  - a) The victim is transported to the Prince George's Hospital Center Emergency Department for initial intake evaluation and evidence collection (The victim should not bathe or shower before evidence collection);
  - b) Notification is made to the on-duty Commander within the custodial facility to which the victim is remanded;
  - c) Request is made to the Prince George's County Police Department that they conduct an investigation and respond to either the location of the incident and/or the place of treatment to the victim; and,
  - d) Any potential crime scene is secured and any potential witnesses are segregated, pending arrival of appropriate investigators.
- 2) Office of the Sheriff employees will not be involved in the collection of evidence in sexual assault cases nor should one ever attempt an examination to determine the extent of assault.

- 3) All sexual assault examinations must be done by medical practitioners within a hospital Emergency Department. The victim can decline treatment from the hospital only after first being transported to the hospital. This refusal is documented on the hospital release form as a "*Refusal of Medical Care*" with the inmate's signature. Even if treatment is refused, the victim shall be transported to the hospital by either this agency or via EMT/EMS while remaining in the custody of a Deputy Sheriff.
- 4) All victims of sexual assault shall be afforded prompt access to emergency medical treatment, at no cost to the victim and regardless of whether they cooperate with an investigation or name an abuser.
- 5) Whether the victim consents to evidence collection or not, the incident shall be documented via Incident Report and notification shall be made to the on-duty Commander within the custodial facility to which the victim is remanded, in order for the victim to be referred to a mental health professional as soon as possible.
- 6) When the victim is transferred from the lockup to a jail, prison, or medical facility, the Agency PREA Coordinator shall, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim requests otherwise.
- 7) Any detainee who is a victim of sexual abuse/assault will have the option to report the incident to any Deputy Sheriff, sworn member of the Policy Compliance Division and any other Agency member other than an immediate point-of-contact line Deputy. As such, all requests will be acted upon immediately in order to eliminate evidence being destroyed or contaminated and/or to provide safety for alleged victims if the point of contact line officer is not aware of the allegation.
- 8) The Shift Commander will be responsible to ensure that data and documentation is gathered to be forwarded to the Policy Compliance Division to assist with any internal investigation.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**8-112. 3. g First Responder Duties.**

Upon learning of an allegation that a detainee was sexually abused, the first Deputy Sheriff to respond to the report shall be required to:

- 1) Separate the alleged victim and abuser;
- 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- 3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, changing clothes, urinating, defecating, drinking, or eating; and
- 4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, changing clothes, urinating, defecating, drinking, or eating.
- 5) If the first responder is not a sworn member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and then notify law enforcement staff immediately.

**8-112. 2. h Investigations, Administrative**

The Office of the Sheriff shall conduct its own administrative investigations into allegations of sexual abuse and sexual harassment and shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.

Administrative investigations shall:

- 1) Include an effort to determine whether staff actions or failures to act contributed to the abuse; and,
- 2) Be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**8-112. 2. i Investigations, Criminal**

The Office of the Sheriff shall promptly and objectively request the Prince George's County Police Department conduct investigations into incidents or allegations potentially involving criminal behavior, as a part of the Agency's Coordinated Response Plan and uniform evidence protocol, to maximize the potential for obtaining usable physical evidence for criminal prosecutions and any ancillary administrative proceedings. All such referrals shall be documented via Incident Report.

Office of the Sheriff investigators will only conduct and/or directly participate in criminal investigations of sexual abuse when Agency investigators have first received specialized and documented training in how to:

- 1) Conduct sexual abuse investigations in confinement settings including techniques for interviewing sexual abuse victims, proper use of *Miranda* and *Garrity* warnings, sexual abuse evidence collection in confinement settings;
- 2) Adhere to protocols developmentally appropriate for youth where applicable, and, as appropriate, shall adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "*A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,*" or similarly comprehensive and authoritative protocols developed after 2011.
- 3) Offer all victims of sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiarily or medically 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.
- 4) Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
- 5) When the quality of evidence appears to support criminal prosecution, conduct compelled interviews only after consulting with prosecutors as to whether compelled

interviews may be an obstacle for subsequent criminal prosecution.

- 6) Interview alleged victims, suspected perpetrators, and witnesses;
- 7) Review prior complaints and reports of sexual abuse involving the suspected perpetrator; and,
- 8) Establish the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as detainee or staff. No detainee 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.

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.

When there is probable cause to believe that a detainee sexually abused another detainee in a lockup, this Agency shall refer the matter to the appropriate prosecuting authority.

Substantiated allegations of staff mis-conduct that appears to be criminal shall be referred for prosecution.

The Office of the Sheriff shall retain all written reports generated by Agency members for as long as the alleged abuser remains incarcerated or employed by the agency, plus five years.

The departure of the alleged abuser or victim from the employment or control of the lockup or agency shall not provide a basis for terminating an investigation.

When outside agencies investigate sexual abuse, the Office of the Sheriff shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**8-112. 2. j Training and Education**

The Office of the Sheriff shall conduct and document annual training of all employees who may have contact with lockup detainees in order to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures, including training on:

- 1) This Agency's current sexual abuse and sexual harassment policies and procedures;
- 2) This Agency's zero-tolerance policy and detainees' right to be free from sexual abuse and sexual harassment;
- 3) The dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings;
- 4) The right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment;
- 5) A basic understanding of sexual assault prevention and response techniques.
- 6) How to recognize, detect and respond to signs of threatened and actual abuse;
- 7) Implementing the identification and referral process when an alleged sexual assault occurs;
- 8) How to communicate effectively and professionally with all detainees; and,
- 9) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

The annual training may be conducted through conventional classroom training, electronic or paper syllabus with written knowledge check or other means approved by the Agency PREA Coordinator and/or Commander, Training Division.

Regardless of the education and testing medium utilized, the annual training shall be documented through employee signature or electronic verification that employees understand the training they have received.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**8-112. 2. k Data Collection and Review**

**Sexual abuse incident reviews.**

- 1) The Agency PREA Coordinator, *or his / her designee*, shall conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- 2) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- 3) The review shall include upper-level management officials, with input from line supervisors and investigators.
- 4) The review shall:
  - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - 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; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the lockup;
  - c) Examine the area in the lockup 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 staff; and
  - f) Result in a written report to the Chief Assistant Sheriff of findings, including but not necessarily limited to determinations made pursuant to subparagraphs a) – e) of this section, and any recommendations for improvement.
- 5) Upon approval by the Chief Assistant Sheriff, the Agency PREA Coordinator shall implement the recommendations for improvement within all Agency lockups or shall document its reasons for not doing so.

**Data collection.**

The Agency PREA Coordinator, *or his / her designee*, shall collect accurate, uniform data for every allegation of sexual abuse at lockups under the Sheriff's direct control using a standardized instrument and set of definitions; and, aggregate the incident-based sexual abuse data at least annually.

The collection of data and retention of records will include the following:

- 1) The number of reported incidents of inmate-on-inmate sexual violence and staff-on-inmate sexual misconduct, by gender;
- 2) The method of recording each incident (*e.g.*, in disciplinary, grievance, investigative, or other files);
- 3) The type of information recorded (*e.g.*, allegations, confirmed incidents, only incidents involving serious bodily harm, or threats);
- 4) The location where each incident occurred (*e.g.* in a lock-up cell, holding room, processing area, transport vehicle, etc.);
- 5) The incident-based data necessary to answer all questions from the most recent version of the Local Jail Jurisdictions Survey of Sexual Violence conducted by the Department of Justice, or any subsequent form developed by the Department of Justice and designated for lockups.
- 6) Any additional data that is available (*e.g.*, the offender's information, referral to another agency for criminal investigation, referral of victim for medical treatment or counseling, etc.).

The agency shall maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

Annual data and records of claims associated with rape, sexual offense, sexual assault, and sexual misconduct and collected by the Agency PREA Coordinator will, prior to January 31<sup>st</sup> of each following year, be forwarded to and maintained by the Commander, Policy Compliance and Internal Affairs.

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

**8-112. 2. l      *Data review for corrective action and reporting.***

The Agency PREA Coordinator, together with the Commander, Policy Compliance and/or the Inspector General, shall review the annual data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including:

- (1) Identifying problem areas;
- (2) Taking corrective action on an ongoing basis; and
- (3) Preparing an annual report of findings and corrective actions for each lockup, as well as the agency as a whole.

The annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse.

The agency's report shall be approved by the agency head and made readily available to the public through its website or other means approved by the Sheriff. (Specific material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of a lockup but, the report must indicate the nature of the material redacted.)

**8-112. 2. m      *Audits***

The Office of the Sheriff is not subject to USDOJ PREA audit standards unless any detainee(s) in this Agency's custody is/are housed within any Office of the Sheriff lockup, overnight. Accordingly, audits need not be conducted of individual lockups that are not utilized to house detainees overnight.

**ATTACHMENTS:**

A – PREA Definitions and Administrative Standards

**REFERENCES:**

General Order 6-101 (*Notification of Major Incidents*)

General Order 8-101 (*Code of Conduct*)

General Order 8-103 (*Harassment and Sexual Harassment*)

General Order 8-105 (*Investigation of Complaints Against Deputy Sheriffs*)

*Final PREA Lockup Standards Signed by the Attorney General, U.S. Department Of Justice, May 17, 2012.* Available via:  
[www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf](http://www.gpo.gov/fdsys/pkg/FR-2012-06-20/pdf/2012-12427.pdf)

*Ensuring Safety and Reducing Liability in Police Lockups & Holding Cells: How New PREA Guidelines Affect Law Enforcement, IACP (2012)*

*National Protocol for Sexual Assault Medical Forensic Examinations.*  
Available via:  
<http://www.ovv.usdoj.gov/publications.html>

**REMAINDER THIS COLUMN SPACE  
RESERVED INTENTIONALLY**

## 9-101 AGENCY TRAINING

*The purpose of the order is to provide structure within the organization which promotes education and training to all employees specifically designed to enhance career development. Training will be approved, pursuant to this directive, in accordance with the Maryland Police and Correctional Training Commissions (MPCTC) and all applicable local, state, and federal mandates. This directive shall also establish attendance requirements for all sworn personnel below the rank of Lieutenant Colonel and civilian personnel as appropriate.*

### 9-101.1 POLICY

*The Sheriff's Office considers training as the foundation upon which all activities are based. Well trained personnel are better prepared to act decisively and correctly in a broad range of situations. Training also results in greater productivity, effectiveness, and unity of purpose.*

*The law requires Deputy Sheriffs and police officers to maintain a valid certification to perform their professional duties. This certification demonstrates that the Deputy has met and continues to meet the required selection standards and training requirements.*

All designated Office of the Sheriff personnel shall attend all training as may be directed by competent authority and shall comply with all requirements in conjunction thereto.

*The Training Goals of the Office of the Sheriff are:<sup>1</sup>*

*(1) To coordinate and /or provide State approved Entry-level Training and certification as a law enforcement officer for every Deputy Sheriff candidate;*

*(2) To enhance career development by providing all employees with the opportunity for specialized training, as deemed appropriate by the Sheriff or his / her designee;*

*(3) To increase the knowledge, skills, and abilities of all employees to ensure the safe and efficient implementation of the policies and procedures of the Sheriff's Office;*

*(4) To promote the development and proficiency of all employees in the various sections of the Sheriff's Office; and*

*(5) To provide deputies with the yearly in-service training needs as mandated by the Maryland Police and Correctional Training Commission (MPCTC).*

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<sup>1</sup> CALEA 1. 3. 11, 33. 5. 1

## 9-101.2 PROCEDURES

### A. Training Component Functions

*Functions of the Agency training component include but are not limited to:*

- (1) Planning and development of training programs;*
- (2) Updating and revising all training programs, as needed;*
- (3) Implementing and evaluating all training programs to ensure that the training is relevant, valuable, and consistent with the goals of the Sheriff's Office;*
- (4) Notifying employees of required training and the availability of other training opportunities;*
- (5) Ensuring that all employees attend required training;*
- (6) Maintaining accurate and complete training records<sup>2</sup>; and*
- (7) Making recommendations on the selection of instructors.*

The Agency Training Officer/Coordinator shall be responsible for the operation of the Training Office and Classroom. Use of these facilities shall be scheduled and utilized according to his/her established policy.

### B. Training Program Development Resources

*All potential resources for the creation, evaluation, and development of current and future training programs will be utilized. These resources may include but are not limited to:*

- (1) Job task analysis*
- (2) Position Descriptions*
- (3) Performance objectives and goals*
- (4) Inspection reports*
- (5) Staff reports and meetings*
- (6) Consultation with field personnel regarding their observations, suggestions, and recommendations*
- (7) Training evaluations*
- (8) Recommendation from supervisors based upon deficiencies identified in work performance evaluations; and/or*
- (9) Documented Reports.*

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<sup>2</sup> CALEA 33. 1. 6



### **C. Lesson Plans<sup>3</sup>**

The development of lesson plans should ensure that the subject to be covered is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of the instruction, set the performance objectives, relate the training to critical job tasks, and identify ethical considerations related to the topic. Lesson plans will be required for all courses taught by Sheriff's Office instructors. These lesson plans should include provisions for the following:

- (1) Guidelines and format for lesson plan development as required by the MPCTC;
- (2) A statement of performance and job related objectives;
- (3) The content of the training and specifications of the appropriate instructional techniques
- (4) Additionally, lesson plans will include:
  - (a) References;
  - (b) Instructional techniques to be used, e.g., lecture, group discussion, panel, seminar, debate, role-play, hands-on demonstrations, practical skills;
  - (c) How the training relates to the job to be performed;
  - (d) Responsibilities of trainees for the material taught; and
  - (e) Identification of any tests used in the training process.
- (5) Approval of Lesson Plans

The following procedures will ensure that the lesson plans are consistent with Office of the Sheriff guidelines on lesson plan development, satisfy MPCTC requirements, and coincide with Office policy.

- (a) Lesson plans for courses being taught for entry-level or in-service credit must be submitted to the MPCTC before the start of the program. The MPCTC will approve the lesson plan and assign the course a "P" number.
- (b) Lesson plans for courses not being submitted for entry-level or in-service credit must be submitted to the Training Section Lieutenant for approval.

### **D. Testing Procedures**

Instructors will prepare tests based on performance objectives to measure the trainees' knowledge, skills, and abilities. Seventy (70) percent is considered a passing score. If the passing score is modified, participants will be notified of such a change at the beginning of the training. The MPCTC approves tests for all training programs as part of the approval process for course certification.

### **E. Outside Instructors**

The use of instructors from outside resources, such as other law enforcement and criminal justice agencies, provide an excellent opportunity for Sheriff's Office personnel to obtain valuable training. Instructors are to be selected and supervised by the Training Section Lieutenant, in conjunction with the concurrence of the Bureau of Administration Captain and Assistant Sheriff, Bureau of Administration. Recommendations from all sources will be considered for the selection process of outside instructors. Compensation for outside instructors will be addressed on a case-by-case basis.

### **F. Training Records<sup>4</sup>**

The Agency Training Division is responsible for the collection and maintenance of training records for all Sheriff's Office employees. These records include the date of the training, the types of training received, any certificates received, attendance, and test scores. The Agency Training Coordinator is responsible for maintaining records of all training classes provided by Sheriff's Office instructors to include<sup>5</sup>:

- (1) Lesson plans;
- (2) Names of attendees; and
- (3) Performance of the attendees as measured by tests, if administered.

A synopsis of all training received from other organizations outside the Office of the Sheriff shall be submitted to the Training Section within ten (10) working days of the completion of that training. (Attachment A) This synopsis should include the date, location, personnel in attendance, a description of the training that was conducted; and, any course certificates, diplomas or other documentation for inclusion in their training file.

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<sup>3</sup> CALEA 33. 1. 4

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<sup>4</sup> CALEA 33. 1. 6

<sup>5</sup> CALEA 33. 1. 7

In-service training program records or notifications must be forwarded to the MPTC for certification. Training records are part of an employee's personnel file and as such are considered confidential. Only persons authorized by relevant State and Federal laws and regulations will have access to these records. Training records are kept for the entire period of an employee's tenure with the County. After retirement or separation, these records are archived indefinitely.<sup>6</sup>

### **G. Entry-Level Training<sup>7</sup>**

All deputy sheriff candidates must successfully complete a Maryland certified Police Training Academy Entry-level Training program prior to any routine assignment of any capacity in which the deputy is allowed to carry a firearm or is authorized to make an arrest. The attended academy will ensure that all training objectives required by MPCTC regulations are met. In addition to academic training, proficiency is also required in the areas of firearms, defensive driving, first responder, and physical training/defensive tactics.

### **H. Field Training & Evaluation Program<sup>8</sup>**

Initial instruction of Sheriff's Office policies, procedures, rules, and regulations is administered through the Agency Field Training & Evaluation Program and is the responsibility of the Training Division Commander. Deputy Sheriff Recruits are issued the Sheriff's Office General Orders Manual simultaneously with issuance of other initial equipment items. Upon graduation, deputies shall receive instruction on the Sheriff's Office written directives, General Orders, relevant Standard Operating Procedures and Personnel Procedures in accordance with the Field Training & Evaluation Program Manual and Training Division Standard Operating Procedures.

### **I. In-Service, Legal Updates, Promotional Training and Accreditation Familiarization<sup>9</sup>**

The Maryland Police and Correctional Training Commissions (MPCTC) have issued regulations for the certification of all law enforcement officers in the State of Maryland. These regulations include the following and must be met on a yearly basis:

#### **(1) In-Service Training**

Every sworn law enforcement officer in the State of Maryland must receive a minimum of eighteen (18) hours of in-service training each calendar year. This training must be approved by the MPCTC in advance and may include specific topics to be addressed as mandated by the Commission. In addition to these requirements, it is the responsibility of the Training Section to provide the most up-to-date training that is available to ensure that our deputies are prepared to handle all potentially hazardous situations which may arise during the performance of their duties.

#### **(2) Firearms Training**

The MPCTC mandates that each sworn law enforcement officer in the State of Maryland be qualified on an approved course of fire every calendar year. Each course of fire submitted to the Commission for approval must contain certain specific areas of performance as mandated by the Commission and / or as deemed necessary by the Sheriff.

#### **Legal Update Training**

All sworn personnel must receive annual training on legal updates. This may be accomplished through the annual in-service training program, on-line training, or via electronic mail.

#### **Promotional Training**

All newly promoted first line supervisors and administrators receive training as mandated by the Maryland Police and Correctional Training Commission. This training must occur within one (1) year of their promotional date.

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<sup>6</sup> CALEA 82. 1. 3

<sup>7</sup> CALEA 1. 3. 10, 33. 4. 1

<sup>8</sup> CALEA 33. 4. 3

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<sup>9</sup> CALEA 1. 3. 11; 33. 5. 1; 33. 5. 3; 33. 8. 2

## **Accreditation Familiarization Training**

The Agency Training Coordinator will ensure that all Agency employees receive familiarization training with the accreditation process as follows:

- To all newly hired personnel within 30 days after their employment begins or within 30 days after completing the recruit academy;
- To all Agency personnel during the self-assessment phase associated with achieving initial accreditation;
- To all Agency personnel prior to an on-site assessment associated with initial accreditation and re-accreditation.

This may be accomplished through the annual in-service training program, on-line training, via memorandum or, via electronic mail.

The Agency Accreditation Section shall be responsible for annually reviewing and updating the materials used by the Training Division and for Accreditation Familiarization Training.

## **J. Skills Enhancement (Remedial) Training<sup>10</sup>**

Remedial training is directed at solving a particular deficiency in work performance or knowledge in a specific area. The circumstances and criteria used to evaluate the need for remedial training for Sheriff's Office employees include, but are not limited to test scores, on-the-job performance, conclusions from an internal affairs investigative report, or a request from a supervisor.

Additionally, remedial training may be the result of disciplinary action, newly identified trends or an employee's inability to demonstrate a particular practice incumbent of a certain position or function. This training should occur immediately upon detection and within an acceptable timeframe.

Employees are encouraged to understand remedial training is not punitive but rather, it is requisite of management to attempt to provide solutions to the employee's ineffectiveness and enhance overall job performance. The employee is responsible for participating actively during all required phases of the remedial instruction process. Should the employee unsuccessfully complete remedial training, he/she is subject to disciplinary or performance related action.

### **Remedial Training, Supervisory Request for**

A request for remedial training requested by a supervisor must be submitted to the Assistant Sheriff, Bureau of Administration via the requesting supervisor's chain of command. The request must be in memorandum form stating the need for remedial training and documenting any supporting observations or evidence.

The Assistant Sheriff, Bureau of Administration shall forward the request for remedial training to the Captain over Training and Personnel who, in consultation with the Training Section Lieutenant and the Captain over the Deputy for whom the remedial training has been requested, make a determination as to the best method of providing the needed training.

Remedial training will be initiated as soon as possible following the testing, documented deficient job performance, or request from a supervisor.

If the Captain over Training and Personnel approves the remedial training request, the employee will be required to participate and successfully complete the training.

### **Remedial Training, Required to Meet Training Requirements**

Members failing to pass or qualify any training, firearms course or, firearms course of fire mandated by the agency or the Maryland Police & Corrections Training Commissions (MPCTC) shall be required to complete mandatory skills enhancement (remedial) training, as designated and directed by the Agency Training Coordinator (in all training other than firearms) and/or Agency Armorer/Lead Firearms Instructor (in matters involving firearms training).

Procedures comprising skills enhancement training shall consist of at least the following six (6) components, to be carried out by the Agency Training Coordinator (non-firearms) or the Agency Armorer/Lead Firearms Instructor (firearms):

- Notifications shall be made to:
  - the member's immediate supervisor or Division Commander, and;
  - the Assistant Sheriff, Chief – Bureau of Administration;
- Assessment and documentation of any skills deficiencies preventing the member from successfully qualifying;

<sup>10</sup> CALEA 1. 3. 11. c; 11. 3. 2; 26. 1. 4; 33. 1. 5

- *Instruction and practical training as deemed necessary by the Agency Training Coordinator or Armorer/Lead Firearms Instructor in order for the member to successfully qualify;*
- *Demonstration by the member of skills enhanced sufficiently to successfully qualify;*
- *Documentation by the Agency Training Coordinator or Armorer/Lead Firearms Instructor of each remedial training session and subsequent qualifications testing, and;*
- *Compliance with all Maryland Police & Corrections Training Commissions (MPCTC) regulations and requirements pertaining to remedial training and mandated qualifications.*

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#### **K. Attendance of Agency Training**

*The following procedures shall be adhered to in order to ensure that adequate training space, instructors and equipment are available:*

Supervisors shall schedule their personnel as necessary in order to ensure attendance at mandated or directed training. When necessary, supervisors shall coordinate the use of manpower between sections in order to accomplish their training mission. Personnel who have been scheduled will attend training on their scheduled date unless their immediate supervisor had granted prior approval. It is incumbent upon that supervisor to notify the Training Section immediately of any scheduling changes.

*Individual employees requesting any re-scheduling of an assigned Agency training must do so via written memorandum, complete with routing cover sheet, and submitted to the Captain over the Training Division, through the requesting member's chain of command, up to the level of the requesting member's own Captain. If approved, the member's Captain shall immediately forward the approved request to the attention of the Captain over the Training Division. If the employee's request is disapproved, the requesting Deputy shall be notified directly and immediately.*

Those Deputies on light duty shall be required to attend training, but refrain from participating in any physical training.

Deputies on full duty status must qualify at the range on a yearly basis in accordance with Maryland Police & Corrections Training Commission (MPCTC). If a Deputy does not qualify on a yearly basis, their police powers will be suspended pending qualification or termination.

#### **L. Specialized Services Team Training<sup>11</sup>**

*Specialized Services Team members receive initial training in basic special weapons and tactics for law enforcement officers in a course of at least two weeks duration. In addition, the Specialized Services Team maintains a high level of operational readiness by training and completing special weapons training and qualifications at least two times each year.*

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<sup>11</sup> CALEA 33. 6. 2

**REFERENCES:** COMAR 12. 04. 02, Sections:  
.11 (Annual Firearms Training &  
Qualification), and;  
.12 (Remedial Training)

*Office of the Sheriff Agency Field  
Training & Evaluation Program Manual*

*Standard Operating Procedures,  
Training Division, Bureau of  
Administration.*

**ATTACHMENTS:** A – Training Evaluation

*B – Training Matrix,  
Accreditation-Mandated*

## 9-103 REQUESTS FOR TRAINING

The purpose of this order is to establish a uniform policy and procedure affording equitable consideration regarding specialized training, e.g., firearms instructor, basic investigation, etc., for any member, both sworn and civilian.

### 9-103.1 POLICY

Career development and career enhancement is beneficial for the individual and the organization. Therefore, equitable consideration will be afforded to any and all members who desire specialized training.

Nothing in this General Order diminishes command prerogative to make exigent selections that are compelled by the best interests of the Office of the Sheriff.

A Deputy may submit the designated "Request for Training" forms for consideration to his/her choice of classes, provided they have completed six months of active service following Maryland Police Training Commission certification.

Agency supervisors and Commanders are charged with responsibility for considering and including appropriate training opportunities within their annual budget requests and as a part of sound strategic planning

### 9-103.2 DEFINITIONS

**Training Commitment Agreement** (Attachment 'C') – This document formalizes the expectation of the Prince George's County Government that employees shall, after receiving training for which the County pays \$1,000 or more, remain in employment with the County for a number of years determined by the following commitment scale:

\$1,000 to \$1,999 = one (1) year commitment

\$2,000 to \$3,999 = two (2) year commitment

\$4,000 and more = three (3) year commitment

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## 9-103.3 PROCEDURES

An individual desiring to attend a training class *outside the Agency or County government (e.g., other than in-service or OHRM offerings)* is responsible for submitting the following forms, as indicated:

- 1) "Request for Training"\* by way of Inter-Office Memorandum (Attachment 'A'). This form is mandatory for all training requests. Note: To ensure equality and fairness, an individual may request only three *MPTC or other instructor-certifications* on any one request form.
- 2) County Government Travel, Training and Seminar Request Form (Attachment 'B'). Note: *Unless the training is free and requires no Agency expenses*, this form must be submitted to the County Office of Management and Budget (OMB) no less than sixty (60) days prior to the training in question.\*\*
- 3) County Government Training Commitment Agreement (Attachment 'C'). (This form is only required when cost of the training to the county is \$1,000 or more.)
- 4) Completed Registration Form, if available at the time of the request. (E.g., it is understood that some training may require approval before a registration form can be completed; and, only the Agency Training Coordinator can complete registrations for most MPTC Instructor schools.) Questions should be directed to the Agency Training Coordinator prior to submission of the Training Request.

\* Effective February 26, 2012, a copy of each completed request form shall also be sent by the requesting member, directly to the Agency Training Coordinator. These copies are necessary to allow the Training Section to attain preliminary registration counts and track seating availabilities while the original requests go through the chain-of-command approval process.

\*\* Note: In light of the 60-day minimum OMB submission deadline, it is recommended the individual prepare and submit the County Government Travel, Training and Seminar Request Form (Attachment 'B') to their respective chain of command at least ninety (90) days prior to the training in question.

The originals of all completed request forms shall be sent thru the individual's Chain of Command to the Bureau Chief, Bureau of Administration.



**9-103.a            Supervisory Responsibilities**

Supervisors, Commanders, and Bureau Chiefs may concur, non-concur, or forward without comment. In any event, those in the individual's Chain of Command shall forward the "Request for Training" without delay.

**REFERENCE:** County Administrative Procedure 330

County Administrative Procedure 640

General Order 3-108 (Requisitions and Reimbursements)

**9-103.a            Retention of Requests**

The Bureau Chief, Bureau of Administration shall maintain custody of all training requests submitted. Requests shall be date stamped when received and shall remain on file for one year from the date received. If an individual is not selected for training within one year, that individual may request an AUTOMATIC review of this request to maintain their eligibility for one additional year. The individual must submit a new request form, if not selected after one year.

**ATTACHMENTS:** A - Inter-Office Memorandum, Request for Training

B - Travel, Training and Seminar Request Form (PGC, OMB)

C - Training Commitment Agreement (PGC, OHRM)

Whenever a specialized training class becomes available, the Bureau Chief shall select individuals using the following criteria:

- All applicants who meet the minimum qualifications for the training class shall be equally subjected to the same "Mechanism for Review." "Mechanism for Review" could consist of a review of personnel files, oral interviews, or any other appropriate means. The mechanism, whatever it may be, shall be consistently, equally, and fairly applied to all qualified applicants;
- The Bureau Chief, Bureau of Administration is not bound to fill the training class based solely from the 'Request for Training' file. This file is to be considered as a supplementary rather than as sole means for the selection process.

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