

**NORTH EAST POLICE  
DEPARTMENT**

**RULES, REGULATIONS, POLICIES  
AND PROCEDURES  
MANUAL**



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## CHAPTER 1. INTRODUCTION

### Article 1. Forward

By virtue of the authority vested in ~~him-me~~ by law, as set forth in the Constitution and Common Law of the state of Maryland, and the Code of ~~e~~Ordinances of the Town of North East, Maryland the Police Chief of the Town of North East has established the following rules, regulations, policies and procedures for the administration of the North East Police Department.

The Police Chief reserves the right to alter, amend, repeal or abrogate any of these rules, regulations, policies and procedures, or to make additions or corrections as circumstances may warrant, and, if the occasion demands, to issue verbal or written orders that shall have the same force, effect or supersede these rules, regulations, policies and procedures.

These rules, regulations, policies and procedures are intended for the guidance for the members of the department. They cannot cover every specific act of commission or omission, nor can they cover every specific situation or problem which will from time to time confront members of the department. Therefore, a great deal must necessarily be left to the intelligence and discretion of the individual. The exercise of good judgement and the application of common sense, together with the highest degree of cooperation by those entrusted with law enforcement, is essential to effective police work within the framework of this department.

To achieve true success, the department must win and retain the confidence and respect of the public which it serves. This can only be accomplished by constant and earnest effort on the part of all members of the department to perform their duties in an efficient, honest, and businesslike manner, and by exemplary conduct, cultivating in the public mind the realization that the department is a most vital requisite to the public well being.

An officer should remember that ~~the~~ in the execution of his duties, he acts not for himself, but for the public. The entire law regarding his functions is based upon this principle. He is required to be governed by no feeling, save zeal, to do what the law commands, and should never allow passion to urge him to brutality, or fear favoritism, or sympathy to persuade him to illegal leniency or to neglect his duty. The officer must bear in mind that he represents the dignity and authority of the state, and is the representative of the law to whose lawful demands all must submit, and such submission may be compelled when necessary. He should use no unnecessary force, nor should he hesitate to use the necessary force when circumstances demand.

The development of a well disciplined and efficient police department which has the confidence and respect of the public, can only be accomplished when each member realizes that his every action, whether it is part of his official duty or his private life, is

closely observed by the public. Acts of misconduct or inefficiency not only reflect on the member as an individual, but on the department as a body. It is, therefore, essential that every member familiarize himself with the rules, regulations, policies and procedures of the department, and to adhere to them as rigidly as possible, for each is held responsible to conform his actions to them.

## **Article 2. The Law Enforcement Code of Ethics**

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

**I WILL** keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule, develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

**I WILL** never act officiously or permit personal feeling, prejudices, animosities or friendships to influence my decisions. With no compromises for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession... **LAW ENFORCEMENT.**

### **Article 3. Format**

To effect the efficient and effective administration of the North East Police Department, the Police Chief has developed the following format of structure, rules and regulations, policies and procedures, and means of communication for the department.

1. Rank Structure-responsibilities and requirements for the various ranks and positions within the department.
2. Rules and Regulations-describe the expected conduct, attention to duty, and performance required of officers and civilian personal of the department.
3. Policies and Procedures-describe the way in which officers are required to perform their duties.
4. General Orders-to be added to this manual from time to time upon issue. General Orders indicate a change, addition, deletion, or update to the Rules and Regulations and/or Policies and Procedures in this manual. Manual updates will be made and issued to the officer occasionally, incorporating General Orders into the appropriate section.
5. Special Orders-temporary written orders expiring 30 days from issue or as indicated, to deal with specific problems, events or enforcement needs of a temporary nature which arise from time to time.
6. Memos-used for informational purposes between members of the department to bring matters of importance to their attention.

#### **Article 4. Notations**

1. Validity-any part of this manual shall be considered valid unless declared otherwise by a court of competent jurisdiction.
2. Severability-if any of this manual is held to be invalid by a court of competent jurisdiction, all other parts not held invalid shall continue in full force and effect.
3. Conflicts-if any part of this manual may be inconsistent with or in conflict with the personnel policies of the Town of North East or in conflict with Federal or State Law, the policies of the Town of North East or Federal or State Law shall prevail.
4. Gender-use of the masculine gender herein includes, where applicable the feminine gender, and the use of the feminine gender includes, where applicable, the masculine gender.

**CHAPTER 2.**  
**RULES, REGULATIONS, POLICIES AND PROCEDURES**

**Article 1. TRAINING**

**Section 1-1. Eligibility for Training**

1. Members hired without entrance level training (certification) will be afforded the opportunity, within the first year of employment, to attend entrance level training.
2. Members hired who are eligible for comparative compliance training will be afforded the opportunity, within the first year of employment, to attend comparative compliance training.
3. Members who are certified will be given the opportunity to attend approved in service training to maintain their certification.
4. Members will be given the opportunity each year to attend an approved firearms in service qualification course.

**Section 1-2. Failure to Attend/Satisfactorily Complete**

1. Any member who fails to attend required training when offered, is subject to immediate dismissal.
2. Any member who fails to satisfactorily complete required training, is subject to immediate dismissal.
  - a. Satisfactorily completing required training is defined as meeting Maryland Police and Correctional Training Commissions standards or North East Police Department Standards, whichever is more stringent for the training specified.

**Section 1-3. Driver's License**

1. Each member of the department shall have upon hiring, a valid driver's license from their state of residence.
2. Each member of the department shall have in his possession while on duty, a valid drivers license from their state of residence.

**Section 1-4. Failure to Maintain Driver's License**

1. Any member whose driver license is canceled, suspended, refused or revoked in any state shall notify the Chief of Police, in writing, immediately upon cancellation, suspension, refusal, or revocation.
2. Any member whose duties require operation of a departmental vehicle, whose driver's license is canceled, suspended, refused or revoked, shall be subject to immediate dismissal.

**Section 1-5. Conformance to Laws**

1. All members shall obey laws of the United States and of any State or Local Jurisdiction in which the member is present.
2. A conviction of the violation of any law shall be prima facie evidence of a violation of this section.
3. Violation of this section by any member of the department may result in immediate dismissal if:
  - a. The possible penalty for the violation carries 1 year or more imprisonment, and/or:
  - b. The actual penalty for the violation involves imprisonment, and/or:
  - c. The violation tends to bring the member of the department into disrepute, and/or:
  - d. The violation involves a crime of moral turpitude.

## **Article 2. TRAINING STANDARDS**

### **Section 2-1. Purpose**

The purpose of this policy is to establish general standards necessary for adequate police officer training. It is expected that adequately trained officers will enhance the efficiency of accomplishing the goals of police work as well as provide for improved community/police relations.

### **Section 2-2. Policy**

1. It is the policy of the North East Police Department that all recruit officers will be competently trained in the required knowledge, skills and abilities associated with the daily circumstances of police work before they are used in enforcement activities or are able to make arrests. Generally, initial training will take place in an academy or classroom setting and will meet the standards of the Maryland Police Training Commission. Typical areas of initial instruction will include but are not limited to:
  - a. Administrative Duties
  - b. Constitutional and Statutory Law
  - c. Routine Patrol
  - d. Traffic Enforcement
  - e. Criminal Investigation
  - f. Report Writing
  - g. Community Policing
  - h. Crisis Intervention
  - i. Emergency Medical Care
  - j. Prisoner Processing
  - k. Firearms Training
  - l. Driver Training
  - m. Physical Education

n. Use of Force and Self Defense

1. It is the policy of The North East Police Department that academic training of the recruit officer will be supported with a period of field training not less than 8 weeks. During Field Training, all trainees will be paired with an experienced officer. Throughout the period of field training, the Field Training Officer will supply periodic reports to the Commanding Officer on the progress of the new officer. At the conclusion of the Field Training, the Field Training Officer will recommend to the Commanding Officer if any remedial training is necessary.
2. It is the policy of The North East Police Department in the use of firearms for all officers will be determined by periodic qualification. At a minimum requirements for qualification will meet the standards established by the department with 80% firearms qualifications, and 80% test score.
3. It is the policy of The North East Police Department to apply remedial or enhancement training as a non-punitive alternative whenever an officer's performance is identified to be below established standards. The employment of remedial training is reserved for those circumstances determined by the Commanding Officer to be a reasonable alternative or supplement to punitive action.
4. It is the policy of The North East Police Department to insure training consistent with the needs of officers. That is, as technology or criminal tendencies change, members will be made aware of, and trained in these areas to effectively enforce the law. A minimum of 18 hours of In-Service training per year to be completed by certified officers of the agency as dictated by the Maryland Police Training Commission.

**Section 2-3. Guiding Principles**

1. Training fees, the cost of materials for training, and any other related expenses will be provided by or reimbursed by the police agency.
2. Recruits scheduled for training must attend all training sessions and be punctual unless there is illness or other reasonable excuses. In-Service officers have the same requirements during their subsequent training.
  - a. Because of the requirements of police work, it is mandatory that officers be trained in Cardiopulmonary Resuscitation (CPR) and first aid.

**Section 2-4. Definitions**

1. Recruit: Any officer candidate who has not completed all academy requirements necessary to become a certified police officer with the agency.
2. Field Training Officer: The officer to whom a recruit officer is assigned for practical training during routine patrols.
3. Field Training: A period of training, subsequent to academic training, which takes place during normal enforcement activities. These assignments are used to familiarize the new officer with the circumstances surrounding routine police work while under the supervision of a Field Training Officer.

## Article 3. RANK STRUCTURE/JOB DESCRIPTIONS

### Section 3-1. Police Chief

#### JOB TITLE:

Police Chief

#### NATURE OF WORK/SUMMARY:

The job duties of this position include, but are not limited to the following. Under administrative direction to plan, organize, direct and evaluate the Town's Police Department. The mission is to protect life and property in the community through law enforcement and crime prevention activities. The Police Department accomplishes this mission through the following functions: (1) patrol activities; (2) criminal investigations; (3) traffic enforcement; (4) crime prevention education and inspection activities; (5) internal training; and (6) cooperative efforts with other regional jurisdictions to resolve common police problems. Ensures incorporation of modern, efficient law enforcement technologies into the department's procedures, equipment and methods.

#### EXAMPLES OF WORK:

##### Administration of Department Programs and Operations

- Plan, organize, implement, administer and evaluate all police department programs.
- Manage the operations and facilities and supervise the activities of the department.
- Conduct staff meetings to develop and implement administrative policies governing execution of the department functions and operations, along with sharing of information.
- Evaluate department personnel needs, develop and administer budget resources and manage personnel to achieve department objectives.
- Assign areas of accountability and delegate commensurate authority to subordinate supervisory personnel.
- Analyze and evaluate effectiveness of the department operations and institute new or revised methods, policies, procedures and work rules as necessary.
- Conduct long range planning for the Department.

- Administer reporting and record keeping functions.
- Attends Town Board meetings to receive and provide information as appropriate; researches information/data and prepares reports for the Town Board.
- Monitors the expenditure of departmental appropriations and prepares annual budget estimates; plans and directs police training programs through subordinate personnel.

#### Management and Direction of Department Personnel.

- Conduct hiring process with the Town Administrator. Administer/maintain discipline and ethics, and evaluate department personnel.
- Accompany officers, detectives and supervisors periodically to observe their performance, response to service calls. etc.
- Initiate internal investigations when appropriate and directs corrective action as needed.
- Approval of all purchases made by the department.
- Identify training needs, train and instruct and/or provide for appropriate training of personnel.
- Maintain and post the daily work schedule.

#### Management of Liaison and Public Relations between Other Law Enforcement Agencies, Government Agencies, News Media, Civic Groups and the Public.

- Coordinate and cooperate with other law enforcement departments and federal, state and local agencies.
- Administer public relations programs and coordinate and cooperate with civic groups in crime prevention activities, i.e. Domestic Violence Committee/SALT (Seniors and Lawmen Together).
- Attend all special detail meetings; Salute to Cecil County Veterans; March of Dimes; Triathlon/Biathlon; Christmas parade; Christmas Tree lighting; and others as assigned.
- Serve as department liaison with media regarding policy and operations.
- Maintain personal contacts with members of the general public and business community to receive feedback regarding department performance.

### Performance of Related Duties

- Evaluate new information and techniques involving crime prevention/detection and apprehension.
- Patrol and respond to initial calls for service as need occurs.
- Enforce local ordinances and regulations, and federal/state laws when applicable.
- Interrogate complainants and witnesses as necessary.
- Maintain records and prepare reports
- Maintain personal proficiency in the use of weapons and enforcement tools or techniques.
- Perform other related duties as necessary/directed.

### KNOWLEDGE, ABILITIES AND SKILLS:

- Thorough knowledge of modern police principles, methods and practices in the apprehension of criminals and the prevention of crime.
- Thorough knowledge of NEPD rules and regulations.
- Thorough knowledge of the general statutes relating to police powers, health and safety.
- Knowledge of court policies and procedures.
- Knowledge of availability of grants and funding applicable to the administration of the Police Department.
- Ability to plan, organize, assign and supervise the work of others.
- Ability to handle firearms and other restraining devices.
- Ability to handle individuals in various types of circumstances.
- Ability to analyze situations quickly, unemotionally, and objectively.
- Ability to clearly and courteously enforce, explain and interpret State and Federal laws and local ordinances.

- Ability to establish and maintain effective working and public relationships
- Ability to maintain accurate and complete records and prepare clear and detailed reports.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

Work requires occasional handling of moderately heavy equipment, or materials, or walking or sitting in a fixed position for a period of time.

The work environment involves high risks with the exposure to potential dangerous situations or environmental stress which require a range of safety and other precautions, e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

#### QUALIFICATIONS REQUIRED:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill and/or ability required.

#### EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:

Education: High School Graduate or have a G.E.D. Successful completion of a police academy and/or comparative compliance approved by the Maryland Police and Correctional Training Commission. An Associate's Degree in the Criminal Justice field is required, however a Bachelor's Degree is preferred.

Experience: Minimum of seven (7) consecutive years of progressively responsible supervisory experience and/or an extensive consecutive police related academic background. Successful completion of Supervisor and Administrator Training Course approved by M.P.C.T.C.

Licenses: Valid driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification.

Miscellaneous: This is an appointed position by the Mayor and Commissioners, after receiving recommendation from the Town Administrator. Attends work on a regular and dependable basis.

LANGUAGE SKILLS:

Ability to communicate professionally both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

MATHMATICAL SKILLS:

Ability to perform basic math calculations; add, subtract, multiply and divide.

REASONING ABILITY:

Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with no direct supervision.

OTHER SKILLS AND ABILITIES:

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

EXEMPT:

Yes

This is a full-time position.

REPORTS TO:

Town Administrator

SALARY LEVEL:

Adopted progression scale.

**Section 3-2. Lieutenant****JOB TITLE:**

Lieutenant

**NATURE OF WORK/SUMMARY:**

Responsible for the administration, management, and general supervision of subordinates; performs other duties as assigned.

**EXAMPLES OF WORK:**

- Administers, manages, and supervises subordinates;
- Assists in preparing budget;
- Assumes command in the absence of the Police Chief;
- Coordinates investigative activities at a crime scene or significant or unusual event;
- Ensures subordinate compliance with departmental rules and regulations;
- Effectively utilizes available resources by assigning personnel and monitoring their work to ensure proper performance of police function;
- Researches and recommends policy and/or procedures governing department operations;
- Analyzes crime data and directs resources accordingly;
- Supervises the effective and impartial enforcement of Criminal and Traffic laws, including town ordinances;
- Reviews, approves, and codes all criminal reports for UCR;
- Supervises and evaluates specialized units;
- Conducts periodic performance evaluations of staff;
- Coordinates any special assignments;

- Supervises and installs community based programs;
- Participates in the discipline process and on discipline panel;
- Conducts proper inspections of salvage titles, vehicles, and businesses;
- Performs other duties as instructed and assigned.

#### KNOWLEDGE, ABILITIES AND SKILLS:

- Thorough knowledge of all applicable Federal, State and town ordinances;
- Thorough knowledge of NEPD rules and regulations;
- Knowledge of court policies and procedures;
- Ability to supervise, schedule, and evaluate the work of subordinates;
- Ability to effectively write reports;
- Ability to handle firearms and other restraining devices;
- Ability to handle individuals in various types of circumstances;
- Ability to analyze situations quickly, unemotionally, and objectively;
- Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

The work environment involves high risks with exposure to potentially dangerous situations or environmental stress which require a range of safety and other precautions, e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional strenuous effort. For example, handling of moderately heavy equipment, or materials, or walking or sitting in a fixed position for an extended period of time.

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

**QUALIFICATIONS REQUIRED:**

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability required.

**EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:**

**Education:** High School Graduate or have a G.E.D. Successful completion of a police academy and/or comparative compliance approved by the Maryland Police and Correctional Training Commission. An Associate's Degree in the Criminal Justice Field is desirable. However it is not required.

**Experience:** Ten (10) years of supervisory experience. Two (2) years of service and experience at the level of Detective Sergeant. Successful completion of the Supervisor and Administrator training course as required by the M.P.C.T.C., within one year of appointment.

**Licenses:** Valid driver's license; M. P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification

**Miscellaneous:** This is an appointed position by the Police Chief, after receiving recommendation from the Town Administrator. Attends work on a regular and dependable basis.

**LANGUAGE SKILLS:**

Ability to communicate professionally both orally and in writing. Ability to read write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

**MATHEMATICAL SKILLS:**

Ability to perform basic math calculations; add, subtract, multiply and divide.

**REASONING ABILITY:**

Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with no direct supervision.

**OTHER SKILLS AND ABILITIES:**

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the

course of work.

Work and act as a team player within area of assignment and in all interactions with other agencies.

Ability to use computer, calculator, copy machine, fax machine and telephone.

EXEMPT:

No

This is a full-time position.

REPORTS TO:

Police Chief

SALARY LEVEL:

One step pay increase from Detective Sergeant.

**Section 3-3. Detective Sergeant****JOB TITLE:**

Detective Sergeant

**NATURE OF WORK/SUMMARY:**

The duties of this position include, but are not limited to the following: Providing for both the appropriate proactive and reactive response to criminal activity; locating and questioning witnesses, victims and suspects, providing for the dissemination of crime prevention information and investigation of criminal activity.

Responsible for general supervision of subordinates; responsible for overseeing of criminal cases; responsible for complete and professionally prepared cases ready for the Office of the States Attorney for prosecution; in addition to the qualifications of Sergeant performs other duties as assigned.

**EXAMPLES OF WORK:**

- Manages and supervises subordinates;
- Supervises the effective and impartial enforcement of State criminal and traffic laws, including town ordinances;
- Conducts criminal investigations individually or participate in criminal investigations as part of a team or unit;
- Properly investigate all assigned cases and follow up matters and obtain all relevant information;
- Persist in assigned investigations until there is a final disposition;
- Periodically advise victims and witnesses of the status or results of investigations relevant to them;
- Properly and appropriately collect, preserve and document evidence and provide for its presentation in court ;
- Appear in court to give testimony pertaining to facts and evidence of cases being prosecuted;

- Seek to recover property unlawfully held by others and apprehend offenders;
- Maintain sources of information to aid in the prevention and investigation of crime to include other law enforcement agencies; other public service agencies; and informants;
- Develops sources of information; locates and interviews confidential informants;
- Participate in and arrange for appropriate surveillance of suspects;
- Obtains and executes search and arrest warrants needed to collect additional evidence and to arrest suspects;
- Assist other law enforcement officers from other jurisdictions while they are conducting investigations in the Town.
- Arrange for technical assistance when required to include suspect identification, firearms identification, document examination and laboratory analysis;
- Provides input on departmental policy;
- Maintains accurate and complete records as required;
- Keeps the Police Chief informed of activities and findings;
- Perform other duties as instructed and assigned;

KNOWLEDGE, ABILITY AND SKILLS:

- Considerable knowledge of modern police work in the practical and technical aspects of apprehension of criminals and the prevention of crime;
- Thorough knowledge of applicable Federal, State and Town ordinances;
- Thorough knowledge of NEPD rules, regulations, policies and procedures;
- Thorough knowledge of court policies and procedures;
- Thorough knowledge of the geography and demography of the Town and its surroundings;

- Thorough knowledge of criminal procedures, photography, and crime scene processing;
- Ability to communicate effectively;
- Ability to function as a member of a team;
- Ability to gather evidence from a variety of sources, to organize and analyze the evidence, and draw conclusions from it;
- Ability to lead and oversee the work of subordinates;
- Ability to provide guidance and motivational support to subordinates in achieving objectives;
- Ability to supervise, schedule and evaluate the work of subordinates;
- Ability to maintain accurate and complete records and prepare clear and detailed reports;
- Ability to conduct interviews in a reasonable and lawful manner;
- Ability to effectively work in an undercover capacity;
- Ability to handle firearms and other restraining devices;
- Ability to analyze situations quickly, unemotionally, and objectively;
- Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

The work environment involves high risks with exposure to potentially dangerous situations or environmental stress which require a range of safety and other precautions, e.g. aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional strenuous effort. For example, handling of moderately heavy, equipment, or materials, or walking or sitting in a fixed position for an extended period of time.

The above job description is not intended as, nor should it be construed as, exhaustive of

all responsibilities, skills, efforts, or working conditions associated with this job.

#### QUALIFICATIONS REQUIRED:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability required.

#### EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:

Education: High School Graduate or have a G.E.D. Successful completion of a police academy and/or comparative compliance approved by the Maryland Police and Correctional Training Commission. An Associate's Degree in the Criminal Justice Field is preferred, however it is not required.

Experience: Five (5) years of supervisory experience; Two (2) years of service and experience at the level of Sergeant. Successful completion of the Supervisor Training Course as required by M.P.C.T.C., within one year attaining this rank.

Licenses: Valid driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification.

Miscellaneous: This position is appointed by the Police Chief, after receiving concurrence from the Town Administrator. Attends work on a regular and dependable basis.

#### LANGUAGE SKILLS:

Ability to communicate professionally, both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

#### MATHEMATICAL SKILLS:

Ability to perform basic math calculations; add subtract, multiply and divide.

#### REASONING ABILITY:

Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with no direct supervision.

#### OTHER SKILLS AND ABILITIES:

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the

course of work.

Work as a team player within area of assignment and in all interactions with other agencies.

Ability to use computer, calculator, copy machine, fax machine and telephone.

EXEMPT:

No

This is a full-time position.

REPORTS TO:

Police Chief

SALARY LEVEL:

One step pay increase from Sergeant.

**Section 3-4. Sergeant****JOB TITLE:**

Sergeant

**NATURE OF WORK/SUMMARY:**

Sergeant is a first line supervisor; responsible for the general supervision of subordinates; in addition to the qualifications of Corporal; performs other duties as assigned;

**EXAMPLES OF WORK:**

- Supervises, trains and evaluates subordinates and ensures that all job tasks are completed;
- Counsels subordinates as needed;
- Assigns calls for service and ensures their proper handling;
- Reviews and evaluates reports as necessary;
- Inspects uniforms, vehicles, and weapons of assigned staff;
- Maintains accurate and complete records as required; performs other duties as instructed and assigned.

**KNOWLEDGE, ABILITIES AND SKILLS:**

- Thorough Knowledge of all applicable Federal State and town ordinances;
- Thorough knowledge of NEPD rules and regulations;
- Knowledge of court policies and procedures;
- Ability to supervise, schedule, and evaluate the work of subordinates;
- Ability to handle firearms and other restraining devices;
- Ability to analyze situations quickly, unemotionally, and objectively;
- Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies.

### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

The work environment involves high risks with exposure to potentially dangerous situations or environmental stress which require a range of safety and other precautions, e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional strenuous effort. For example, handling of moderately heavy, equipment, or materials, or walking or sitting in a fixed position for an extended period of time.

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

### QUALIFICATIONS:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skills and/or ability required.

### EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:

Education: High School Graduate or have a G.E.D. Successful completion of a police academy and/or comparative compliance approved by the Maryland Police and Correctional Training Commission.

Experience: Eight (8) years of experience; two years of service and experience at the level of Corporal. Successful completion of Supervisor Training Course as required by M.P.C.T.C., within one year of attaining this rank.

Licenses: Valid driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification.

Miscellaneous: Attends work on a regular and dependable basis. This is a tested position. The written exam carries a potential maximum score of 100 points, the candidate's productivity for the past five (5) years carries a potential maximum score of 100 points, and the performance at the oral interview carries a potential maximum score of 100 points for a potential total maximum score of 300 points. Any candidate who does not receive a 70 point score in any of these three areas will not be considered for this posting unless a special exemption is granted by the Police Chief.

LANGUAGE SKILLS: Ability to communicate professionally both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

MATHMATICAL SKILLS:

Ability to perform basic math calculations; add, subtract, multiply and divide.

REASONING ABILITY:

Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with no direct supervision.

OTHER SKILLS AND ABILITIES:

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

Work and act as a team player within area of assignment and in all interactions with other agencies.

Ability to use computer, copy machine, fax machine and telephone.

EXEMPT:

No

This is a full-time position.

REPORTS TO:

Lieutenant

SALARY LEVEL:

One step pay increase from Corporal.

**Section 3-5. Corporal****JOB TITLE:**

Corporal

**NATURE OF WORK/SUMMARY:**

Responsible for responding to calls for service, performing criminal investigations, traffic enforcement, serving summons, transporting criminals; Supervising subordinates in the absence of a first line supervisor.

**EXAMPLES OF WORK:**

- Patrol assigned areas;
- Responds to calls for service, complaints, and incidents;
- Enforces traffic laws and issues citations;
- Performs on-sight arrests as necessary;
- Serves criminal and non criminal processes, including civil citations, papers and summonses;
- Investigates misdemeanors and felonies in accordance with established procedures;
- Performs undercover investigations and surveillance as directed;
- Completes necessary reports;
- Presents testimony and evidence in court as required;
- Investigates crime scenes;
- May work in plain cloths or in undercover situations;
- Restrains persons and transports as necessary;
- Handles firearms and other emergency equipment;
- Serves a liaison to the community;

- Performs other duties as instructed and assigned.

#### KNOWLEDGE, ABILITIES AND SKILLS:

- Thorough knowledge of applicable Federal, State and Town ordinances;
- Thorough knowledge of NEPD rules and regulations;
- Thorough knowledge of principles, practices, and techniques of criminal justice and their application;
- Knowledge of court policies and procedures;
- Ability to schedule, train and supervise the work of subordinates;
- Demonstrate skill in the operation of a motor vehicle;
- Ability to read, write and understand oral and written instructions;
- Ability to act appropriately when in contact with the public;
- Ability to analyze situations quickly, unemotionally and objectively;
- Ability to subdue prisoners or engage in the other physical confrontations;
- Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies;
- Skill in handling of firearms and restraining devices.

#### PHYSICAL DEMANDS AND ENVIRONMENT:

The work environment involves high risks with the exposure to potentially dangerous situations or environmental stress which requires a range of safety and other precautions, e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional handling of moderately heavy tools, equipment, or materials, or walking/climbing or sitting/standing in a fixed position for an extended period of time.

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

**QUALIFICATIONS REQUIRED:**

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability required.

**EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:**

**Education:** High School Graduate or have a G.E.D. Successful completion of a police academy and or comparative compliance approved by the Maryland Police and Correctional Training Commission.

**Experience:** Six (6) years of experience; Two (2) years of service and experience at the level of Master Patrolman.

**Licenses:** Valid driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification.

**Miscellaneous:** This is a tested position. Attends work on a regular and dependable basis.

**LANGUAGE SKILLS:**

Ability to communicate professionally, both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

**MATHEMATICAL SKILLS:**

Ability to perform basic math calculations; add, subtract, multiply and divide.

**REASONING ABILITY:**

Ability to exercise a high degree of sound judgment and be able to work within guidelines with minimal supervision.

**OTHER SKILLS AND ABILITIES:**

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

Work and act as a team player within area of assignment and in all interactions with other agencies.

Ability to use computer, copy machine, fax machine and telephone.

EXEMPT:

No  
This is a full-time position.

REPORTS TO:

First line supervisor.

SALARY LEVEL:

One step pay increase from Master Patrolman.

**Section 3-6. Patrolman First Class (PFC)/ Master Patrolman****JOB TITLE:**

Patrolman First Class (PFC) / Master Patrolman

**NATURE OF WORK/SUMMARY:**

These are experience levels in law enforcement. Positions at PFC and Master Patrolman are distinguished from Patrol Officer by the performance of a full range of duties as assigned; working independently; exercising initiative and sound judgment. Positions at the PFC and Mater Patrolman levels receive only occasional instructions or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the Department. Positions in these ranks are flexibly staffed. Positions at the PFC rank are normally filled by the advancement from the Patrol Officer level requiring two (2) years experience and successful performance. Positions at the Master Patrolman rank are filled by advancement from the PFC level requiring two (2) additional years of experience and successful performance. Master patrolman is not a supervisory rank, but one that distinguishes the individual as being an accomplished officer.

**EXAMPLE OF WORK:**

- Patrol an assigned area of the Town to preserve law and order; discover and prevent the commission of crimes; check property for physical security.
- Respond to general public service calls and complaints including domestic disturbances, civil complaints, property control, vehicle accidents, robberies, and related misdemeanor and felony incidents;
- Investigate crimes and suspicious circumstances; collect, process, photograph and present evidence including fingerprints and related physical evidence; interview victims, complainants and witnesses; identify and interrogate suspects; apprehend and arrest offenders; testify and present evidence in court;
- Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses;
- Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in the areas of public education relative to crime and crime prevention;
- Prepare reports on arrests made, activities performed and unusual incidents observed;

- Book prisoners; assist in the custody, care and welfare of prisoners; transport prisoners;
- Perform general police work in the protection of life and property;
- Inspect, report and correct conditions which may lead to criminal activity or pose a societal problem;
- Provide the public with safety information; give advise on laws and ordinances;
- Prepare written reports on criminal matters or civil problems;
- Perform specialized duties requiring application if abilities and knowledge acquired through experience;
- Enforce Town, State and Federal laws;
- Complete reports such as activity logs, daily reports and arrest reports ensuring the information is concise, legible and accurate. File and/or forward reports to the appropriate supervisor;
- Participate in training courses and programs;
- Monitor and property identify, interpret, act and respond to information transmitted over a mobile and base radio system;
- Perform other related duties as instructed and assigned.

#### KNOWLEDGE, ABILITIES AND SKILLS:

- PFC - Knowledge of applicable Federal and State laws, including Town ordinances;
- Master Patrolman – Through knowledge of applicable Federal and State laws, including Town ordinances;
- PFC - Knowledge of NEPD rules and regulations;
- Master Patrolman – Thorough knowledge of NEPD rules and regulation;
- PFC - Knowledge of principles, practices and techniques of criminal justice and their application;

- Master Patrolman – Thorough knowledge of principals, practices and techniques of criminal justice and their application;
- PFC - Ability to interview complainants and interrogate suspects;
- Master Patrolman – Ability to conduct a comprehensive interview of complainants and comprehensive interrogation of suspects;
- PFC - Skill in handling of firearms and restraining devices;
- Master Patrolman – Greater skill in handling of firearms and restraining devices;
- PFC - Ability to analyze situations quickly, unemotionally, and objectively;
- Master Patrolman – Ability to analyze situations quicker, unemotionally and objectively;
- PFC - Ability to communicate effectively both orally and in writing in a variety of situations;
- Master Patrolman – Ability to communicate more effectively both orally and in writing in a variety of situations;
- PFC - Ability to quickly and effectively respond to situations requiring physical stamina and force;
- Master Patrolman – Ability to act quicker and more effectively responding to situations requiring physical stamina and force;
- PFC - Ability to operate vehicles, under all conditions;
- Master Patrolman - Ability to operate vehicles, under all conditions with a high level of proficiency;
- PFC - Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies;
- Master Patrolman – Ability to maintain enhanced cooperative relationships with the general public, Town officials and other law enforcement agencies.

#### PHYSICAL DEMANDS AND SKILLS:

The work environment involves high risks with the exposure to potentially dangerous situations or environmental stress which requires a range of safety and other precautions,

e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional handling of moderately heavy tools, equipment, or materials, or walking/climbing or sitting/standing in a fixed position for an extended period of time.

The above job description is not intended as, nor should it be construed, as exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

#### QUALIFICATIONS REQUIRED:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability required.

#### EDUCATION:

Education: High School Graduate or have a G.E.D. Successful completion of a police academy and/or comparative compliance approved by the Maryland Police and Correctional Training Commission.

Experience: Patrolman First Class – Two (2) years experience and successful performance as a Patrol Officer.

Master Patrolman – Two (2) years of experience and successful performance as a Patrolman First Class.

Licenses: Valid Driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; weapons certification.

Miscellaneous: Attends work on a regular and dependable basis.

#### LANGUAGE SKILLS:

Ability to communicate professionally both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

#### MATHMATICAL SKILLS:

Ability to perform basic math calculations; add, subtract, multiply and divide.

REASONING ABILITY:

PFC - Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with moderate supervision.

Master Patrolman – Ability to exercise a very high degree of sound judgment and be able to work within guidelines with minimal supervision.

OTHER SKILLS AND ABILITIES:

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

Work and act as a team player within area of assignment and in all interactions with other agencies.

Ability to use computer, copy machine, fax machine and telephone.

EXEMPT:

No

Patrolman First Class is a full-time position.

Master Patrolman is full-time positions.

REPORTS TO:

First line supervisor

SALARY LEVEL:

Patrolman First Class – One step pay increase from Patrol Officer

Master Patrolman – One step pay increase from Patrolman First Class

**Section 3-7. Patrol Officer****JOB TITLE:**

Patrol Officer

**NATURE OF WORK/SUMMARY:**

Under general supervision a Patrol Officer, is to perform a variety of duties involved in the enforcement of laws and prevention of crimes; to conduct and participate in general investigations of crimes, accidents, and cases; to control traffic flow and enforce State and local traffic regulations; to serve as Patrol Officer, Detective, Field Training Officer, Traffic Officer, or School Resource Officer; and to perform a variety of technical and administrative tasks in support of the Department.

Patrol Officer is the entry level in police work. Positions at this level usually perform most of the duties required of the positions, but are not expected to function at the same skill level and usually exercise less independent discretion and judgment in matters related to work procedures and methods. Work is not always supervised while in progress. Exceptions or changes in procedures are explained in detail as they arise. Since this rank is often used as a training class, employees may have only limited or no directly related work experience.

**EXAMPLES OF WORK:**

- Patrol an assigned area of the Town to preserve law and order; discover and prevent the commission of crimes; check property for physical security;
- Respond to general public service calls and complaints including domestic disturbances, civil complaints, property control, vehicle accidents, robberies, and related misdemeanor and felony incidents;
- Investigate crimes and suspicious circumstances; collect, process, photograph and present evidence including fingerprints and related physical evidence; interview victims, complainants and witnesses; identify and interrogate suspects; apprehend and arrest offenders; testify and present evidence in court;
- Contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offences;
- Maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; take an active role in the areas of public education relative to crime and crime prevention;

- Prepare reports on arrests made, activities performed and unusual incidents observed;
- Book prisoners; assist in the custody, care and welfare of prisoners; transport prisoners;
- Perform general police work in the protection of life and property;
- Inspect, report, and correct conditions which may lead to criminal activity or pose a societal problem;
- Provide the public with safety information and explain laws and ordinances;
- Prepare written reports on criminal matters or civil problems;
- Perform specialized duties requiring application of abilities and knowledge acquired through experience;
- Enforce Town, State and Federal laws;
- Complete written reports such as activity logs, daily reports and arrest reports ensuring the information is concise, legible and accurate. File and/or forward reports to the appropriate supervisor;
- Participate in training courses and programs;
- Monitor and properly identify, interpret, act and respond to information transmitted over a mobile and base radio system;
- Perform other related duties as instructed and assigned.

#### KNOWLEDGE, ABILITIES AND SKILLS:

- Working knowledge of the criminal code section of Maryland Annotated Code, of the Motor Vehicle section, and Town ordinances;
- Knowledge of NEPD rules and regulations;
- Knowledge of the geography of the Town;
- Knowledge of the principals, practices, and techniques of criminal justice;
- Skill in the handling of firearms and restraining devices;

- Ability to fire a handgun with either hand and meet 80% proficiency requirements; Shotgun 00 Buck 80%; Slug 100%; capable of firing any other weapon issued by the Department and be proficient in its use after completing a course of instruction conducted by a qualified Department personnel;
- Ability to interview complainants and interrogate suspects;
- Ability to communicate effectively both orally and in writing in a variety of situations;
- Ability to apply knowledge, experience and reason to arrive at prompt and effective decisions for both routine and critical situations;
- Ability to show sensitivity to the emotions, conditions, and motivations of people of various sex, race, religion, disability and social, cultural, and economic backgrounds;
- Ability to read, understand and interpret Federal and State laws and Town ordinances;
- Ability to establish and maintain effective working relationships with co-workers and supervisors;
- Ability to quickly and effectively respond to situations requiring physical stamina and force;
- Ability to operate vehicles under all conditions;
- Learn modern police methods and procedures related to patrol, apprehension, arrest, search and seizure, traffic control;
- Learn modern investigative methods including interviewing and interrogation techniques;
- Learn law enforcement theory, principles and practices and their application to a wide variety of services and programs;
- Learn pertinent Federal and State laws and Town ordinances;
- Learn recent court decisions and how they affect the Department;
- Learn functions and objectives of Federal, State, and other law enforcement agencies;

- Learn self defense tactics;
- Learn, properly interpret and make decisions in accordance with Federal and State laws and Town ordinances;
- Learn to gather, assemble, analyze, evaluate and use facts and evidence;
- Learn, interpret and explain Town and Department policies and procedures;
- Learn to operate office equipment including computer equipment and software.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

The work environment involves high risks with the exposure to potentially dangerous situations or environmental stress which requires a range of safety and other precautions, e.g., aggressive human behavior, extreme outdoor weather conditions, or similar situations where conditions cannot be controlled.

Work requires occasional handling of moderately heavy tools, equipment, or materials, or walking/climbing or sitting/standing in a fixed position for an extended period of time.

The above job description is not intended as, nor should be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

#### QUALIFICATIONS:

Must pass a written and oral police exam; Must pass a criminal background investigation; Must pass a police physical exam and drug screen; Must pass a polygraph exam; Must pass a police psychological exam;

To perform this job successfully, the person in this position must be able to perform each duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability required.

#### EDUCATION, EXPERIENCE, LICENSE, MISCELLANEOUS:

Education: High School Graduate or have a G.E.D. Successful completion of a police academy and or comparative compliance approved by the Maryland Police and Correctional Training Commission.

Experience: No previous experience is required.

Licenses: Valid driver's license; M.P.C.T.C. Police Officer certification; CPR/First aid certification; and weapons certification; upon completion of the first year.

Miscellaneous: Attends work on a regular and dependable basis.

LANGUAGE SKILLS:

Ability to communicate professionally both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

MATHMATICAL SKILLS:

Ability to perform basic math calculations; add subtract, multiply and divide.

REASONING ABILITY:

Ability to exercise a high degree of sound judgment and be able to work within the guidelines.

OTHER SKILLS AND ABILITIES:

Maintains a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

EXEMPT:

No

This is a full-time position.

One year probation.

REPORTS TO:

First line supervisor.

SALARY LEVEL:

Entry level salary.

**Section 3-8. Administrative Assistant –Office of the Chief****JOB TITLE**

Administrative Assistant – Office of the Chief

**NATURE OF WORK**

This position is responsible for the management of the Administrative Support for the North East Police Department. Work is performed under the direction of the Chief of Police with limited supervision. Review is made by evaluation of accomplishments, ability to meet deadlines and the effectiveness of supervision given to continuing projects and special assignments.

**EXAMPLES OF WORK**

- Receive visitors and all telephone, fax and teletype messages at the station and taking prompt action as required;
- Receives and reviews all of the incoming correspondence;
- Insures an adequate supply of Departmental forms, as well as forms provided by other agencies and used by the Department;
- Prepares various reports to Federal, State and local agencies; also for the compilation of the statistics or information needed for the completion of such reports;
- Prepares all departmental forms, memoranda, and orders as directed by the Police Chief and insures the transmission of that information to the members of the Department;
- Maintains Police Chief's calendar of appointments and schedule of meetings;
- Complies with all court mandated expunge and sealing orders;
- Upon receipt of a report from a citizen requiring Police action, immediately causes a patrol unit to be dispatched to investigate the complaint;
- Complies with requests from citizens for information or assistance, or if the matter is within another jurisdiction of authority, refers such call or request to the proper authority;

- Receives and inspects all supplies delivered to the Department for quantity and forwards the delivery tickets and invoices to the Police Chief;
- Also maintains the station supplies and issues any supplies required by the members of the Department;
- Makes appropriate entries to the department arrest files, and daily incident log book;
- Forwards reports to the State's Attorney's Office for Cecil County in a timely manner;
- Prepares and maintains the arrest records of all defendants arrest by this agency;
- Manages the administrative functions of the department;
- Monitors administration budget to ensure compliance with budgetary procedures and goals;
- Provides administrative support for all professional staff;
- Provides administrative support for all personnel processes;
- Maintains required records relating to departmental activities, services, personnel and property;
- Provides liaison with other departments and agencies;
- Designs computer spreadsheets to maintain all department records;
- Assist in creating, writing and managing all department grants; federal, state and local; and
- Willingly and cooperatively accepts other related duties and responsibilities as assigned by the Chief of Police.

#### KNOWLEDGE, ABILITIES AND SKILLS

##### Knowledge of:

- Police Department policies, procedures and operations;
- Basic methods, practices and principles of budget administration;

- Correct English language usage, including spelling, grammar, punctuation and vocabulary;
- Modern office procedures, methods and computer software and hardware;
- Business letter writing practices;
- Pertinent federal, state, and local laws, codes, and regulations;
- Public relations techniques;
- Telephone techniques and etiquette;
- Principles and procedures of record keeping;
- Basic state law and protocol in the State's Attorney's Office and State Courts;
- Interpersonal skills using tact, patience, and courtesy.

Abilities and Skills to:

- Perform responsible and difficult administrative work involving the use of independent judgment and personal initiative;
- Understand the organization and operation of the Police Department and outside agencies as necessary to assume assigned responsibilities;
- Interpret and apply administrative and departmental policies and procedures;
- Communicate clearly and concisely, both orally and in writing;
- Establish and maintain cooperative-working relationships with those contacted in the course of work;
- Prepare clear and concise reports;
- Understand the organization and operation of the Police Department and of outside agencies as necessary to assume assigned responsibility;
- Interpret and apply administrative and departmental policies and procedures;
- Independently prepare correspondences and memoranda;
- Maintain confidentiality related to the area of work. Work cooperatively with other departments, Town officials and outside agencies;

- Establish and maintain cooperative-working relationships with those contracted in the course of work;
- Oversee and coordinate the ordering and storage of appropriated supplies;
- Work confidentially with discretion;
- Knowledge of the geography of the Town;
- Ability to communicate effectively both orally and in writing in a variety of situations;
- Ability to use computer and software; Microsoft word; Excel spreadsheets; Documents; and typewriter;
- Ability to type in a proficient manner;
- Ability to type 60 words per minute;
- Ability to operate office equipment; including computer equipment and software;
- Ability to monitor and properly identify information transmitted by base radio system;
- Ability to maintain cooperative relationships with the general public, Town officials and other law enforcement agencies;
- Ability to exercises a high degree of confidentiality in the performance of his/her duties;
- Ability to work independently with little direction;
- Skill in dealing effectively with people in various situations using tact and diplomacy.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT

Work requires light physical effort in the handling of light materials and equipment in non-strenuous work positions and sitting in a fixed position for an extended period of time.

Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions of this job.

#### QUALIFICATIONS

To perform this job successfully, the person in this position must be able to perform each

essential duty satisfactorily. The requirements listed above and below are representative of the knowledge, skill, and/or ability requires.

### EDUCATION REQUIRED

High School Graduate or have a G.E.D.

### EXPERIENCE REQUIRED

Five (5) years of secretarial experience; Five (5) years of increasingly responsible administrative secretarial or clerical experience. Prior experience in law enforcement environment is desirable. Possession of a Degree in Computer Operations is preferred other courses in the preferred areas of experience are helpful. Three (3) years experience in any combination of the following areas of work: Budget or Personnel Administration, Program Planning, Administrative Staff work. The ability to operate and program computer terminals and possess an excellent working knowledge of automated office procedures.

### LANGUAGE SKILLS

Ability to communicate professionally both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance. Ability to prepare clear, concise and complete written reports and documents.

### MATHEMATICAL SKILLS

Ability to perform basic math calculations; add, subtract, multiply and divide quickly and accurately.

### LICENSES AND OTHER REQUIREMENTS

Valid Maryland's Driver's License and a driving record acceptable to the Town's Risk Manager.

### REASONING ABILITY

Ability to exercise a high degree of sound independent judgment and be able to work within guidelines with no direct supervision.

### OTHER SKILLS AND ABILITIES

Maintain a high level of professionalism at all times;

Provide a high level of customer service at all times; project and maintain a positive image on behalf of the North East Police Department and the Town of North East with those contacted in the course of work;

Work and act as a team player within area of assignment and in all interactions with other agencies;

Ability to use computer, copy machine, fax machine and telephone.

EXEMPT

No

This is a full-time position.

REPORTS TO:

Police Chief (or Lieutenant in absence of Police Chief)

SALARY LEVEL

Adopted Progression Scale

The above is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this position.

### **Section 3-9. Adult Crossing Guard**

#### **JOB TITLE:**

Adult Crossing Guard

#### **DEPARTMENT:**

Police

#### **NATURE OF WORK:**

Assists school children in crossing the street safely at designated locations during given times of the school day; organize students into groups at the curb for safe crossing; request students to dismount bicycles or remove roller skates/blades before escorting across the street; minimize traffic congestion and reduce traffic hazards by following prescribed safety procedures; control traffic by hand signals, giving consideration to the distance required to stop and signal for traffic to resume; obtain license number of traffic violators and problems requiring possible police action; and performs other related duties as assigned. Crossing guards shall not direct traffic in the usual law enforcement regulatory sense. In the control of traffic, they shall pick opportune times to create a sufficient gap in the traffic flow. At these times, they shall stand in the roadway to indicate that pedestrians are about to use or are using the crosswalk, and that all vehicular traffic must stop.

#### **SUPERVISION:**

Reports to Police Chief

#### **EXAMPLES OF WORK:**

- Directs pedestrians through designated school crossing zone;
- Escorts children across street; steps onto cross walk to indicate vehicles are required to stop, directs pedestrians to cross within designated crossing zone, remains in the center of the zone throughout pedestrian traffic flow;
- Returns to side of the street, directing continuation of through vehicular traffic;
- Observes actions of vehicular traffic through crossing zone, notes violators and reports to Police Officer;
- Observes behaviors and activities of persons in proximity of school grounds for inappropriate/illegal activities, reports to appropriate person(s);
- Provides assistance and escorts children across streets;

- Performs other duties as assigned.

#### KNOWLEDGE, ABILITIES AND SKILLS:

- Ability to exercise good judgment in order to safeguard life and property;
- Ability to provide a safe environment for school children;
- Ability to earn the respect and cooperation of the school children and vehicle drivers;
- Ability to communicate effectively both orally and in writing;
- Ability to understand and follow oral and written instructions;
- Ability to maintain cooperative working relationship;
- Ability to deal constructively with conflict;
- Ability to respond to emergency and problem situations in an effective manner;
- Ability to understand, explain and apply policies and procedures;
- Ability to have good sight and hearing capabilities.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT:

The work environment involves a risk of environmental stress which requires a range of safety and other precautions, e.g., inattentive, speeding or reckless motorists or extreme outdoor weather conditions.

Work requires occasional strenuous effort, i.e. holding handheld stop sign, verbal commands and using hand signals to control; and standing in a fixed position for an extended period of time.

#### PHYSICAL DEMANDS AND WORK ENVIRONMENT (Continued):

Good physical condition, including sight, hearing and ability to move and maneuver quickly in order to avoid danger from errant vehicles.

#### QUALIFICATIONS:

To perform this job successfully, the person in this position must be able to perform each essential duty satisfactorily. The requirements listed above and below are representative of

the knowledge, skills and/or ability required. High standards for selection of crossing guards are essential because they are responsible for the safety of and the efficient crossing of the street by schoolchildren within and in the immediate vicinity of school crosswalks.

Crossing guards should possess the following minimum qualifications:

- Average intelligence;
- Ability to control a STOP paddle effectively to provide approaching road users with a clean, fully direct view of the paddle's STOP message during the entire crossing movement;
- Ability to communicate specific instructions clearly, firmly and courteously;
- Ability to recognize potentially dangerous traffic situations and warn and manage students in sufficient time to avoid injury;
- Mental alertness;
- Neat appearance;
- Good character;
- Dependability; and
- An overall sense of responsibility for the safety of students.

EDUCATION, EXPERIENCE, LICENSES, MISCELLANEOUS:

Education: High School Diploma or have a G.E.D.

Experience: None required.

Licenses: None required.

Miscellaneous: Must pass background check. Attends work on a regular and dependable basis.

The "*Town of North East Crossing Guard Guidelines*" are hereby incorporated herein by reference as fully as if set forth verbatim.

LANGUAGE SKILLS:

Ability to communicate both orally and in writing. Ability to read, write and understand English at the level necessary for efficient job performance.

MATHMATICAL SKILLS:

None required.

REASONING ABILITY:

Ability to exercise a high degree of sound judgment and be able to work within guidelines with no direct supervision.

OTHER SKILLS AND ABILITIES:

Maintain a high level of professionalism at all times; project and maintain a positive image on behalf of the Police Department and the Town of North East with those contacted in the course of work.

EXEMPT:

No

This is a part-time position.

SALARY LEVEL:

Adopted Progression Scale

The above job description is not intended as, nor should it be construed as, exhaustive of all responsibilities, skills, efforts, or working conditions associated with this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions of this job.

## **ARTICLE 4. DUTIES AND RESPONSIBILITIES**

### **Section 4-1. General Responsibilities**

In performance of duty, members shall take appropriate action to:

1. Protect Life and Property
2. Preserve the Peace
3. Prevent Crime
4. Detect and Arrest Violators of the Law
5. Enforce Federal, State and Local Laws and Ordinances coming within Departmental Jurisdiction

### **Section 4-2. Competence**

Members shall maintain sufficient competency to properly perform their duties and assume the 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 department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws required to be enforced, an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the member's rank, grade or position, the failure to take appropriate action on the occasion of a crime, disorder or other condition requiring police attention, or absence without leave. Supportive evidence of unsatisfactory performance may include repeated poor evaluations or a written record of repeated infractions of rules, regulations, policies, procedures, directives, or orders of the department or superiors.

### **Section 4-3. Reporting for Duty**

Members shall report for duty at the time and place required by assignment or orders, and shall be physically, mentally and emotionally fit to perform their duties. They shall be properly equipped cognizant of information required for the proper performance of duty so that they may immediately assume their duties. Judicial subpoenas and summonses shall constitute an order to report for duty under this section.

### **Section 4-4. Unfit Relief**

A member who is relieved by another member who, in the judgement of the relieved member, is unfit for duty, shall not accept the relief, and shall immediately inform the Police

Chief or if he is not available, a superior officer of the situation and shall maintain his duty status until properly relieved. A member who accepts relief from a member, who, to a reasonably observant person, is unfit for duty shall be deemed negligent in his duty.

#### **Section 4-5. Intoxicants**

All members of the department are prohibited from indulgence in intoxicants while on duty. No member shall appear in the public facility, either on or off duty while under the influence of an intoxicant. No member shall consume an intoxicant off duty to the extent that such consumption is apparent when reporting for duty, or to the extent that his ability to perform his duty is impaired. Should a member be called in on an emergency basis, and has been consuming intoxicants, he shall inform the person calling him in that he has been consuming intoxicants, the amount consumed and the degree he believes he may be under the influence. The caller, if not a supervisor, shall contact a supervisor for a determination as to whether the member shall be called in, if the amount consumed and the member's own assessment indicated any impairment whatsoever.

#### **Section 4-6. Use of Drugs**

A member will not use any controlled substance, narcotic, or hallucinogen, except when prescribed in the treatment of a member by a licensed physician or dentist. When any of the above are prescribed, the member shall notify his supervisor of this fact. A member shall not use any over the counter medication while on duty or prior to duty in a time period in which the medication's effectiveness overlaps the start of the member's tour of duty, when such medication's instructions indicate a possible impairment of driving abilities or judgement.

#### **Section 4-7. Sleeping on Duty**

Members shall remain awake while on duty. If unable to do so, they shall report to their supervisor, who shall determine the proper course of action.

#### **Section 4-8. Leaving Post**

Members shall not leave their assigned duty posts during a tour of duty except when authorized by proper authority. If, due to sickness or emergency, a member must leave, the member is to contact his supervisor, and if a supervisor is not available, the member may call in another member to cover the remainder of the shift.

#### **Section 4-9. Meals**

Members shall be permitted to suspend patrol or other assigned activity subject to immediate call at all times, for the purpose of having meals during their tours of duty, limited in duration and location established by policy and procedure.

**Section 4-10. Off Duty**

No member shall engage in law enforcement activity off duty, except in cases or circumstances approved by the Police Chief, or the on duty supervisor. This section shall not prevent off duty officers from taking action when a crime is committed in their presence, or to assist an officer or citizen. Members are prohibited from acting in an official capacity in a civil case without authorization, except where such action is authorized by law or may prevent a breach of the peace.

**Section 4-11. Address and Telephone**

Members shall have an operable telephone at their residence, and shall immediately notify their supervisor of any change in address or telephone number.

**Section 4-12. Court Appearances**

Members shall, upon being subpoenaed, attend court or quasi-judicial hearings, unless relieved by competent authority. Clothing, if not departmental uniform, shall be appropriate for the custom of the court. Members shall conduct themselves in a professional manner, and shall avoid any actions that could be construed as being disrespectful to the court.

**Section 4-13. Civil Court**

Members shall not volunteer to testify in civil cases if the case arises, directly or indirectly out of his employment with the department. Members shall obey all subpoenas, and if the action arises out of his employment with the department, shall advise the Police Chief immediately upon receipt of the subpoena. Members shall not wear departmental uniform to civil proceedings not arising directly out of his employment with the department. Members shall not enter into any financial understanding for appearances as witnesses prior to any trial, except where permitted by policy and procedure in effect at the time.

**Section 4-14. Truthfulness**

Members are required to be truthful at all times while under oath, in their dealings with officers and officials of the court, with other police officers, and in matters of law.

**Section 4-15. Assistance**

When any person applies for assistance or advice, makes complaints or reports by whatever means, all pertinent information will be obtained in a courteous and professional manner, and will be acted upon consistent with established policies and procedures.

**Section 4-16. Advice**

Members shall not offer legal advice to defendants, plaintiffs, injured parties or victims, except to explain the remedies available and possible ramifications of certain courses of action, such as potential court appearances, etc.

**Section 4-17. Reports**

All reports submitted by members shall be truthful, no member shall report or cause to be reported any false information in a report, knowing that the same is false. All reports submitted by members shall be complete and accurate with all information contained within proper and correct to the best of the member's knowledge and belief, after exercising reasonable care.

**Section 4-18. Prisoners**

A member will not mistreat persons in his custody, persons in other officer's custody, or permit other officers to mistreat persons in his custody. A member will not, without proper authority, release any prisoner in his custody, or through design or neglect, allow any prisoner to escape.

**Section 4-19. Agency Equipment and Materials**

Agency equipment shall be maintained in accordance with established policies and procedures, and will not be abused, damaged, altered or lost through negligence. No member shall cause or contribute to the damage, abuse, alteration, or loss through negligence of any agency equipment. No member shall take, borrow or otherwise acquire any agency equipment assigned to another member without notifying that member in person, or in writing prior to taking, borrowing or acquiring said equipment, without the permission of the Police Chief, or a ranking officer.

**Section 4-20. Damage to Agency Equipment**

A member discovering damage to agency equipment shall immediately notify or cause to be notified the Police Chief in writing. The report shall contain the item damaged, the circumstances surrounding the damage done, and any action taken to correct same.

**Section 4-21. Loss of Agency Equipment**

A member discovering loss of agency equipment shall immediately notify or cause to be notified the Police Chief, in writing. The report shall contain the item lost, the circumstances surrounding the loss, and actions taken to recover the equipment.

**Section 4-22. Recovered Property**

Property or evidence which has been discovered, gathered or received in connection with departmental responsibilities will be processed in accordance with established policy and procedures. Officers shall not convert to their own use, conceal, falsify, destroy, remove, tamper with or withhold any property or evidence except in accordance with policy and procedure.

**Section 4-23. Uniforms and Equipment**

1. Members are required at all times while on duty, at court, or involved in departmental activities, operating departmental vehicles, or in the station, to be neat and well groomed.
2. Members shall, while on duty or travelling to and from their residences, or in agency vehicles, shall wear the prescribed uniform, in the prescribed manner, or appropriate civilian attire, and shall be properly armed and equipped.
3. Members shall wear only such uniform badges, insignia of rank and equipment as prescribed by policy and procedure.
4. Members shall not sell, exchange, lend or borrow any part of his prescribed uniform and equipment, or wear any part thereof in any private performance, exhibition or parade without the permission of the Police Chief.
5. Members shall not allow any other person to use his badge, identification or any part of his assigned uniform.
6. Members shall wear the prescribed uniform in the prescribed manor as described in the policy and procedures.
7. Uniformed members shall follow grooming and jewelry standards as prescribed in policy and procedures.

## Article 5. SECONDARY EMPLOYMENT

### Section 5-1. Policy

The Police Department understands the desire for some employees to engage in secondary employment. The Department shall, however, impose reasonable limitations on such employment to ensure that its integrity is maintained and that the Department receives full and faithful service in return for expended resources.

### Section 5-2. Purpose

This policy provides procedures to personnel regarding secondary employment. Restrictions and guidance are given to certain types of secondary employment.

### Section 5-3. Definitions

1. **Liability:** The state of being legally bound or obligated to make good for any losses or damages incurred as a result of one's activities.
2. **Off-Duty Employer:** Any person, partnership, corporation, professional association or other entity who employs an officer of the North East Police Department, including "self-employment."
3. **Secondary Employment:** Any work, occupation, labor or profession that results in remuneration to the employee in addition to that earned from the Department.
4. **Security Related Secondary Employment:** Any employment where the employee is hired for the express purpose of protecting the proprietary interests of the employer.

### Section 5-4. Basic Responsibility

1. All officers who desire to engage in secondary employment must recognize that their primary duty, obligation and responsibility is to the North East Police Department.
2. Officers remain subject to call at any time for emergencies or operational needs.

### Section 5-5. Secondary Employment-General

1. No officers shall engage in any other employment, any private business or in the conduct of a profession during the hours in which they are employed to work for the Town, or outside such hours in a manner or to an extent that affects or is deemed

likely to impact on their effectiveness as an employee of the Town.

2. The rules and procedures are not intended to create any financial hardship, but rather to ensure that employment with the Department remains the prime responsibility of all personnel and that conflicts with law enforcement duties and responsibilities are avoided.

#### **Section 5-6. Liability**

1. Neither the Department nor the Town of North East will assume any liability, including Workers' Compensation, for any injury, damage or civil action incurred by personnel while they are performing secondary employment activities, unless the claims arise while the officer is in an on-duty status or is working uniformed security as outlined in 10-9, 2, or where there is legal obligation to do so.
2. Neither the Department nor the Town of North East will provide a legal defense for legal claims arising from the secondary employment activities of an officer, unless the claims arise where there is a legal obligation to do so.

#### **Section 5-7. Restriction**

1. Secondary employment is subject to any conditions and limitations imposed by the Police Chief as a condition to his approval. Employees shall not engage in any secondary employment which is, or gives the appearance of being, in conflict with the interest, purpose or mission of the North East Police Department. The following restrictions also apply:
  - a. When sick leave records or other evidence indicate that secondary employment might impair the requesting officer's ability to meet his Department obligations, secondary employment will be denied or previous approval withdrawn.
  - b. Secondary employment shall not be such as to bring either the Department or its personnel into disrespect or disfavor from the community. Additionally, conflicts of interest, or the appearance thereof, are not acceptable.
  - c. Secondary employment shall not be such as to impair the officer's efficiency or capabilities.
  - d. Secondary employment shall not involve the handling or dispensing of alcoholic beverages, or any security related/peace keeping function related to the handling or dispensing of alcoholic beverages, in any facility licensed by the County to dispense alcohol.

- e. In the field of sales, the officer's identity as a police officer of the Department shall not in any manner enter into such sales.
- f. No officer of the Department shall operate a school bus immediately after working a night tour of duty.
- g. When working secondary employment officers are not to divulge their identity as a police officer of the Department.
- h. Secondary employment shall not include any type of investigative work, or criminal or civil consulting services related to North East Police Department employment.
- i. No Departmental equipment, resources, technology or vehicles may be used in relation to secondary employment. Personally assigned vehicles used as transportation to and from the place of employment (within normal guidelines) but may not be used as a tool of secondary equipment.

NOTE: Under the provisions of CJIS law, it is a violation to disseminate criminal records information to non-criminal justice agencies or to anyone when not in the scope of official business. Furthermore, obtaining any information criminal or non-criminal, can only be done in the same capacity as a private citizen when not for official police activity. Any deviation from this can subject the employee to **tort and criminal liability**.

- j. Officers are prohibited from renting Departmental vehicles for any purpose.
- k. Officers shall not engage in secondary employment when their duty status is listed as leave. Workers' Compensation leave, leave of absence without pay for disabilities, long term disabilities or light duty unless written permission is obtained from the Police Chief.

#### **Section 5-8. Secondary Employment Requests**

1. Officers wishing to engage in security related secondary employment, the service of subpoenas or other court-ordered civil documents, training or the application of work-related experience must secure written approval from the Police Chief through the chain of command. A separate request must be made for each off-duty employer. Each request must be submitted on a Request For Secondary Employment Form. Additionally, any occupation or activity relating to secondary employment that may conflict with the mission or goals of the Department or with the spirit or intent of this Order requires the submission of a Request For Secondary Employment Form.

- a. All items on the form must be completed. If a section is not applicable, and "N/A" shall be used.
- b. Approved requests shall be valid for one year commencing on the date of approval by the Police Chief. It shall be the responsibility of Approved requests shall be valid for one year commencing on the date of approval by the Police Chief. It shall be the responsibility of the requesting officer to renew all requests for continuance of secondary employment during the month of January each year. If a renewal application is not received by February 1 of each year, automatic revocation of approval for that particular secondary employment will result.
- c. The prospective security related secondary employer must complete an Employer Agreement For Security Related Work form. This completed form must accompany the written request of the first employee hired. Only one Employer Agreement form is necessary for any one employer.
- d. With the application for secondary employment a Secondary Employment Agreement must also be completed with a Certificate of Insurance.

#### **Section 5-9. Security Related Employment**

1. The following guidelines shall apply to all officers working security related secondary employment:
  - a. When an officer determines that an offense report should be initiated, he shall call for an on-duty officer who is responsible for that jurisdiction to take the report and initiate an investigation to the same extent as if a private citizen had called the police.
  - b. Security related secondary employment shall be limited to duties customarily associated with those performed by a watchman or guard and shall not include background investigations, criminal or civil investigations or any form of investigative surveillance work. Additionally, officers shall not work as licensed private investigators but may serve papers such as subpoenas and other court-ordered civil documents.
    - i. Minor, non-violent incidents (e.g. shoplifting, alcohol violations, etc.) handled by off-duty officers working in security related employ shall be dealt with in their capacity as security guards

and officers shall not identify themselves as police officers.

- A. An officer applying for a warrant or summons shall notify the Commissioner that action has been, and is being taken, as private security and not as an officer of the North East Police Department.
  - B. Officers are prohibited from using the Department's identification number, the Department's address or their Departmental employee identification number in any way.
2. Officers are prohibited from identifying themselves as police officers unless they reasonably believe they are involved in or responding to a potentially life threatening situation, at which time they are bound by all the rules and regulations of the North East Police Department

**(NOTE: THIS APPLIES TO ALL TYPES OF SECONDARY EMPLOYMENT IN NORTH EAST).** Such situations should be rare and include a situation or incident within close proximity to the secondary employment site. The officer must remember that during secondary employment, he is first an agent of the secondary employer and that his actions should reflect this obligation. In such an instance, the officer is considered on duty and is bound by all rules and regulations, and will receive all protection of employment with the Department. Such instances do not include the apprehension of a fleeing suspect of a non-violent crime unless there is a probable cause to believe that the suspect is armed with a deadly weapon and poses a threat to the pursuing officer.

3. Officers required to appear in court as a result of actions arising from such employment shall do so in their own time. Where an on-duty officer is summonsed to court in reference to an off-duty, secondary employment incident, the officer must take leave to appear in court. During such appearances, the officer shall not dress in a Departmental uniform nor identify himself as a North East Police officer unless actions taken required that the officer revert to on duty status.
- a. Officers shall remember that, when working security related secondary employment they are acting as private citizens.
4. No follow-up investigations of previously reported offenses shall be handled by off-duty officers; however, all information coming to their attention relating to such incidents shall be reported promptly.

5. While on-duty with the Department, the employee shall show no preferential coverage (more than normal) to the place of his secondary employment, nor employed there off-duty shall he encourage visitation by on-duty officers. Additionally, the employee shall not pursue investigations arising from off-duty incidents while on duty as a North East Police officer.

#### **Section 5-10. Civilian Employees**

Civilian personnel may not work in any line of employment or establishment which is prohibited to sworn officers. The Police Chief may waive the requirements of this Order for civilians on a case-by-case basis.

#### **Section 5-11. Cancellation of Approval**

- 1 The Police Chief may cancel, temporarily or permanently, the approval for any officer to engage in secondary employment. The officer concerned shall be notified in writing of the reason(s) for such cancellation.
2. Any change in the conditions, type or place of secondary employment shall require the resubmission of the request for secondary employment. Upon termination of such employment, personnel must forward a memorandum to the Police Chief, via the chain of command, indicating that their secondary employment has ended. This is required to facilitate the updating of personnel records.

## **Article 6. RIDE- ALONG PROGRAM PROCEDURES**

### **Section 6-1. Purpose**

The Ride-Along Program allows citizens to voluntarily accompany officers and to observe law enforcement activities to better understand the problems of policing. The observer may request to ride in any area at any time or with a particular officer. If convenient to the department and conditions permit, permission may be granted. Safety of non-law enforcement personnel shall be the primary concern.

The program should not be intended as a Delinquency Program, but rather as an educational endeavor to acquaint our citizens with the problems faced by their Law Enforcement Agency today.

The purpose of these coverage guidelines is to establish procedures for the Ride-Along Programs.

### **Section 6-2. Ride-Along Request**

1. Persons wishing to ride with an officer shall pick up ride-along forms at the North East Police Department between the hours of 8:30 a.m. and 4:30 p.m. daily, Monday thru Friday. Completed request forms and waivers must be returned at least 48 hours before the desired ride-along date. The forms referred to herein are found at the end of this guideline.
2. The law enforcement official shall grant permission for citizens to ride with law enforcement officers. The department should perform a criminal records check on any applicant for ride-alongs. If a criminal records check is planned, the ride-along should sign a pre-check authorization.

### **Section 6-3. Limitations**

1. A person shall not ride unless approval has been granted and the law enforcement official has the properly completed waiver. Approval will be for one specific 10 hour period unless special limitations or extensions are granted by the law enforcement official.
2. Normally, no more than one ride-along shall accompany an officer at a time.
3. Minors are prohibited from ride-alongs.
4. No one shall be allowed to observe the law enforcement official's activities relating to raids or ride with plain-clothes units without specific advance coordination and

approval of the law enforcement official.

#### **Section 6-4. Beginning Tour**

1. If no specific officer is requested by name by the ride-along, the Police Chief will appoint the host officer.
2. The ride-along should be appropriately dressed: if not, ride-along approval may be canceled by the host officer.
3. The host officer shall instruct the ride-along on the following procedures:
  - a. Ride-along must follow directions of the officer.
  - b. Ride-along may be required to appear as a witness in court.
  - c. Ride-along may end the ride whenever he or she wishes.

#### **Section 6-5. Ride-Along Conduct**

1. Ride –alongs shall at all times remain under the complete control of the assigned officer and shall comply with all directions and requests.
2. Ride-alongs shall not interfere with investigations in any way by conversing with victims, suspects, or witnesses, handling evidence or law enforcement officials' equipment, or participating in any law enforcement official's activity unless directed to do so by the assigned officer.

#### **Section 6-6. Arrests, Transporting, Booking**

If the host officer feels there are no hazards involved, the ride-along may accompany the officer while transporting or booking prisoners. If the officer believes a problem may arise, the ride-along should be temporarily transferred to another officer or returned to the point of origin.

#### **Section 6-7. Ending Tour**

Upon completion of the ride, the officer will return the ride-along to the department and thank him (or her) for his (or her) interest.

#### **Section 6-8. Prohibited Activities**

At **no time** shall an officer, while accompanied by a ride-along, engage in emergency or pursuit driving, respond to a crime-in-progress reportedly involving violence, or perform a

felony vehicle stop. At **no time** shall a ride-along be allowed to accompany a law enforcement officer(s) into a private residence, business, or property. If officers must perform such activities, they must deposit ride-alongs at a safe location.

#### **Section 6-9. Additional Rules**

1. The ride-along should be of good character, not likely to endanger the safety of the public, officer or himself (or herself).
2. The ride-along should dress neatly, cleanly and conservatively, i.e., no shorts, tank tops, sandals, flip-flops, etc.
3. No alcoholic beverages or drugs are to be consumed prior to the ride. The smell of alcoholic beverages or marijuana, etc., on the breath will prohibit one from riding.
4. Cameras and recording devices will not be permitted.
5. No firearms or other weapons may be carried during the ride-along.
6. The ride-along should be in good health. No one with a severe cold or illness will be permitted to ride-along.

#### **Section 6-10. Eligibility**

1. Be at least eighteen (18) years of age or older.
2. Be willing to ride for a minimum of four (4) hours.

#### **Section 6-11. Rules to Follow While on a Ride-Along**

1. The ride-along may attend the briefing period prior to the start of the shift, called Roll Call Training. Here he (or she) will meet the officer with whom he (or she) will ride and the other officers on the shift.
2. The ride-along should report to and check in with the host officer prior to the briefing.
3. The ride-along shall follow the directions given to him (or her) by officers of the Law Enforcement Agency.
4. The ride-along shall not interfere with officers while in the performance of their duties.
5. The ride-along shall remain in the officer's car unless told otherwise

6. If a serious situation develops, it will be up to the officer to decide if the ride-along will go on the ride or be asked to wait in a SECURE and SAFE place.
7. The ride-along is only an OBSERVER, that is, he or she) must not become physically or verbally involved in an incident in which the officer becomes involved.
8. The equipment inside the patrol car will be explained to ride-along. Please do not touch any of this equipment unless specifically instructed to do so by the officer.
9. The ride-along should bring a meal (snack) or money to purchase a meal and coffee, if he (or she) expects to ride two (2) hours or more.
10. Any information overheard regarding a criminal investigation is confidential in nature and the ride-along shall not discuss that information with anyone outside the Law Enforcement Agency.

#### **Section 6-12. Host Officer Rules to Follow**

When the ride-along comes in, the Host Officer will meet the person and introduce himself. The Host Officer should also:

1. Review the rules of the Ride-Along Program with the ride-along; be sure that all the rules are understood.
2. While talking to the ride-along, note whether or not the ride-along is neatly dressed and clean. If not, the ride-along should be sent home.
3. Note whether or not there is no smell of alcoholic beverages, marijuana, etc., on the breath of the ride-along or if the person is intoxicated. If he (or she) is, the ride-along should be sent home.
4. Note that the person is in good health and does not have a bad cold or cough. If this is the case, deny the ride-along.
5. Advise the ride-along that the ride can be terminated at any time by the officer if there is a violation of any rule. If this happens, the ride-along can be banned from future rides.
6. Introduce the ride-along to the officer with whom he (or she) will ride.

#### **Section 6-13. Officer's Duties**

1. When the officer is assigned a ride-along, the officer should introduce

himself/herself to the person.

2. The officer will introduce the ride-along to other members of the shift.
3. The ride-along will attend Roll Call Training with the officer's shift.
4. If times permits, the officer should explain the emergency equipment in the vehicle and the purpose it serves.
5. When entering the patrol car, the officer should stress the use of the seat belt and that it must be worn when the car is in motion.
6. The officer will explain to the ride-along that the officer will not just be riding around. The officer should explain that he/she is on patrol and what the function of the patrol is.
7. The officer will point out the areas, trouble spots and hazards of the beat.
8. If the ride-along breaks any of the rules or causes any problems while in the program, the officer should contact the patrol supervisor. The ride can be canceled at any time.
9. If the officer and ride-along are involved in an auto accident, normal departmental procedures should be followed on notifications. If the ride-along is injured, the officer should ask which hospital he (or she) wants to be taken to and the name of the family doctor so an ambulance and doctor can be notified. The officer should get a written statement from the ride-along on what was observed about the accident and what the ride-along believes was the cause of the accident.
10. If the officer is given a felony-in-progress call and the ride-along is with him/her, it is the officer's decision if the ride-along is to go with the officer on the call or to be let out a SAFE and SECURE location. At **no time** will the officer allow a ride-along to accompany the officer onto private property.

## Article 7. CONDUCT-DEPARTMENTAL

### Section 7-1. Conduct Toward Other Members

Members of the department shall treat other members and employees with respect. They shall be courteous and civil at all times in their relationships with one another, regardless of rank or position.

### Section 7-2. Altercations

No member of the department shall maliciously threaten, strike or assault any other member of the department. Members who aid, abet or incite any altercation between members of the department shall be held responsible equally with members actually involved.

### Section 7-3. Manner of Orders

Orders from superior subordinate shall be in clear, understandable language, civil in tone and issued in pursuit of departmental business.

### Section 7-4. Insubordination

Members shall promptly obey any lawful orders of a superior officer. This will include orders relayed from a superior officer by a member of the same or lesser rank.

### Section 7-5. Questions Regarding Assignment

Members in doubt as to the nature or details of their assignment shall seek information from their supervisors.

### Section 7-6. Unlawful Orders

No member shall deliberately issue any order to subordinate members which is violation of any law, ordinance, or which violates the constitutional rights of any individual.

### Section 7-7. Obedience to Unlawful Orders

No member shall obey any order which is contrary to Federal, State, or local law, or which violates the constitutional rights of any individual. Responsibility for refusal to obey rests with the member, and the member shall be strictly required to justify his action.

**Section 7-8. Conflicting Orders**

Upon receipt of an order conflicting with any previous order or instruction, the member affected will advise the person issuing the second of this fact. Responsibility for countermanding the original order or instruction then rests with the individual issuing the second order. If so directed, the second order shall be obeyed first.

**Section 7-9. Unjust or Improper Orders**

Members who are given orders which they feel are unjust, improper, or in violation of the rules and regulations or policies and procedures must first obey the order to the best of their ability, and then may appeal the order as outlined in section 2-10.

**Section 7-10. Reports and Appeal of Orders**

1. A member who receives an unlawful order and invokes section 2-7 in refusing such an order, shall, at the first opportunity, report in writing to the Police Chief through the chain of command beginning with the supervisor of the individual issuing the order. The report shall contain the facts of the incident, the nature of the order, and the justification for refusing the order.
2. A member who receives an unjust or improper order may appeal the order by reporting in writing to the Police Chief through the chain of command beginning with the supervisor of the individual issuing the order, and request relief from such order.
3. If the Police Chief is the individual issuing the order which the member would normally appeal through the above procedures, the member affected shall follow the above procedure, directing the reports to the Personnel Officer of the Town.

**SECTION 7-11. Mutiny**

Any member of the department who being present at, or having knowledge of a mutinous, rebellious, or reactionary movement within the department, shall immediately give information thereof to the Police Chief, or, if he is not available, to the next ranking officer.

**Section 7-12. Influence**

Any attempt to bring influence to bear upon the Police Chief for the purpose of securing promotion, transfer or any other benefit for the individual, or to avoid lessen the penalty for improper action or conduct shall be considered equivalent to insubordination.

**Section 7-13. Personal Preferment**

No member may attempt to bring influence to bear upon the Police Chief through the intervention of any person outside the department, for the purpose of securing promotion, transfer or any other benefit for the individual, or to avoid or lessen the penalty for improper action or conduct.

**Section 7-14. Criticism**

Members shall not publicly criticize or ridicule the department, its policies, or other members by talking, writing, or expressing in any other manner, where such talking, writing or other expression:

1. Is defamatory.
2. Is obscene.
3. Is Unlawful
4. Tends to impair the operations of the department by interfering with the ability of supervisors to maintain discipline.
5. Is made with reckless disregard of the truthfulness or falsity of the expression.

**Section 7-15. Labor Activities**

Member shall not engage in any strike or job action, including, but not limited to; failure to report or willful absence from duty, unauthorized holidays, improper use of sick leave, stoppage of work, or 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.

**Section 7-16. Citizen Complaints**

Members of the department shall courteously and promptly record in writing any complaint made by a citizen against any member of the department. Members are encouraged to resolve the complaint at the time of receiving it, but shall never attempt to dissuade any citizen from lodging a complaint against any member. Members shall follow departmental procedures for processing complaints.

**Section 7-17. Sexual Harassment**

Sexual harassment is an infringement of an employee's right to work in an atmosphere free from unwanted sexual attention and sexual pressure of any kind. Sexual harassment need not necessarily involve a male supervisor and a female subordinate, it may also apply in reverse. Pressure can be directed by a person of either sex against a person of the opposite sex or same sex, or from co-workers as well as supervisors. Sexual demands in the work place, especially between a supervisor and a subordinate may threaten a person's economic livelihood and create an atmosphere that is not conducive to maximum efficiency. The following is a partial list of activities which could be considered sexual harassment depending on the facts and circumstances.

1. Unwanted or offensive physical touching.
2. "Off Color" jokes.
3. Unwanted, unwelcome and unsolicited propositions.
4. Offensive language.
5. Holding up to ridicule a member of one sex to others.
6. The placement of sexually explicit material in the work areas, desks, etc.
7. Notes and/or other messages, signed or anonymous placed on bulletin boards, in lockers, in desks, etc.
8. The required wearing of particular types of clothing, or the inference that wearing particular types of clothing will enhance one's career.
9. Attempted transfer, demotion, dismissal or any other action having a negative effect on the person after refusing or resisting sexual advances.
10. Requesting or ordering members of the opposite sex to perform tasks traditionally viewed as "women's work" or "men's work" and not part of their job description, such as :
  - a. Making coffee
  - b. Lifting heavy objects
  - c. Obtaining lunch

- d. Fueling or repairing vehicles
  - e. Doing personal shopping for supervisors
11. Unwanted, unwarranted and unsolicited advances, on or off duty when such action relates to the employer-employee relationship.
  12. Gestures which are generally known to be sexual in nature.
  13. Exempting members of one sex from duties or assignments.

Members of the department shall not sexually harass any other member or employee of the department.

#### **Section 7-18. Retaliation-Sexual Harassment**

Any action taken in retaliation for an employee complaint of sexual harassment will be considered sexual harassment.

#### **Section 7-19. Reporting-Sexual Harassment**

A member or employee who is a victim of sexual harassment may:

1. File a complaint with the appropriate Federal or State agency.
2. File a complaint with the Town Personnel Officer.
3. File a complaint with the Police Chief.
4. File a complaint with the offender's immediate supervisor. A supervisor who receives a complaint of sexual harassment shall generally immediately confront the alleged offender, and counsel the accused.
5. A repeated complaint or a complaint of a serious nature shall be referred to the Police Chief for assignment of an internal investigation.

#### **Section 7-20. Supervisor Responsibility-Sexual Harassment**

A supervisor who witnesses or becomes aware of incidents which could be construed as sexual harassment shall take immediate steps to stop such incidents.

**Section 7-21. Interference with Duty**

A member shall not interfere with cases assigned to other members for investigation without consent, except by order of a superior. A member shall not interfere with the lawful arrest or prosecution brought by other members of this department or any other department.

**Section 7-22. Recognition-Non Uniformed Personnel**

A member shall not reveal the identity of a member of this agency or any other department assigned to plain clothes or covert assignments, or recognize any member of this department or any other department in any manner who is in plain clothes unless the member in plain clothes acknowledges the uniformed member first.

**Section 7-23. Retaliation**

A member of the department shall not retaliate against another member for a complaint or grievance made against the member in any manner.

**Section 7-24. Confidentiality**

All members shall treat as confidential the official communications and business of this department or other departments which the member has the opportunity to come in contact with.

**Section 7-25. Press Relations**

No member shall release to the press any information contained in police reports made by another member, unless approved by a member in a supervisory or administrative position, without the investigating officer's permission. Information contained in charging documents which have been served is public information, which may be released by members.

**Section 7-26. Aid/Assistance**

All members shall render all possible assistance or aid to fellow members of this department or other departments who are in need of assistance in any situation, particularly when attempting an arrest on a dangerous or disturbed person. Failure to offer assistance will be considered neglect of duty. Members will respond to assist another officer requesting assistance immediately within or without the jurisdiction of the department.

## ARTICLE 8. CONDUCT-CONFLICT OF INTEREST

### **Section 8-1. Gratuities**

Members of the department shall not accept or solicit in any manner any gift, service, or gratuity of any value from any person, business, corporation, association, organization, etc., which might be construed as affecting the member in the performance of his or her duties.

### **Section 8-2. Business Transactions**

Members of the department in their private business transactions with persons residing in or doing business in the town or elsewhere, shall not place themselves in a position which would interfere with their duties or reflect adversely upon their position with the department.

### **Section 8-3. Rewards and/or Honorariums**

Members shall not accept any gift, gratuity, reward or honorarium in money, or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary, awards authorized by the Police Chief, and that which may be authorized by law.

### **Section 8-4. Relationships**

Whenever a potential conflict of interest may exist due to a relationship with any complainant, suspect, witness, defendant, prisoner or other person involved in a case which a member is handling, the member shall immediately notify his supervisor for a resolution on the conflict. Such relationships include but are not limited to, personal, business or professional.

### **Section 8-5. Services**

No member shall solicit or recommend to any prisoner or other person any bondsman, attorney, tow service or other business or professional service while acting in his or her official capacity, however, a prisoner may have access to the telephone book.

### **Section 8-6. Identification**

Use of official position or identification shall not be used by any member for personal or financial gain, for obtaining privileges not otherwise available to them except in the performance of duty, or for avoiding consequences of illegal acts. Members shall not lend

to another person their identification card or badges or permit them to be photographed or reproduced without the approval of the Police Chief. No member shall use his rank to gain personal favors from subordinates. Rank shall not be used for the purpose of shirking any assigned task, duties, or responsibilities.

**Section 8-7. Reporting**

Members may, from time to time, be required to document business, professional, or personal relationships in accordance with established Federal, State or Local ethics laws or ordinances. Members shall complete such documentation fully and completely to the best of his or her knowledge and belief.



## Article 9. CONDUCT-PUBLIC

### Section 9-1. Conduct Unbecoming an Officer

An officer is the most conspicuous representative of government, and to most people, they are a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when their actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life. Since the conduct of officers on duty or off duty may reflect directly upon the department, officers must at all times conduct themselves in a manner which does not bring discredit upon themselves, the department or the town.

### Section 9-2. Loyalty

In the performance of their duty to serve society, officers are often called upon to make difficult decisions. They must exercise discretion in situations their rights and liabilities and those of the department hinge upon their conduct and judgement. An officer's decisions are not easily made, and occasionally they involve a choice which may cause them hardship or discomfort. Officers must be faithful to their oath of office, the principles of professional law enforcement service, and the objectives of the department. In the discharge of their duties, they must not allow their personal motives to govern their decisions and conduct.

### Section 9-3. Respect for Constitutional Rights

No person has a constitutional right to violate the law; neither may any person be deprived of his constitutional rights merely because he is suspected of having committed a crime. The task of determining the constitutionality of a statute lies with an appellate court of proper jurisdiction, not with an officer who seeks to properly enforce the law as it exists. Therefore, an officer may enforce any federal, state or local statute which is valid on its face without fear of abrogating the constitutional rights of the person violating that statute. Officers who lawfully act within the scope of their authority do not deprive persons of their constitutional rights. They may, within the scope of their authority, make reasonable inquiries, conduct investigations, and arrest on probable cause. When officers exceed their authority by unreasonable conduct, they violate the sanctity of the law which they are sworn to uphold.

### Section 9-4. Dignity

A recognition of individual dignity is vital in a free system of law. Just as all persons are subject to the law, all persons have a right to dignified treatment under the law, and the protection of this right is a duty which is as binding on the department as any other. Officers will treat a person with as much respect as that person will allow, and they must be

constantly mindful that the people with whom they are dealing are individuals with human emotions and needs. Such conduct is not a duty imposed in addition to an officer's primary responsibilities, it is inherent in them.

#### **Section 9-5. Courtesy**

All members of the department shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.

#### **Section 9-6. Conformance to Laws**

An employee shall not violate his oath of office and trust or any other condition of his employment with the Town or commit an offense punishable under the laws or statutes of the United States, and state or local laws or ordinances. Any employee who has been charged with any violation of the law stipulated in this section must report the facts of the alleged violation to his commanding officer. Parking violations, except when issued to an agency vehicle, are exempt from this section.

#### **Section 9-7. Political Activities**

The political associations and political conduct of members shall be in conformance with the established policies and procedures of the department.

#### **Section 9-8. Associations**

1. A member shall avoid associations or dealings with persons whom he knows, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment, or others in the community with a reputation for felonious or criminal behavior, except as directed by a superior, or in the course of an investigation. (The purpose of this rule is to maintain the integrity of the member and to avoid relationships which would tend to impair the operation of the department. In each case, the superior will be mindful of the need for such persons to be rehabilitated, of the fact that such persons may have already been rehabilitated at the time of the association, and the necessity for some associations because of the relationship of the member to such persons.)
2. A member shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the State of Maryland, or law or ordinance of any political subdivision are violated, except in the performance of duty.

3. A member of the department shall not in any manner affiliate himself with any organization, association, movement, group, combination of persons or individual which or who advocates the overthrow of the Government of the United States or any State, or which has adopted the policy of advocating or approving the commission of acts of force, intimidation, or violence to deny any person his rights under the Constitution of the United States, or any State, or which seeks to alter the form of Government of the United States or any State by unconstitutional means.

### **Section 9-9. Civil Actions**

In all cases where a member of the department shall file a claim or bring civil action, or have any such action filed or brought against him, the member shall notify the Police Chief through the proper channels within forty eight hours of the filing or notification of such action is such action could reasonably involve the department.

### **Section 9-10. Criminal Actions**

Any member of the department summoned to the State's Attorney's office of Cecil County, or of any city or county, or before any judicial body where any matter concerning the member or any other member of the department may become a defendant in a criminal matter, must report at once the facts to the Police Chief.

### **Section 9-11. Use of Force**

No member of the department shall at any time use unlawful force against any person. When physical force is necessary to accomplish the law enforcement mission, it shall be the minimum force possible under the circumstances. Members shall be held strictly accountable for knowledge of and the following of established Policies and Procedures when using any force. The use of force in any manner is strictly prohibited while the member is acting under color of law or represents himself as a member of the department.

### **Section 9-12. Vehicle Operation**

All members of the department shall operate agency vehicles in a manner consistent with all traffic laws within the jurisdiction they are operating in. Members shall be aware of the high profiles agency vehicles have, and shall in a manner which is an example to all for the courteous and safe manner of operating a motor vehicle. Members involved in a motor vehicle accident shall immediately notify or cause to be notified the Police Chief. While operating vehicles under emergency conditions, members shall follow strictly the established Policies and Procedures dealing with emergency driving.

**Section 9-13. Military Courtesy**

When meeting in public in uniform, members shall conform to normal courtesy standards and refer to each other by rank.

**Section 9-14. National Colors and Anthem**

Uniformed members will render full military honors to the national colors and anthem at appropriate times. Non uniformed members shall render proper civilian honors to the national colors and anthem at appropriate times.

**Section 9-15. Compromising Criminal Cases**

Members of the department shall not engage in the following activities:

1. Interfere with the service of lawful process.
2. Interfere with the attendance or testimony of witnesses through coercion, bribery or other means.
3. Attempt to have any traffic citation or notice to appear reduced, voided or stricken from the record.
4. Take any action which could interfere with the efficiency or integrity of the administration of criminal justice.

**Section 9-16. Public Speaking**

No member of the department shall address as a representative of the department any civic group, school class, or other organization concerning operational matters without permission from the Police Chief.

**Section 9-17. Reporting Violations**

Members knowing of other members or employees violating laws, ordinances, or rules, regulations, policies and procedures of the department, or disobeying orders, shall report the same, in writing to the Police Chief as soon as possible, but within 24 hours of learning of the incident.

## **Article 10. EYEWITNESS IDENTIFICATION**

### **Section 10-1. Purpose**

The purpose of this policy is to establish guidelines for obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, Section 3-505.

### **Section 10-2. Introduction**

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding officer may not be the first person to interview a witness. Reporting persons are witnesses, and they may have been interviewed once (albeit briefly) by a dispatcher or call taker. Those personnel should also be familiar with this policy to ensure that as much accurate information as possible is gathered during the initial report.

### **Section 10-3. Policy**

1. It is the policy of The North East Police Department to avoid any action that would be unduly suggestive during any eyewitness identification process.
2. It is the policy of The North East Police Department that all eyewitness identification be conducted in a structured professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
3. It is the policy of The North East Police Department that a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.
4. It is the policy of The North East Police Department that a witness will participate in one and only one type of eyewitness identification. The types of eyewitness identification are:
  - a. Viewing a Mug Book
  - b. Participating in the preparation of Composite
  - c. Participating in a Show Up

- d. Participating in a Live Line Up
  - e. Viewing a Photo Line Up
5. It is the policy of The North East Police Department that any identification or non-identification, of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.
  6. It is the policy of The North East Police Department that any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

#### **Section 10-4. Definitions**

1. MUG BOOK: A collection of photographs of previously arrested individuals known or suspected to be involved in certain type crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.
2. COMPOSITE: Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.
3. SHOW-UP: The display of a single suspect to a witness in an effort to obtain an identification.
4. PHOTO LINE UP: A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.
5. LIVE LINE UP: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

#### **Section 10-5. Relevant Law**

Annotated Code of Maryland, Public Safety Article, S 3-505

## Article 11. RACE BASED STOPS

### Section 11-1. Purpose

The purpose of the policy is to establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops.

### Section 11-2. Policy

1. It is the policy of North East Police Department that all investigative and enforcement traffic stops will be based upon articulable and constitutionally valid suspicious.
2. It is the policy of North East Police Department that a record system will be established to track investigative and enforcement traffic stops.
3. It is the policy of North East Police Department that all sworn members will receive periodic training on a yearly basis to reinforce previous training and/or to develop new skills to enhance police-citizen contacts.

### Section 11-3. Definitions

1. Investigative stop-A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.
2. Enforcement stop-A stop initiated as a result of an observed violation of the criminal or traffic code.
3. Reasonable and articulable suspicion-Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicious and led him or her to take action in connection with the traffic stop.
4. *Whren* or "pretext" stop-The U.S. Supreme Court has determined that the law enforcement officer who observes a traffic violation may stop the violator, even through the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stop are know as *Whren* or "pretext" stops.
5. Seizure-In the context of traffic stops, a seizure takes place when an officer makes

6. an investigative of enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.
7. Subsequent seizure-This form of seizure occurs when the original reason for the stop has been satisfied and the officer continues to detain the motorist and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if (1) the driver and passenger(s) consents to the continuing intrusion, or (2) the officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

#### **Section 11-4. Guiding Principles**

1. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.
2. Any consideration, to any degree, of a person's race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception to this standard would occur if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.
3. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on a regular or periodic basis for patterns of prohibited activity.
4. Officers should receive periodic training to enhance their ability to articulate and document their actions. By and large, officers take the proper actions for the proper reasons, yet fail to provide supporting documentation.
5. Training programs should include a review of the Constitution and relevant case law affecting police-citizen contacts.
6. Any such training should stress the importance of communication, particularly active listening and non-verbal cues.
7. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.

8. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.
9. The record system will include data such as: race, ethnicity, age and gender of person stopped, suspicions of the officer that led to the contact, any enforcement action as a result of the contact, duration of the stop, and any evidence or property seized as a result of the stop.
10. Agencies should realize the advantage in issuing the driver and/or passenger(s) a receipt documenting the circumstances leading up to the stop and subsequent actions taken thereafter.

#### **Section 11-5. Related Cases**

1. *Pryor v State* 122 MD App. 671, 681, 716 A.2d 338, 343, (1997), *cert, denied* 352 MD. 312, 721, A.2d 990 (1998)
2. *Terry v. Ohio*, 392 U.S. 1, 88 S CT 1868 (1968)
3. *Whren v. U.S.* 517 U.S. 806, 116 S CT. 1769 (1996)
4. *Ferris v State*, 355 MD 356, 735, A.2d 491 (1999)
5. *Charity v State*, 132 MD App 598, 753, A2d 56 (2000) *cert denied*, 360 MD 487, 759 A2d 231, (2000)
6. *Carmail v State*, 359 MD 272, 753, A2nd 519 (2000)
7. *Whiting v State*, 125 MD App. 404, 725 A2nd 623 (1999)
8. *U.S. v Armstrong*, 517 U.S. 456, 116 S Ct 1480 (1996)

## **Article 12. CRIMINAL CITATIONS**

### **Section 12-1. Purpose**

Chapter 504/505 (Senate Bill 422/Houes Bill 261) passed by the Maryland General Assembly in 2012 goes into effect January 1, 2013. A portion of the law **mandates**, with certain exceptions, that a law enforcement officer charge a defendant by a Uniform Criminal Citation for certain criminal offenses in lieu of a statement of charges; however, the law also authorizes a law enforcement officer to make a custodial arrest and process a defendant prior to release upon his or her signature on a criminal citation.

### **Section 12-2. Policy**

1. The new law mandates the issuance of criminal citation for certain offenses if the defendant meets certain criteria. If these criteria are met, the law allows an officer who has grounds to make a warrantless arrest to:
  - a. issue a citation in lieu of making an arrest or;
  - b. make the arrest, process (i.e., fingerprint and photograph the defendant), and issue a citation in lieu of continued custody to await an appearance before a court commissioner.
2. It is the policy of the North East Police Department that a police officer who has grounds to make an arrest for an offense that does not carry a penalty of imprisonment and who determines a defendant meets the statutory criteria, shall issue a Uniform Criminal Citation in lieu of arrest. The defendant shall be released upon his or her signature on the citation.
3. A police officer who has grounds to make an arrest for possession of marijuana or an offense for which the maximum penalty of imprisonment is 90 days or less; may make the arrest; search incident to arrest, and process (i.e., fingerprint and photograph) the defendant. If the officer determines the defendant meets the criteria specified. A defendant shall be charged by Uniform Criminal Citation and released upon his or her signature on the citation in lieu of continued custody.

### **Section 12-3. Qualifying Offenses for Citations**

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment.

2. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is 90 days or less.
3. Possession of marijuana under § 5-601 of the Criminal Law Article. *“Appendix A” lists qualifying offenses that require charge by criminal citation.*

#### **Section 12-4. Offenses That Cannot be Charged by Citation**

1. Failure to comply with a peace order under §3-1508 of the Courts Article.
2. Failure to comply with a protective order with a protective order under § 4-509 of the Family Law Article.
3. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under §5-213.1 of the Criminal Procedure Article.
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.

#### **Section 12-5. Criteria for Issuing Citation**

1. Although the law mandates the issuance of a citation for qualifying offenses, the Maryland General Assembly recognized that a defendant must meet certain criteria to be released without approval by a court commissioner. If the defendant cannot meet the criteria listed below, the officer must charge the individual on a statement of charges and ensure the defendant’s appearance before a court commissioner. A law enforcement officer may charge a defendant by citation only if:
  - a. The officer is satisfied with the defendant’s evidence of identity;
  - b. The officer reasonably believes that the defendant will comply with the citation;
  - c. The officer reasonably believes that the failure to charge on a statement of charges will not pose a threat to public safety;
  - d. The defendant is not subject to arrest for another criminal charge arising out of the same incident; and

- e. The defendant complies with all lawful orders by the officer.
2. A police officer may issue a criminal citation for offenses where a warrantless arrest may ordinarily be impermissible. At times there are no grounds for a misdemeanor arrest where the offense is not committed in an officer's presence. The Maryland States' Attorneys' Association suggests that a criminal citation may be issued based on witness information. This practice may avert the time consuming need to seek a criminal summons or warrant where reliable information exists. For example an officer may issue a citation based on credible witness account of a destruction of property, trespassing, theft, etc.
3. The North East Police Department employees shall not unlawfully detain any person based on race, color, ethnicity, national origin, gender, age, sexual orientation, disability or genetic information.
4. The North East Police Department employees shall not participate in the use of any unlawful discriminatory characteristics as a cause for taking any law enforcement action against any individual or group of individuals.
5. In any decision to arrest, officer safety shall be paramount.

#### **Section 12-6. Required Forms**

1. Uniform Criminal Citation Form DC/CR 45. The officer shall use the Uniform Criminal Citation form to charge a defendant by citation. The officer 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.

Under no circumstances should the officer try to write the entire probable cause statement on the first page of the Uniform Criminal Citation. The officer shall use the Offense Report to capture the probable cause outlining the facts and circumstances substantiating the charge.

#### **Section 12-7. Required Report**

1. Offense Report. In addition to the Uniform Criminal Citation, the law enforcement officer shall complete an Offense Report detailing the circumstances of the incident as required by agency policy. A copy of the report shall be forwarded to the States Attorney's Office with a copy of the citation.

2. When a law enforcement officer determines that a Uniform Criminal Citation shall be the form by which to charge a defendant, the officer shall use the pre-printed/pre-numbered book provided by the District Court or 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 police report and not the citation.
3. Copies of the Uniform Criminal Citation shall be given to the defendant upon release. Copies of the Uniform Criminal Citation and Offense Report shall be forwarded to the State's Attorney's Office for review.

**Section 12-8. Law Enforcement Reporting-Statistical Data Collection**

1. Beginning January 1, 2013 law enforcement agencies are required to collect the following data on all criminal citations issued:
  - a. The date, location, and time of the issuance of the citation;
  - b. The offense charged;
  - c. The gender of the offender;
  - d. The date of birth of the offender;
  - e. The state and, if available, county of residence of the offender; and
  - f. The race or ethnicity of the offender as:
    - A. Asian;
    - B. Black;
    - C. Hispanic;
    - D. White; or
    - E. Other
2. Beginning January 1, 2013, the Maryland State Police Delta+ reporting system will include a race-based reporting module for criminal citations. The North East Police Department clerk will ensure all citation data is electronically submitted via Delta+. This data gets stored by Maryland State Police who will submit citation data for all law enforcement agencies in the state to MSAC by March 1 each subsequent year.

## Article 13. USE OF FORCE

### Section 13-1. Introduction

The value of life is immeasurable in our society. Police officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must, at all times be subservient to the protection of life.

### Section 13-2. General Policy Statement

It is the policy of the North East Police Department to employ the reasonable amount of force necessary to affect an arrest and overcome resistance offered.

Officers shall exhaust every other reasonable means of defense or apprehension prior to the use of any weapon, including but not limited to chemical spray, police baton and taser. Firearms shall be used only as a last resort. The choice to use any weapon must be based on the relative justification for the use of deadly force serious consideration must be afforded the decision to use any weapon.

The department may conduct an administrative review to determine if the use of force by an officer was justified. ***In all cases involving the use of firearms, an administrative review will be held.*** A conclusion as to whether the use of force was justified will be based on what reasonably appears to be the facts known to the officer at the time the force was used. Information made available after the incident occurred may not be used to justify or vilify the officer's actions.

### Section 13-3. Use of Force

1. Deadly Force, as used in this policy, is defined as that force which may cause death or serious bodily injury which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious bodily injury.
2. Serious Bodily Injury, as used in this policy, is defined as serious or life threatening injuries suffered by, or may be suffered by a victim that could lead to long term or permanent disfigurement, disability or the possibility of the death of the person.
3. Deadly force may be applied by weapon or implement other than firearms, including, but not limited to vehicles, batons, flashlights, etc.
4. Deliberate use of any such articles, instruments or equipment for any purpose other than that for which it is designed and intended, or in a potentially deadly manner

(i.e. as a club or ramming with a vehicle) is prohibited **except** in cases where the use of deadly force is specifically authorized in this policy.

#### **Section 13-4. Deadly Force - Permitted Use**

The degree of force used in a confrontation, must be consistent with both the severity of the incident and the urgency of its disposition.

Circumstances under which officers may employ deadly force in the performance of their official duties are as follows:

1. In self-defense, or to defend another person from death, grave or life threatening injury.
2. To effect an arrest or prevent the escape of a felon, only when all of the following conditions exist:
  - a. Every other reasonable means of affecting the arrest have been exhausted.
  - b. The perpetrator is a known felon or the officer has **probable cause** to believe the perpetrator committed a felony. The officer should have witnessed the crime or have sufficient probable cause to know the suspect had committed, is committing, or is about to commit an offense for which the use of deadly force is permissible.
  - c. The perpetrator actually used or threatened to use deadly force in the commission of the felony.
  - d. The officer has reason to believe the felon poses a significant threat of using deadly force against an officer or others if not immediately apprehended.
  - e. Every consideration has been given to prevent inadvertent injury to innocent bystanders, and where feasible, an officer has given notice of intent to use deadly force and the felon refuses to obey the order to halt.
3. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime.

#### **Section 13-5. Deadly Force Permitted - Other**

Consistent with the above Sections 7-2 through 7-4, firearms may be discharged at, or from a moving vehicle. Firearms may be used to disable a pursued vehicle only when:

1. Continued operation of the vehicle will likely result in loss of life by an innocent person,
2. All other reasonable, less forceful means of ending the pursuit have been exhausted, i.e. rolling roadblocks, stationary roadblocks, stop sticks, etc.
3. Reasonable care is taken to insure that no innocent person is injured as a result of such actions.

### **Section 13-6. Deadly Force Permitted - Animals**

Domestic animals become an integral part of a family's life. When answering a call of an injured animal, responding officer(s) should make every effort to contact the owner in order to have the animal cared for.

Deadly force may be used against an animal, wild or domestic only under the following conditions:

1. To destroy a dangerous animal that is jeopardizing the safety of the public or the officer.
2. To euthanize an injured animal if the officer has permission from the owner, or has been requested to do so by a veterinarian. If, after a reasonable effort has been made to contact the owner has failed, the officer may use his own discretion in deciding whether to euthanize the animal to relieve its suffering.

### **Section 13-7. Deadly Force - Prohibited Use**

1. An officer will not fire a warning shot.
2. An officer will not fire at a felony suspect when the incident does not involve an actual use of, or the threat of deadly force.
3. An officer will not fire at a felony suspect when lesser force could be used or there is any significant danger to innocent bystanders.
4. Display of weapon - An officer will not display, un-holster, brandish, or otherwise have a weapon in his hands unless the officer anticipates the situation may warrant the use of the weapon displayed.

### **Section 13-8. Use of Force - Reporting Procedure**

1. Officers will complete and submit a Use of Force Report each time force is used against an individual when the level of force used during an arrest, or while a  
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suspect is in custody, is greater than the force normally required under similar circumstances. Each officer who uses such force will complete the Use of Force Report.

2. In addition to a Use of Force Report, officer(s) will submit a written explanation, in detailed report format to the Police Chief or his designee each time a firearm is discharged in the performance of their official duties.
3. Officers who discharge their firearm to euthanize a sick or injured animal, or to destroy an animal that is a threat to the safety of the officer and / or the general public, are not required to submit a Use of Force Report.

### **Section 13-9. Deadly Force - Reporting Procedure**

1. Whenever officers use force resulting in a life threatening injury or death, the Police Chief or his designee will be notified immediately
2. The North East Police Department Criminal Investigator will conduct the investigation as directed by the Police Chief or his designee. The Police Chief or his designee, in his discretion, may elect to have an outside agency conduct the investigation.
3. In areas outside of the jurisdiction of the North East Police Department, the criminal investigation will be conducted by the law enforcement agency having jurisdiction. The North East Police Department criminal investigator will be assigned and act as a liaison with the investigating agency.
4. Officers involved in a use of force or deadly force incident should refrain from discussing the incident with anyone other than the investigators assigned to conduct the criminal and administrative investigation of the incident, or selected counsel, until authorized by the Police Chief or his designee.
5. Officers involved in deadly force incidents will be afforded their rights provided by law. Particular attention must be paid to ensure that involved personnel are allowed legal representation, should it be desired.

### **Section 13-10. Use of Force - Procedure for Reporting Injury to Arrestee**

1. Each time any injury happens to an arrestee as a result of the use of force, the involved officer(s) shall submit a Use of Force Report to the Police Chief or his designee. If a person in the custody of the North East Police Department incurs a self inflicted injury, the involved officer will submit a detailed Crime Report as well.

2. All reports shall contain specific facts and circumstances relating to the incident and ***shall include photographs of the injuries.***
3. In all injury to prisoner incidents, detailed reports explaining the use of force shall be submitted before the close of the tour of duty during which it occurred unless otherwise approved by the Police Chief or his designee.
4. The North East Police Department Criminal Investigator shall conduct the investigation as directed by the Police Chief or his designee. The Police Chief of his

### **Section 13-11. Intentional or Accidental Discharge of Firearms**

With the exception of practicing and qualifying on the firing range, every discharge of a firearm, whether accidental or intentional, is subject to administrative review to determine whether such action was in conformance with the North East Police Department policy and procedures.

Officer(s) who discharge a firearm will notify a supervisor that the incident occurred and the supervisor shall:

1. Notify the Police Chief or his designee.
2. Respond to the scene and begin to gather the facts surrounding the discharge.
3. When the scene is safe, secure the firearm involved in the discharge for further investigation.
4. Insure evidence is identified and secured.
5. Review with the Police Chief or his designee the facts surrounding the incident to determine who will conduct the investigation if one is warranted.

### **Section 13-12. Administrative Review Board**

In the case where an administrative review is required, the administrative review will be conducted by officers designated by the Police Chief or his designee. The board may consist of one officer of a higher rank, a firearms instructor, and one officer of equal rank. In an incident where a review board is not warranted, the review will be conducted by the Police Chief or his designee and any other officers needed to conduct the review.

### **Section 13-13. Administrative Firearms, Firearms Training, General Requirements**

1. Each sworn officer shall:
  - a. Be issued a sidearm by the department which shall be his primary duty weapon. The officer may also be issued any other firearm the department requires the officer to carry such as shotgun, patrol rifle, etc.
  - b. Maintain the issued sidearm and any other firearm in working order and will be subject to spot checks for cleanliness and serviceability.
  - c. Immediately turn in any issued sidearm or firearm which is damaged or malfunctioning for repair or replacement.
  - d. When not in use, the sidearm and firearms shall be stored in a secure place, inaccessible to non sworn members of the department.
  - e. Attend firearms training when scheduled and qualify with the issued sidearm on a police firearms qualification course with a score of no less than 80%.

Weapon Issuance and Upkeep: Patrol Rifles

1. Upon successful completion of a Maryland Police and Correctional Training Commission (MPCTC) approved rifle course, officers are authorized to use and carry a North East Police Department approved rifle and ammunition.
2. Once approved, officers will complete a bi-annual qualification course with a minimum score of 90% with an approved rifle. All scores will be recorded and retained by the agency training officer.
3. Approved officers will not use a North East Police Department rifle or ammunition for personal use.
4. Rifles will be carried in a North East Police Department vehicle with a loaded magazine inserted, 18 rounds in a twenty round magazine or 28 rounds in a thirty round magazine, bolt forward on an empty chamber, and weapon on safe.
5. Rifles will be encased in a hard or soft rifle case and secured in the vehicle's trunk.

6. Rifles will be removed from the trunk and appropriately stored in a safe location when the vehicle is left for service, repairs, vacation, extended leave, overnight training. Rifles will not be carried in patrol vehicles when used for out of county

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transportation during overnight events. North East Police Department rifles will be returned to station and stored in designated area at the end of each shift.

7. North East Police Department rifles will not be altered in any way without prior approval by the Police Chief.
8. Personally owned rifles may be carried by officers in North East Police Department vehicles. Personally owned rifles must be approved by the Police Chief prior to qualification.
9. All rifles will be cleared and chamber flags installed at designated clearing area upon entering the North East Police Department.
10. All rifles will be inspected annually by the North East Police Department Armorer.

#### Non-departmental Weapons:

An officer may not, while acting in his official capacity, carry any weapon not departmentally issued except when the following requirements have been met:

1. The weapon has been approved for use by the Police Chief or his designee.
2. The officer has qualified with the weapon on a police firearms qualification course with a minimum qualification score of 80% and, the ammunition for the weapon has been approved by the Police Chief or his designee for carry.

The non-departmental weapon may not be modified or repaired by anyone (including the officer) unless approved by the Police Chief or his designee.

***The non-departmental weapon is subject to the same standards of serviceability and cleanliness as the departmentally issued weapon.***

#### **Section 13-14. Deadly Force - Firearms Qualifications - Sidearms**

1. An officer may not carry a sidearm or any other firearm in the course of his duties until he has qualified with the weapon, and has passed a written test.

2. Every officer shall attend firearms training twice a year. Each officer shall qualify with his /her issued firearm(s) once each calendar year on a police firearms qualification course with a minimum score of 80%. Each officer shall qualify with his/her issued sidearm on a dim light police firearms qualification course once a

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year with a minimum score of 80%. An officer may be excused from one qualification date by the Police Chief or his designee for good cause.

**Section 13-15. Deadly Force - Firearms Qualification - Other Weapon(s)**

The firearm, whether issued or non-issued shall follow the respective guidelines under Sections 7-14 N through 7-17 of this policy.

**Section 13-16. Deadly Force - Firearms Qualification - Written Test**

A written test shall be administered each year to each officer dealing with the departmental use of force policy and the firearms training requirements as set by the Maryland Police and Correctional Training Commission. A minimum score of 80% will be required to pass.

**Section 13-17. Deadly Force - Firearms, Failure to Qualify**

1. Should an officer fail to get a qualifying score on the written test, or fails to qualify with his issued service weapon(s) on the range, the firearms instructor shall immediately notify the Police Chief.
2. Upon notification of failure to obtain a qualifying score on either the test or the range, the Police Chief shall:
  - a. If the score is 70% but less than 80% have remedial training instruction given to the officer by a departmental firearms instructor and have the officer re-qualified/retested within 7 working days.
  - b. If the score is below 70%, immediately suspend the officer from enforcement duty, have remedial instruction given to the officer by a departmental firearms instructor and have the officer re-qualified/retested within 7 working days.
3. At the discretion of the Chief of Police, an officer who fails to qualify after remedial training instruction is subject to termination following the 7 working day period.

**Section 13-18. Use of Taser**

M/26 Taser Definition: An electro-muscular disruption (EMD) weapon that utilizes

compressed nitrogen to shoot two small probes. These probes are connected to the weapon by high voltage insulated wire. When the probes make contact with the subject, they transmit an electrical pulse along the wires and into the body through up to two inches of clothing. The probes do not have to penetrate the flesh or cause bodily harm to be effective. The M/26 Taser may also be discharged as a contact device.

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1. When Officers may utilize the M/26 Taser:

- a. Consistent with the department's philosophy of utilizing the minimum amount of reasonable force to control a subject, the use of the departmentally owned and issued M/26 Taser is approved for officers with proper training, appropriate equipment, and situational considerations. The purpose of the M/26 Taser is to provide a less-lethal alternative use of force. The M/26 Taser is not intended to replace the use of firearms when deadly force is necessary. Officers will comply with all of the policies and procedures specified in this Article.
- b. The M/26 Taser may be used to control a dangerous or violent subject when deadly force is not justified and attempts to control the subject by other tactics have been ineffective or there is a reasonable expectation that it is unsafe for officers to approach within contact range of the subject. The M/26 Taser may be used to subdue individuals who pose an immediate risk to themselves or others or to safely affect an arrest. The M/26 Taser will be issued to patrol officer and carried by a certified officers who have completed the required training,

2. Use of the M/26 Taser - ( Discharge Considerations ).

- a. When practical, use verbal commands and point laser sight at subject prior to discharging the M/26 Taser.
- b. Have a backup officer available to assist with the arrest or the use of lethal force
- c. Have a second cartridge of M/26 Taser ready to discharge in case the probes misses the subject or the M/26 Taser malfunctions.
- d. The M/26 Taser shall not be aimed at the head or face of the subject.
- e. The use of the M/26 Taser near flammable liquids and fumes is strictly prohibited, additionally use of the M/26 Taser in conjunction with alcohol based OC Spray is also prohibited.

- f. Prior to the deployment of the M/26 Taser, the certified officer must consider the reasonableness of its use to include the subject's position where a secondary injury could result to children, women who are known to be pregnant, and subjects with known heart problems.

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### 3. Discharging Officers Responsibility.

- a. Ensure the batteries of the M/26 Taser are properly charged. When checking the batteries, the cartridges must be removed.
- b. When practical, the officer shall announce M/26 to the other officers on the scene prior to discharging the M/26 Taser.
- c. Officers will report the discharging, including accidental discharges, of the M/26 Taser to their supervisor as soon as possible.
- d. The discharging officer will visually inspect the contact site. Probes penetrating the skin will be removed by the discharging officer.
- e. Ensure that photographs are taken of the probe penetration sites and any secondary injuries caused by falling to the ground, etc.
- f. Once the probes have been removed they will be treated as bio-hazard sharps.
- g. The discharging officer will enter the photographs, expended cartridges with probes, and a limited number of microdots into evidence.
- h. Officers will complete or provide information for the completion of an Offense Report, Taser Use Report and a Use of Force Report.

### 4. Supervisor's Responsibility.

- a. Ensure that all Use of Force reporting requirements have been fulfilled prior to the end of shift.
- b. Ensure that only certified officers carry the department issued M/26 Taser.

### 5. Taser Trainer/Instructor's Responsibility.

- a. Will maintain records for the M/26 Taser.

- b. Ensure data downloads are conducted on a quarterly basis.
- 6. Training/Certification Requirements.
  - a. The authorization to carry and/or use the M/26 Taser is granted by the department to officers based upon completion of specified training courses and demonstrated competency under hands-on testing that has been  
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monitored by a certified M/26 Taser instructor. The certification on the M/26 Taser will be conducted annually.

## **Article 14. EMERGENCY DRIVING POLICY**

### **Section 14-1. Policy**

It is the policy of the North East Police Department that members of the department will operate departmental vehicles in a manner consistent with safety and in accordance with the provisions of the law. Due to the mission of the department, and consistent with State Law, it is recognized that upon occasion members of the department must operate under emergency conditions. It is incumbent upon members of the department to remember that while responding to an emergency situation that creation of a second emergency will only hamper the response to the original emergency.

### **Section 14-2. Definition**

#### 1. Life and Death

- a. Those instances in which the presence of an officer may actually save a life and seconds could make the difference between life and death.
- b. Officer needs assistance calls.
- c. Instances in which a life threatening crime is in progress or has just occurred.
- d. Instances where there are reasonable grounds to believe human life is in peril and the police have the primary responsibility for acting.
- e. Other situations where an emergency response could prevent loss of life or serious injury.
- f. Instances where an officer's first aid skills could prevent loss of life or serious injury.

### **Section 14-3. Procedures:**

- i. Emergency lights and siren shall be used.
- ii. Headlamps shall be lit.
- iii. Posted speed limits may be exceeded consistent with safety and statutory exemption granted to emergency vehicles.
- iv. Traffic control devices may be disregarded consistent with safety and statutory exemption granted to emergency vehicles.

- v. Officers shall not enter intersections where the right of way is not consistent with the officer's direction of travel until the intersection is shown to be clear of traffic and approaching or the right of way has been granted to the emergency vehicle(s) having the right of way.

#### **Section 14-4. Pursuit Policy**

##### 1. Definitions

- a. Normal pursuit: Pursuit of a violator after a violation has been observed, the violator is stopped upon signal.
  - b. Extended/High Speed Pursuit of a violator who fails to stop upon signal or attempts to flee in his/her vehicle.
2. It is the policy of the North East Police Department to permit officers to engage in pursuit when it is necessary to apprehend a violator. Extended/high speed pursuit is a sanctioned enforcement technique. The North East Police Department permits officers wide latitude in deciding to pursue, and the continuation of pursuit. Pursuit driving is subject to the same procedures as outlined under emergency driving in this rule, (Section 14-3. Procedures) In addition to other limitations to be considered by the officer outlined in this section.

##### 3. Procedures/Limitations

- a. Limitations: Many factors are to be considered when deciding to initiate or continue pursuit of a violator, among the factors to be considered are:
  - i.. The nature of the offense;
  - ii. The danger to the public;
  - iii. The officer's ability to operate at high speeds over extended distances;
    - A. Training
    - B. Experience
  - iv. The characteristics of the highway and the officer's familiarity with the highway;
  - v. The performance characteristics and condition of the patrol car;
  - vi. The performance characteristics of the pursued vehicle;
  - vii. Traffic density;
  - viii. Time of day;
  - ix. Characteristics the area where the pursuit is entering:
    - A. Freeway
    - B. Residential Areas
    - C. Open Country
    - D. Urban Areas

- i. An articulable suspicion of possible criminal activity unrelated to the traffic violation or other violation that the officer has witnessed.

#### 4. Procedures

- a. Attempt to apprehend the violator as soon as possible to minimize the hazard of the violation(s). The sooner apprehension is made, the less opportunity exists for an accident to occur.
- b. Lights and siren shall be activated upon the escalation into a high speed/extended engaging the procedures outlined under Section 14-3. Procedures of this rule.
- c. Dispatching will be notified as soon as a high speed/extended pursuit has been initiated. Dispatching will coordinate other responding units to assure coordination among units the pursuing officer may not hear.
- d. An officer who initiates a high speed/extended pursuit in an unmarked vehicle shall permit a marked unit to assume control of the pursuit as soon as one is available.
- e. A patrol vehicle carrying passengers or prisoners will not participate in a high speed/extended pursuit, except if the passengers are:
  - i. North East Police Officers;
  - ii. Sworn officers from other police agencies;
  - iii. Other persons specifically authorized by the Police Chief who have a waiver/release of liability on file with the North East Police Department.
- f. The officer shall maintain communications with dispatch as to location, speeds etc., when consistent with the safe operation of his/her vehicle.
- g. The goal of the officer is to stop the violator as safely and quickly as possible. In doing this the officer may duplicate some of the actions of the violator, however, some actions are intrinsically dangerous and reckless and should not be attempted. Under no circumstances is the officer to violate the procedures in Section 14-3. Procedures of this rule.

#### 5. Abandoning Pursuit

The decision to abandon pursuit will remain under most circumstances with the pursuing officer. A ranking officer may order the pursuit abandoned using input from the pursuing officer and his personal knowledge of the factors under b-iii. of this rule.

- a. Pursuits will be discounted when:
  - i. The risk to the officer and the public are unnecessarily high;
  - ii. The risk becomes inconsistent with the severity or the violation or articulable suspicion;
  - iii. The highway and environmental conditions are not conducive to continued safe pursuit.

## **Section 14-5. Roadblocks**

### 1. Definitions

- a. Roadblocks are necessary at times to block traffic flow for a variety of reasons, including accidents, special events, fires, investigative purposes or other specific circumstances. A road block may also be implemented to apprehend a person fleeing the scene of a crime or evading arrest.
- b. Forcible stops are roadblocks which are implemented to stop a vehicle fleeing from the scene of a crime or evading arrest.

### 2. Policy

It is the policy of the North East Police Department to utilize forcible stop techniques only after all other reasonable and conventional means of effecting apprehension have failed. It is the policy of the North East Police Department to utilize the least amount of force necessary to effect the apprehension of a violator. When possible, the forcible stop technique utilized by the officer will be the one requiring the least likely to cause injury to the public, the officer and the violator. Some of the forcible stop techniques involve what is considered to be deadly force by the North East Police Department, and the officer is to be cognizant of the Use of Force policy of the department.

### 3. Types

- a. Rolling - a technique designed to surround the violator's vehicle with patrol vehicles and intentionally slowing all vehicles to a stop. Is not considered using deadly force.
- b. Fixed Portable – a technique using lightweight barricades, flares, sign, etc. which if struck would cause little or no damage. Is not considered deadly force.
- c. Vehicle at intersection - a technique using a patrol car at an intersection blocking a roadway, but leaving an avenue for the pursued vehicle to continue. Also used at cross roads during a pursuit to minimize danger to the public. Is

not considered deadly force, however if the patrol car is on the roadway the pursued vehicle is traveling on, the patrol car is to be unoccupied.

- d. Ramming - The deliberate act of impacting or causing the pursued vehicle to impact a patrol car, to damage or otherwise force the violator's vehicle to stop. Ramming enhances the risk for serious injury or death for the officer, the public and the violator. Is considered deadly force.
- e. Fixed - The placement of large unmovable objects on the roadway occupied by the pursued vehicle, often patrol cars. Does not leave any avenue for the pursued vehicle to continue. Patrol vehicles used in this type of roadblock will be unoccupied. Is considered deadly force and is to only be used when the severity of the offense and the potential harm from potential escape warrants the use of deadly force.

#### 4. Procedures

The officer will consider the following before authorizing

The number of personnel available.

- a. The severity of the crime or incident.
- b. The sufficiency of information of the individuals or vehicles involved.
- c. Traffic and roadway conditions.
- d. The sufficiency of time and ability to warn the public.
- e. Other factors the officer has personal knowledge of.

## **ARTICLE 15. HOLDING CELLS POLICY AND PROCEDURES**

### **Section 15-1. Purpose**

The purpose of detention cells is to improve the safety and security of the prisoner as well as the officer. Detention cells are intended to house prisoners for short periods of time to permit the officer to complete paperwork, conclude an investigation or other duties requiring short periods of time. The detention cells are not intended for or shall be used for intimidation or punishment, but solely for the temporary detention of criminal suspects.

### **Section 15-2. Permitted Uses**

1. Detain persons charges with criminal or delinquent acts.
2. Detain persons who are processed for criminal or delinquent acts and will be transported to the appropriate facility within 6 hours.
3. Detain persons whom the officer has probable cause to believe have committed a felony.
4. Detain persons wanted in other jurisdictions while waiting for teletypes of detainer or the preparation of fugitive warrants.
  - a. If other agency cannot respond within one hour to take custody of wanted person, said person will be transported to the Cecil County Detention Center.
5. Allied local agencies may use the holding cells for a detainee in their custody, provided they follow the policy and procedures for the North East Police Department.

### **Section 15-3. Prohibited Uses**

1. Leaving unsupervised detainee(s) in a holding cell when no police personnel are present in the police station. (If a manpower shortage occurs in respect to answering a call while processing a detainee, the officer shall request the assistance of an allied agency)
2. Detention of sick, injured or unconscious persons. All of the above shall be taken for medical attention, even if the cause appears to be intoxicants. The North East Police Department does not assume financial obligations incurred for medical treatment in accordance with Article 87, Section 46 of the Annotated Code of Maryland. The officer shall not agree to assume financial responsibility on behalf of the department.

3. Placing a mental (Court Petitioned/Emergency Evaluatee) in a holding cell. Detention of juveniles charged with a status offense (runaway, incorrigible, curfew, truancy & underage drinking) and non-offender (child in need of assistance)
4. Detention of persons suspected of misdemeanors, unless the offense is viewed by officer or is an exception to the misdemeanor warrant rule and the officer is obtaining charges.
5. Intimidation, correction or punishment even is requested by a parent or guardian in an attempt to alter a child's behavior. Note: This shall not be construed to prohibit tours.
6. The closing and/or locking of a cell door with a person inside who is not being lawfully detained.
7. Horseplay in the cells or cellblock area is strictly prohibited.

#### **Section 15-4. Separation of Juvenile from Adult Offenders**

1. In the event that juvenile criminal offenders are detained during the same time as an adult offender is being held/detained. The juvenile shall be segregated by sight and sound and have no more than haphazard contact with the adult.
2. DSO: "No status offender or non-offender may be placed in secure custody in an adult jail or lockup for any period of time."
  - a. A status offender is a juvenile offender who has been charged with or adjudicated for conduct, which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (28 CFR 31.304 (h)).
  - b. The following are examples of status offenses:
    - i. Truancy
    - ii. Violation of Curfew
    - iii. Runaway
    - iv. Underage possession and/or consumption of tobacco products
    - v. Underage alcohol offense
    - vi. Incorrigible
  - c. A non-offender is a juvenile who is not charged with any offense and who is an alien or alleged to be dependent, neglected, or abused.

#### **Section 15-5. Separation of Male and Female Detainee**

Male and female detainee shall not be placed in the same cell.

**Section 15-6. Cell Choice**

1. When possible, juvenile offenders shall be placed in cell #1.
2. When possible, female prisoners detained by male officers shall be placed in cell #1 and male prisoners detained by female officers shall be placed in cell #1 for privacy.

**Section 15-7. Detention Log**

1. The department shall maintain an adult detention log and a separate juvenile detention log.
2. The detention log must be filled out completely for each detainee.
3. All detainee shall be visually checked at 15 minute intervals and the times indicated on the detention log.
4. The arresting officer shall be responsible for the accuracy and completeness of the detention log.

**Section 15-8. Security and Control for a Holding Cell**

1. All detainee shall be searched prior to being placed in a holding cell.
2. Officer shall not enter the cell block area wearing or carrying a firearm, when prisoners are present.

**Section 15-9. Visitors/Communication**

1. No visitors shall be permitted in the cell block area except attorney's representing detainee. Officer must be available to respond immediately when summoned.
2. Detainee, will be given sufficient opportunity to call relatives, counsel, bondsman or friends.

**Section 15-10. Care of Prisoners**

1. Shoes or shoe laces, belts, suspenders and any other item a detainee might use to harm themselves, shall be removed from their person prior to placing detainee in a cell.
2. All detainee shall be visually checked at 15 minute intervals to monitor their well being. Time checks are to be indicated on the detention log.

3. Any comments or actions made by the detainee to lead an officer to believe that the detainee may cause harm to themselves or the officer shall be addressed.
4. Extra vigilance and/or restraints shall be implemented to prevent the detainee from having the opportunity to cause harm to themselves.
5. If a detainee develops an illness, injury or requests needed medication after being placed in a cell, the officer will arrange for the appropriate medical treatment.
6. Officers will not converse unnecessarily with prisoners and will not address them in obscene or profane language. Officers shall not mistreat or use unnecessary force in handling prisoners. Such conduct will be cause for disciplinary action.

#### **Section 15-11. Meals**

1. Prisoners detained for over 4 hours shall be offered food, if over the course of a normal mealtime. If food is provided, refused or the prisoner is asleep, the same shall be noted on the detention log.
2. Prisoners requesting food shall be asked of any allergies to food prior to officer obtaining the meal.
3. The department will obtain the funds to purchase a prisoners meal.

#### **Section 15-12. Smoking**

Smoking in a cell by a prisoner is prohibited.

#### **Section 15-13. Personal Hygiene**

1. Toilet paper shall be made available to prisoner, however, the officer shall use discretion in the amount given to avoid clogging the plumbing.
2. Sanitary napkins shall be made available to female prisoners along with an envelope for the disposal of the used product. Used sanitary napkins should not be disposed of in the toilet.

#### **Section 15-14. Damage Control**

1. Cells shall be inspected prior to placing a prisoner in the cell and any damage noted on the detention log.
2. Cells shall be inspected after a prisoner is removed and any damage or defacement

by the prisoner shall result in prosecution.

#### **Section 15-15. Maintenance on Holding Cells**

1. Maintenance on holding cells and cell block area will not be conducted while a detainee is present.
2. Holding cells will be sanitized at least weekly.
3. Procedures for control of vermin and pests will be performed as needed.
4. All fire related equipment, alarms, maintenance and inspection thereof will be in accordance with the requirements as established by the state fire marshal.

#### **Section 15-16. Emergency Evacuations**

1. In the event of a fire or situation requiring a facility to be vacated, all detainee are to be moved to a hazard free area.
2. All assigned personnel shall be familiar with the building exits in the event of an emergency.

#### **Section 15-17. Deviation**

1. An officer shall not deviate from the above policy without the express permission from the Police Chief or supervisor.
2. Any approved deviation shall be noted on the detention log along with the name of the authorizing officer.

#### **Section 15-18. General Procedures**

The following is the general procedure for the use of the detention cells. The procedure is intended as a guide to be followed unless circumstances (such as an extremely violent prisoner) prohibit the implementation.

1. Enter prisoner via the east door of police station.
2. Secure weapon in the vestibule gun locker.
3. Enter cell block area via the vestibule door.
4. Proceed to the processing counter.
5. Perform a through search, removing all items from pockets and placing on the

counter.

6. Uncuff the prisoner.
7. Prisoner must remove shoes or shoe laces, belt, suspenders or any other items which could be used to harm them self.
8. Personal property shall be placed in envelope provided and sealed in the presence of prisoner. The prisoner shall write his/her initials over seal to assure continuity.
9. Prisoner shall be processed as required (photographed, finger-printed etc.)
10. Phone calls are permitted at the discretion of the officer.
11. Prisoner is assigned the appropriate cell.
12. The cell is inspected for damage, weapons and contraband prior to placing prisoner in cell.
13. Prisoner is locked in the cell.
14. The detention log is filled out completely and accurately.
15. Prisoner shall be checked at 15 minute intervals.
16. Officer to be cognizant of mental and physical conditions of prisoner and respond accordingly.
17. Upon removing prisoner from cell, the cell is reinspected.
18. The prisoner is handcuffed and led to the vestibule.
19. The officer retrieves his firearm from the vestibule gun locker.
20. Exit prisoner via the east door of police station.

## **Article 16. Asset Seizure and Forfeiture**

### **Section 16-1. Purpose**

To ensure uniform compliance with the Criminal Procedure Section of the Annotated Code of Maryland regarding asset seizure and forfeiture.

### **Section 16-2. Procedure**

As per the Criminal Section of the Annotated Code of Maryland, sub section 12-102, the following property is subject to forfeiture:

1. Controlled dangerous substances manufactured, distributed, dispensed, acquired, or possessed in violation of the Controlled Dangerous Substance Act.
2. Raw materials, products and equipment used, or intended for use, in the manufacturing, compounding processing, delivering, importing or exporting of a controlled dangerous substance in violation of the Controlled Dangerous Substance Law.
3. Property used or intended for use as a container for property described above.
4. With some exceptions; conveyances, including aircraft, vehicle or vessels used or intended to be used to transport, or facilitate the transportation, sale, receipt, possession, or concealment of property described above.
5. Books, records, and research, including formulas, microfilm, tapes, and data used or intended for use in violation of the Controlled Dangerous Substance law.
6. Money or weapons used, or intended to be used in connection with the unlawful manufacture, distribution, dispensing, or forfeitable records of importation, manufacture, or distribution of controlled dangerous substances are contraband and presumed to be forfeitable.
7. Drug paraphernalia.
8. Controlled paraphernalia.
9. The remaining balance of the proceeds of a sale by a holder of an installment sale agreement under 12-626 of the commercial Law of goods seized.

10. With some exceptions, real property.
11. Everything of value furnished, or intended to be furnished, in exchange for a controlled dangerous substance in violation of the Controlled Dangerous Substances law, all proceeds traceable to the exchange, and all negotiable instruments and securities used, or intended to be used, to facilitate the violation of the Controlled Substances law.

### **Section 16-3. Seizure of Property Subject to Forfeiture**

As per the Criminal Procedure section of the Annotated Code of Maryland, sub section 12-202, the following guidelines for seizure of forfeitable property exist:

1. Seizure with or without a warrant – property subject to forfeiture may be seized:
  - a. On a warrant issued by a court that has jurisdiction over the property, and
  - b. Without a warrant when
    - i. The seizure is incident to an arrest or search under a search warrant;
    - ii. The seizure is incident to an inspection under an administrative inspection warrant;
    - iii. The property subject to a seizure has been the subject of a prior judgment in favor of the State in a criminal injunction or forfeiture proceeding;
    - iv. There is probable cause to believe that property is directly or indirectly dangerous to health or safety;
    - v. There is probable cause to believe that the property has been used or is intended to be used in violation of the Controlled Dangerous Substances Law.
2. The seizing authority that seizes money that is contraband shall immediately:
  - a. Photograph the contraband money and record the quantity of each denomination of coin or currency seized;

- b. Deposit the money to the account of the appropriate local financial authority.

#### **Section 16-4. Seizure of Motor Vehicles**

As per the Criminal Procedure section of the Annotated Code of Maryland, sub section 12-204, the following rules exist for the seizure of motor vehicles. In exercising the authority to seize motor vehicles, the seizing authority shall apply the following standards:

1. A motor vehicle used in violation of the Controlled Dangerous Substances law shall be seized and forfeited shall be recommended to the forfeiting authority if:
  - a. Any quantity of a controlled dangerous substance is sold or attempted to be sold in violation of the Controlled Dangerous Substance law;
  - b. Any amount of the controlled dangerous substance or paraphernalia is found that reasonably shows that the violator intended to sell the controlled dangerous substance in violation of Controlled Dangerous Substance law.
2. The total circumstances of the case dictate that seizure and forfeiture are justified:
  - a. The possession of controlled dangerous substances,
  - b. An extensive criminal record of the violator,
  - c. A previous conviction of the violator for a controlled dangerous substance crime,
  - d. Evidence that the motor vehicle was acquired by the use of proceeds from a transaction involving a controlled dangerous substance,
  - e. Circumstances of the arrest; and
  - f. The way in which the motor vehicle was used.

**Section 16-5. Deadlines for Filing Complaint Seeking Forfeiture**

As per the criminal Procedure Section of the Annotated Code of Maryland, sub section 12-304, the following deadlines for filing exist:

1. In general, a complaint seeking forfeiture shall be filed within the earlier of:
  - a. 90 days after the seizure; or
  - b. One year after the final disposition of the criminal charge for the violation giving rise to the forfeiture.
2. Forfeiture of a motor vehicle – a complaint for the forfeiture of a motor vehicle shall be filed within 45 days after the motor vehicle is seized.
3. Proceedings about money shall be filed within 90 days after the final disposition of criminal proceedings that arise out of the Controlled Dangerous Substance law.
  - a. If the State or political subdivision does not file proceedings about money within the 90 day period, the money seized under this title shall be returned to the owner upon request by the owner.
  - b. If the owner fails to request the return of the money within 90 days after the final disposition of criminal proceedings, the money shall revert to:
    - i. The political subdivision in which the money was seized; or
    - ii. The State, if the money was seized by State authorities.

**Section 16-6. North East Police Department - Handling of Asset Seizure for Forfeiture**

1. The seizing officer shall complete the North East Police Department property held form (MSP form 67) for currency and property seizures, excluding motor vehicle seizures. The form will be completed by the seizing officer with the items seized described completely.

2. Currency is to be listed by denomination and number of each denomination. The total amount seized will be listed and a second officer shall witness and verify the amount seized.
3. Other property seized is to be listed including the description of the item and serial numbers where applicable.
4. The seizing officer shall complete the North East Police Department Vehicle Impound Report for all motor vehicle seized. The report shall indicate "Seizure" in the reason for tow section of the form.
5. The seizing officer shall ensure that the Assistant State's Attorney assigned to handle each court appearance is made aware of the asset forfeiture associated with the criminal offense and shall ensure that the Assistant State's Attorney includes the asset seizure in any plea agreement for disposition purposes. If a court ordered or agreed forfeiture is applied to the asset seizure, the seizing officer shall obtain the written order and provide same to the Police Chief.
6. The seizing officer shall log the asset seizure into the North East Police Department Asset Forfeiture Log and assign an asset forfeiture case number.
7. The seizing officer shall complete the North East Police Department Asset Forfeiture Summary Report and Checklist.
8. The seizing officer shall photograph/photocopy all currency seized and attach same to the asset forfeiture file.
9. The seizing officer shall deposit the money into the designated fund at the assigned local bank, pending final disposition of the currency.
10. The seizing officer shall prepare a letter to the Office of the State's Attorney regarding the asset seizure for the signature of the Police Chief.
11. The seizing officer shall prepare a file including all submitted documentation. A copy of the file will be supplied to the Office of the State's Attorney. The seizing officer shall coordinate any necessary forfeiture proceedings regarding the asset seizure with the assigned Assistant State's Attorney.

12. The Department shall maintain a log of assets seized and make notification to the Finance Office of the Town of North East upon final disposition for the purpose of transferring to the assigned working account for the use of the North East Police Department.

## Article 17. EVIDENCE/PROPERTY ROOM

NOTE: The evidence/property room will be hereafter referred to as the “evidence room”.

### Section 17-1. Purpose

Evidence is one of the most important elements for the successful prosecution of any criminal case. Failing to properly document the chain of custody, storage and preservation of evidence can result in the loss of evidence in a criminal proceeding. Therefore, the purpose of this policy and procedure is to provide officers of the North East Police Department with the guidelines, policies and procedures to **properly** submit, document, store, and **dispose of evidence and property**.

### Section 17-2. Policy

It shall be the policy of the North East Police Department to properly submit and secure evidence and property in the evidence room or police storage shed. It shall be the responsibility of every officer to properly submit and secure his/her evidence and/or property in those storage areas. This will be done as soon as possible but no later than by the end of the officer’s shift. The evidence/property **MUST** have all of the required paperwork attached to it and it **MUST** be completely filled out prior to submission.

### Section 17-3. Submission of Evidence/Property, Non-CDS, No Lab Submission

1. The property shall be placed in the appropriate packaging and/or tagged as dictated by the evidence / property being recovered.
2. MSP-67 will be COMPLETED and attached to the evidence/property being submitted to the evidence room.
3. The evidence/property shall be logged into the PROPERTY CONTROL LOG and then immediately placed in the seizing officer’s evidence locker in the evidence room. Items too large to be placed in the evidence locker shall be placed on the evidence room shelves in the property room. The shelves will have letter designations to note on the MSP-67. If the evidence or property is so large that it cannot be stored in a locker or on a shelf, it will then be stored in the Police Department storage shed. Any property of a hazardous, combustible or explosive nature shall be stored in the police storage shed.
4. If for some reason a MSP-67 cannot be attached to any evidence/property then it may be tagged. The officer, in addition to the completing a MSP-67 the officer shall fill out an “evidence tag” which shall be attached to the evidence/property. The tag shall have the original case number and the property log number written on it. Also

the officer shall note on the tag "MSP-67 is filed in the property control log book". Using the property control log number the officer shall place the MSP-67 in numerical order in the back of the property control log book. The evidence/property shall be stored in the evidence room or police storage shed.

5. No evidence or property submitted to the evidence room shall be placed in the open area of the evidence room.
6. In this case the MSP-67 can be handwritten.

#### **Section 17-4. Submission of Evidence/Property - Submission for Lab Analysis**

1. The property shall be placed in an appropriate manner or tagged as dictated by the evidence / property being seized or recovered.
2. A MSP-67 will be COMPLETED and attached to the evidence / property being submitted to the evidence room. The form shall be typed, not handwritten.
3. The evidence / property shall be logged into the PROPERTY CONTROL LOG, then placed in the tray marked "OUT TO LAB".
4. When the evidence is being removed from the evidence room to go to the lab, the appropriate entry will be made on the MSP-67 in the chain of custody section. A copy of the completed MSP-67 shall be placed in the "OUT TO LAB" tray. This will allow evidence to be tracked while it is out.
5. The evidence / property shall then be delivered and released to the appropriate person and/or location for transport to the Maryland State Police Crime Lab.

#### **Section 17-5. Submission of Evidence/Property – Return of Evidence Submitted for Lab Analysis**

1. When evidence / property submitted to the lab is returned; the officer receiving the evidence shall make the appropriate entry on the MSP-67 in the chain of custody section, and return the evidence to the North East Police Department.
2. Upon returning the evidence to the North East Police Department; the officer shall make the appropriate entry on the MSP-67 in the chain of custody section and place it, still attached to the evidence, in the "BACK FROM LAB" tray in the evidence room.
3. The officer returning the evidence shall remove the copy of the MSP-67 from the "OUT TO LAB" tray, make a notation on this page that evidence is back, and place it in the submitting officer's mailbox.

4. It shall be the responsibility of the original submitting officer to remove the evidence from the "BACK FROM LAB" tray and place the evidence in his/her individual evidence locker.

**Section 17-6. Return of Evidence/Property to the Rightful Owner/Permissible Person**

1. When evidence or property is no longer required to be held and can be released to the owner. If the property is owned by a company then a designated company employee can retrieve the property. The employee retrieving the property must have identification as outlined in paragraph 2 of this section in order to obtain the company property. Every effort should be made by the investigating officer to contact the owner and release the property to him/her. This would include personal contact, telephone call, registered letter, etc. The notification shall also advise the rightful owner that all the property not claimed within 30 days shall be disposed of. It shall be the responsibility of the investigating officer to document all efforts made to get the property back to the rightful owner or designee. It shall be the investigating officer's responsibility to place the evidence or property in the proper disposal box when the items are ready for disposal. If the property is being returned to the owner or company designee, the officer will schedule a time for the owner or company designee to pick up the property. **The property will be left in the evidence / property to the** evidence room until it can be released to the owner or company designee.
2. When the owner obtains his/her property from the North East Police Department, photo identification shall be required. If the retrieving person is not the owner, written permission from the rightful owner is required along with photo identification prior to releasing the property.
3. The officer releasing the property/evidence shall have the owner or his designee sign, date, and time the MSP-67 in the next line of the chain of custody section. The property shall then be released to the signer.
4. Once the property is returned, the releasing officer will return the completed MSP-67 to the evidence room and place it in the tray marked RELEASED / DISPOSED PROPERTY/EVIDENCE.
5. The releasing officer shall log out the property as released from the PROPERTY CONTROL LOG to include the officer's signature, date and time of the release.
6. Once the property is disposed, the Police Chief or his designee will place the completed MSP-67 in the tray marked RELEASED/DISPOSED PROPERTY/EVIDENCE for filing.

**Section 17-7. Disposal of Evidence/Property**

1. Disposal of Non-Controlled Dangerous Substances (CDS) items.
  - a. Whenever evidence / property is unclaimed or the owner is unknown the item(s) are considered ABANDONED, and can be disposed after the thirty (30) day period. Proper disposal of the property is essential in order to eliminate any question as to the disposition of the property.
  - b. Before disposal can be considered, the officer must adhere to the protocols under Section 18-6, Paragraph 1, before the disposal process can be implemented.
  - c. Once every effort has been made under Section 18-6, Paragraph 1, the officer shall remove the property/.evidence from his/her storage location and make a notation on the bottom of the MSP-67 stating "FOR DISPOSAL". The officer shall sign his/her name next to the notation along with the date and time. The item(s) can then be placed, with the MSP-67 still attached, in the "NON-CDS" disposal box located in the evidence room.
  - d. The officer shall not log the item(s) out of the PROPERTY LOG BOOK or sign it out in the chain of custody section on the MSP-67, since the property/evidence is not leaving the evidence room.
  - e. Further determination on how the property/evidence shall be disposed of shall be decided by the Police Chief or his designee.
  - f. As items are disposed, the Police Chief or his designee shall log out the item(s) in the PROPERTY CONTROL LOG and then complete the MSP-67.
  - g. Once the property is disposed, the Police Chief or his designee will place the completed MSP-67 in the tray marked RELEASED/DISPOSED PROPERTY/EVIDENCE for filing.
2. Disposal of CDS –Controlled Dangerous Substances.
  - a. When CDS evidence is no longer required for court or is abandoned property it shall be disposed. The officer shall remove the CDS from his/her evidence locker and make a notation on the bottom of the MSP-67 "FOR DISPOSAL". The officer shall sign next to the notation along with the date and time.
  - b. The officer does not log the CDS evidence out of the PROPERTY CONTROL LOG or on the MSP-67.

- c. The CDS with the MSP-67 attached, shall be placed in the “CDS FOR DISPOSAL” box, located in the evidence room.
- d. When the CDS is removed for disposal, it shall be logged out of the PROPERTY CONTROL LOG, and signed out on the MSP-67 on the next line in the chain of custody section by the officer handling the disposal.
- e. The Police Chief or his designee, shall accompany another officer to destroy CDS evidence on the next scheduled burn date. Two officers are required during any CDS burn, and BOTH must sign off on the MSP-67 when the CDS is destroyed.
- f. Once the property is disposed, the Police Chief or his designees shall place the completed MSP-67 in the tray marked RELEASED/DISPOSED PROPERTY/EVIDENCE which is located in the evidence room.

#### **Section 17-8. Filing of Records After Disposal**

- 1. After any evidence/property or CDS has been released or disposed of or destroyed it shall be the responsibility of the Police Chief or his designee to file the completed forms in the appropriate PROPERTY CONTROL LOG as soon as possible.
- 2. The completed forms shall be placed in the back of the appropriate PROPERTY CONTROL LOG in the **numerical order of the property held number** and not the case number.
- 3. The PROPERTY CONTROL LOG shall be returned to the bookcase located in the evidence room after use.

#### **Section 17-9. Non-Compliance to Policy and Procedure**

Non-compliance to this policy and procedure shall result in a memorandum being sent to the Police Chief advising of the failure to comply. Further action will be at the discretion of the Police Chief.

#### **Section 17-10. Administrative Approval**

Date Approved: \_\_\_\_\_

Police Chief's Signature: \_\_\_\_\_

Submitted to Police Chief Darrel Hamilton on:

01-07-2014.

Revised 02-18-2014.

## **Article 18. ALCOHOL TESTING (PBT'S) AND BLOOD KITS**

### **Section 18-1. Purpose**

The purpose of this policy and procedure is to:

Outline the type of blood kit to be used for the documentation, collection and submission of blood alcohol samples for evidence.

Standardize the assignment, documentation, maintenance and certification of the (PBT) Preliminary Breath Test unit,

To document the use of the (PBT) and the results of administering/offering the preliminary breath test to a person suspected of being under the influence of an alcoholic beverage by a certified/approved operator/officer.

### **Section 18-2. Policy**

Therefore, it shall be the policy of the North East Police Department that all departmental law enforcement personnel who are approved and certified to use the (PBT) Preliminary Breath Test unit, and investigate and arrest of person(s) suspected of being involved in alcoholic beverage based violations, use any and all equipment in accordance with the policy and procedures outline hereafter.

1. Blood Test.
  - a. The test of Blood will be administered in accordance with the Courts and Judicial Proceedings Article ss10-305.
  - b. Only the blood alcohol collection kit approved by the Toxicologist Post Mortem Examiners Commission will be used for the withdrawal of blood.
  - c. Only those persons approved under the provisions of Courts and Judicial Proceedings ss10-305 and/or the Toxicologist Post Mortem Examiners Commission, will be utilized to draw blood.
  - d. The arresting officer should witness the withdrawal of blood to prevent the medical personnel from having to appear in court.
  - e. The arresting officer will be responsible for the proper filling out of all forms used in conjunction with the blood alcohol collection kit.

- f. The payment for the collection and analysis of the blood test is the responsibility of the arresting officer's agency. This is in accordance with CTAU guidelines. The bill will be automatically sent to MSP-CTAU and if applicable, CTAU will forward the bill to the appropriate agency for payment. The arresting officer does not need to advise the hospital as this process is automatic.
  - g. The arresting officer will be responsible for sealing the blood kit and forwarding it to CTAU (Chemical Test Analysis Unit) via first class U. S. Mail unless the circumstances dictates personal delivery.
  - h. In an emergency when a blood kit is requested by any other department, the persons handling such request will be certain a summons has been written or a warrant has been issued for the person suspected of being intoxicated. This will also instruct the requesting party as to persons authorized to draw blood. It should be noted that other law enforcement agencies as responsible for maintaining their own supply of blood alcohol collection kits.
  - i. Blood test for **drugs** will only be requested by a DRE (Drug Recognition Expert): Only DRE blood kits issued by the State DRE Coordinator will be utilized.
2. Issuance/Assignment Use of the of the Preliminary Breath Test (P.B.T.) unit.
- a. If an officer has a P.B.T. unit assigned to him/her it shall be signed out in the North East Police Department "PBT Sign-Out Log" then placed in the officer assigned patrol vehicle. It shall be the officer's responsibility to maintain the certification/calibration on his/her PBT unit. The PBT unit must be checked for calibration monthly as noted in 3. g of this Section.
  - b. If an officer does not have a unit assigned to him/her then a PBT unit can be signed out for use. The officer signing out the PBT unit shall sign out the unit in the NEPD "PBT Sign-Out Log" located in the patrol room. The officer shall enter the date and time signed out, the officer's name and the PBT unit serial number.
  - c. Once the unit is signed out the officer/operator shall check the unit to make sure it is working properly. Once checked the PBT can be taken on patrol.

- d. If the unit is not working properly the unit will not be used and shall be forwarded to the PBT supervisor for repair/recertification/recalibration.
  - e. At the end of the shift the officer shall return the PBT unit to the police department and sign the unit back in. The officer shall fill out the NEPD PBT Sign-Out Log showing the date and time returned. The unit will be placed back in the patrol room for the next officer/operator to sign out.
3. Preliminary breath test.
- a. Only the preliminary breath test equipment approved by the Toxicologist Post Mortem Examiners Commission will be used.
  - b. Only those persons approved by the Toxicologist will be authorized to administer preliminary breath tests. A certification issued to an individual will be evidence of satisfactorily completion of the course of instruction.
  - c. The breath test supervisor will be responsible for preliminary breath testing and submission of required reports to the CTAU.
  - d. The results of all preliminary breath test, offered, refused, calibration, and subjects tested will be recorded on the North East Police Department Preliminary Breath Test Log (form MSP 104) by the arresting/testing officer. ***All fields (blocks) on the form pertaining to the test or refusal shall be completed by the arresting/testing officer.***
    - i. Pages of form MSP 104 in the NEPD PBT Test Log will be consecutive, starting with page 1. Pages will not be renumbered at the beginning of each year, but will continue in numerical order.
    - ii. A new page will be initiated to start a new year.
  - e. A summary of preliminary breath tests offered refused, and subjects tested during each month will be forwarded to the CTAU by the tenth of the month for the preceding month on the Alcohol Influence and P.B.T. Use– Monthly Summary (form 34A).

- f. All PBT devices used in Maryland for traffic law enforcement must be registered with the CTAU. The CTAU shall maintain records of all registered PBT devices.
- g. Each PBT device used shall be checked once each month using a 0.100 or 0.08 simulated alcohol solution. This test can be performed by an approved operator. The PBT will primarily be checked at the Maryland State Police Barrack "F" in North East, Md. However, if their testing solution is not available at the barrack, the PBT can be tested at any other Law enforcement agency that is in the PBT program and has a testing solution available.
  - i. The results of this test must be recorded at the North East Police Department, on form MSP 104 by the operator/officer. The form is located in the PBT Test Log Book.
  - ii. The results of this test will be recorded in the Accused Name or Calibration Test column as Monthly Test.
  - iii. The results of this test must be between 0.09 and 0.1 (inclusive), for a 0.100 solution and 0.07 and 0.09 (inclusive) for the 0.080 solution.
  - iv. PBT devices that do not achieve this result must be withdrawn from use and recalibrated. Calibration and repairs to PBT devices must only be made by those persons trained for this purpose. The PBT unit should be turned into the PBT supervisor for any repairs and re-calibration.
  - v. After recalibration, the result must be recorded in the NEPD PBT Test Log and "Calibration Test" should be recorded in the "Accused Name or Calibration Test" column.
- h. PBT's, though primarily acquired to aid in alcohol intoxication determinations for suspected drinking and driving in DUI enforcement, may be utilized effectively in other instances. For example, a passenger in a vehicle in which the driver has been arrested for DUI may be requested to voluntarily submit to a PBT test if the passenger

intends to drive the vehicle and if there is suspicion the passenger has been drinking, the passenger may be tested.

- i. PBT results can and should be included in the “Reasonable Grounds” section of MVA form DR-15 as supporting administrative documentation.
  - i. **NOTE:** At this time **NO** Chemical Breath Test results will be entered into the North East Police Department PBT Test Log Book. Those test results are documented and reported to CTAU by the agency performing the Chemical Breath Test. However, refusals to take a chemical breath shall be entered in the NEPD PBT Log Book as well as the PBT result or refusal. The results of any blood test kit will also be entered into the book.

### **Section 18-3. Disciplinary Action/Failure to Comply**

Failure of any officer to adhere to the policy, procedures and guidelines, wholly or in part, shall be subject to disciplinary action by the agency.

### **Section 18-4. Administrative Approval**

Date Approved: \_\_\_\_\_

Police Chief's Signature:\_\_\_\_\_

Submitted to Police Chief Darrell Hamilton on :  
01-07-2014;  
resubmitted 02-18-2014.

## Article 19. Narcan Policy

### Section 19-1. Purpose

To establish guidelines and regulations governing utilization of the Nasal Narcan administered by the North East Police Department. The objective is to treat Opioid Overdoses and reduce fatal Opioid Overdoses.

### Section 19-2. Policy

It is the policy of the North East Police Department that officers who will be administering Nasal Narcan are properly trained in the use and deployment of the Nasal Narcan according to the laws of the State of Maryland.

### Section 19-3. Procedure

1. The North East Police Department will secure the Nasal Narcan kit in the following primary location:
  - a. One kit assigned to each officer and attached to duty belt.
  - b. **NOTE:** Nasal Narcan may be damaged by extreme temperatures, both high and low. Due to this fact, Nasal Narcan should not be stored inside the patrol vehicle.
2. Nasal Narcan Coordinator: The Nasal Narcan Coordinator will be assigned by the Police Chief and shall be responsible for the following:
  - a. Ensuring the Nasal Narcan is current and not expired.
  - b. Proper and efficient deployment of Nasal Narcan for patrol.
  - c. Replacement of any Nasal Narcan that is either damaged, unusable, expired or deployed.
  - d. Ensuring all personnel that will be using Nasal Narcan have received appropriate training in such.
  - e. Ensure that any deployment of Nasal Narcan to a subject will have a corresponding police report documenting such deployment.

**Section 19-4. Nasal Narcan Use**

When using the Nasal Narcan kit, officers will maintain universal precautions, perform patient assessment; determine unresponsiveness, absence of breathing and/or pulse. Officer (s) should update their communications dispatcher that the patient is in a potential overdose state. Dispatcher will then notify the local EMS and Paramedic Unit. Officers shall follow the protocol as outlined in the Nasal Narcan training.

1. Officer Nasal Narcan Deployment Protocol:
  - a. Identify and assess victim for responsiveness, pulse and status of breathing;
  - b. If no pulse, initiate CPR and AED as per normal protocol; notify incoming EMS;
  - c. If pulse is present and the victim is unconscious, assess breathing status;
  - d. If breathing is adequate (>8 per minute, no cyanosis) and no signs of trauma, place in the recovery position;
  - e. If breathing is decreased or signs of low oxygen (cyanosis) and overdose is suspected (based on history, evidence on scene, bystander reports, physical examination) then proceed with narcan administration;
  - f. Retrieve Narcan kit;
  - g. Assemble kit;
  - h. Administer a maximum of 1mg in each nostril for a total of 2mg, using the mucosal atomizer device;
  - i. Initiate breathing support with pocket mask, bag-valve-mask and oxygen if available;
  - j. If no response after 3-5 minutes and a second dose of naloxone is available, repeat the administration;
  - k. Continue to monitor breathing and pulse – if breathing increases and there is no evidence of trauma, place in the recovery position;
  - l. If at any time pulses are lost, initiate CPR and AED as per normal protocol;
  - m. Keep responding EMS advised of patient status when able to do so;

- n. Give full report to EMS when they arrive;
  - o. Complete documentation and internal department procedures for restocking and notification;
2. **NOTE:** When an officer deploys nasal Narcan and it results in a resuscitation of an overdose victim, that officer should ensure that person receives appropriate follow-up care. The effects of Narcan only last for a limited period of time and the person may experience another opiate overdose when the effects of the Narcan wear off. As such, every effort should be made to encourage that person to be transported to the hospital for additional care. Furthermore, the officer should, if requested, accompany the ambulance personnel for their safety. Local police and EMT procedures should not be otherwise circumvented as a result of this protocol.

#### **Section 19-5. Documentation / Nasal Narcan Report**

Upon completing the medical assist, the officer shall submit a report on the incident.

## **Article 20. Prescription Drug Drop Box Program**

### **Section 20-1. Purpose**

The purpose of this policy is to provide members of the North East Police Department with guidance regarding the Prescription Drug Drop Box Program.

### **Section 20-2. Policy**

The North East Police Department will maintain a “Prescription Drug Drop Box” in the lobby of the North East Police Department in order to provide citizens with a safe and anonymous way of disposing of expired or unwanted medications. The drop box is securely affixed to the floor. A security camera is present in the lobby and the drop box will be in sight of the duty officer.

In addition to providing citizens with a safe and secure way to dispose of prescription and over-the-counter drugs, it provides an environmentally friendly alternative to other methods of disposal. The program will aid in reducing accidental poisonings, reduce crime related to prescription drug abuse, burglary, and drug misuse. Environmentally, it will help prevent tainted water supplies and will keep these drugs out of landfills.

The Prescription Drug Drop Box is clearly marked for identification and includes instructions for residents. The following conditions will apply:

### **Section 20-3. Accepted and Non- Accepted Items.**

#### **Accepted Items:**

Prescriptions  
 Prescription Patches  
 Prescription Medications  
 Vitamins  
 Samples  
 Pet Medications  
 Over the Counter Medications

#### **Non-Accepted Items:**

Inhalers  
 Aerosol Cans  
 Liquids  
 Needles- Sharps  
 Medications from Businesses/Clinics  
 Lotions  
 Illegal drugs  
 Thermometers  
 IV Bags – Tubing  
 Bloody or Infectious Waste  
 Trash  
 Loose Pills  
 Personal Hygiene Items

**Section 20-4. Procedures**

## 1. Oversight

This program will be overseen by the Administrative Lieutenant who will have access to the keyed drop box. The Police Chief will also maintain a key. The Lieutenant will coordinate with the Evidence/Property Officer to regularly collect and document the contents. The Administrative Lieutenant and Evidence/Property Officer will physically be present for each removal and documentation.

## 2. Internal Reporting

A case number will be assigned each time the box is emptied, a report will be submitted for "CDS/Drug Turn In", and a Property Record inventory number will be assigned for the total amount of the property recovered from the box. Universal precautions will be used when handling those items to include gloves. The North East Police Department Property Record will be kept for informational purposes containing the total weight and will be maintained by the Evidence/Property Officer each time the box is emptied and a copy will be placed in Central Records along with the report. The collected items will be placed into a box marked with the case number and Property Record number, sealed with evidence tape and initialed by the Administrative Lieutenant and the Evidence/Property Officer.

## 1. Destruction &amp; Reporting

All collected items will be destroyed in the same manner as other found/recovered Controlled Dangerous Substances (CDS) and witnessed by a command staff member of the rank of Lieutenant or above. A yearly report summarizing the amounts and the disposal of items received in the Prescription Drug Drop Box will be forwarded to the Drug Enforcement Administration (DEA) Baltimore Office Special Agent in Charge (SAC).

## **Article 21. MOBILE DATA TERMINAL (MDT)**

### **Section 21-1. Policy**

It is the policy of the North East Police Department to ensure proper operation of the Mobile Data Terminal (MDT) and that the MDT's are being utilized securely and confidentially.

### **Section 21-2. Purpose**

The North East Police Department will use wireless communication technologies to enhance the operations and security of the Agency. Employees will use the Mobile Data Terminals (MDT) in compliance with the policies and procedures outlined.

#### **1. General MDT System Usage**

- a. The Dispatch Manager is responsible for the agency's management and operations of the MDT Program as well as communication and interaction between Federal, State and local agencies that support the MDT Program.
- b. The Cecil County Sheriff's Office Information Technology Department (IT) will be responsible for the daily administration of the MDT Program as well as maintenance and repair. Additionally IT will conduct random administrative security checks of the MDT system to ensure that all necessary security procedures are being followed.
- c. It is the responsibility of each officer to ensure this technology is only used for conducting authorized agency business and in a manner that does not compromise confidential, protected, restricted or other sensitive information.
- d. MDT users will report, by the end of their shift, all MDT related issues or problems to the Police Chief, in memo form, who will document the issue or problem and forward that information to the IT department for review and/or solution.
- e. If the equipment needs to be serviced, repaired or reprogrammed, a message will be sent to the IT department.

#### **2. System Security**

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

- a. Password- The password used to access the MDT system and METERS/NCIC will not be shared or made known to any other individual, nor will the officer leave their password in any discernible written form on or near their computer. The officers will be held strictly accountable for any transactions appearing under their log-on signature and password.

Officers who have reason to believe their password has been compromised will immediately notify the Police Chief and the IT department and change their password. An attempt by any employee to utilize an MDT or gain access to METERS/NCIC with another employee's password is strictly prohibited.

- b. Vehicle Security– It is the assigned officer's responsibility to safeguard the MDT. The MDT's will be securely locked into place on the docking station while the computer is in the vehicle. Officers will lock their vehicle upon exiting. All officers are required to log off from all network computer systems at the completion of their workday.
- c. Transporting Prisoners – Special care must be taken to safeguard information when transporting prisoners. The officer will lock the system or close the laptop cover during prisoner transports.

### 3. Prohibited Uses

- a. MDT's contain sensitive law enforcement information. Use of or access to the MDT's by unauthorized persons is prohibited.
- b. The unauthorized introduction of software programs or other files or, the manipulation or alteration of current software running on agency owned MDT's is strictly prohibited.
- c. All MDT's data and software maintained or used by the North East Police Department is for official use only. Officers will not use or cause to be used any MDT for personal gain or benefit of any kind.
- d. Officers will not attempt to install, delete, or modify any software or hardware associated with the MDT at any time.
- e. Officers may not access information concerning individuals who are not subject to legitimate police inquiries.
- f. Violations of prohibitions may result in disciplinary action or criminal prosecution.

#### 4. Mobile Data Browser Procedures

- a. MDT usage is restricted to those officers trained in the proper use of the equipment and granted access into the system. All MDT operations will be in accordance with Internet Explorer 8 standard agency operating procedures.
- b. Officers will turn on and log into the MDT system at all times (on and off duty) while operating their agency vehicle. The MDT will remain on at all times the officer is on or off duty. Officers will not operate any mobile laptop computer while their vehicle is in motion. Officers assigned MDT's will stop their vehicle and park in a safe manner before attempting to access information.
- c. When the MDT system is not in use, the laptop cover will be closed or covered.
- d. MDT users will attend all scheduled MDT related training. Should a conflict exist between scheduled training and another assignment, the MDT user will inform the Police Chief of the conflict. The Police Chief will attempt to resolve the conflict or arrange for the officers training to be rescheduled for the next available training date.
- e. Safe operation of the patrol car is paramount. It is stressed that common sense and safe driving practices dictate the officer will focus his/her attention on safe operation of the vehicle and view the MDT only when safe to do so. MDT devices will only be operated when the vehicle is not in motion.

#### 5. CJIS/NCIC/METERS Information Systems

- a. CJIS/NCIC/METERS will be accessed via the MDT's, by the authorized users. These systems offer detailed information concerning the personal and physical identity of individuals which may be of concern to law enforcement.
- b. Maryland law prohibits secondary dissemination of CJIS information for other than official purposes. This information applies to motor vehicle and licensing information obtained through CJIS. Any person disseminating criminal justice information to unauthorized recipients is subject to Federal and State imposed sanctions.
- c. Only officers who have been trained to access METERS (Maryland Telecommunications Enforcement Resources System), NCIS (National Crime Information Center), and CJIS (Criminal Justice Information System) may use the entry into those records and motor vehicle information files.

- d. Officers are required to use the MDT's to make all CJIS/NCIC/METERS inquiries unless circumstances exist, that makes using the MDT impractical, or endangers officer safety.
- e. Responses from inquiries to CJIS/NCIC/METERS are protected information. Officers are not permitted to use these systems for their own use or purposes. Information received through these computer systems may only be used for official criminal justice purposes. Officers will not initiate any inquiry outside those purposes necessary to complete a law enforcement or agency objective.
- f. Officers will ensure that unauthorized persons, to include passengers or offenders located in the vehicle, do not view responses from these systems. When the MDT system is not in use, the laptop cover will be closed or covered.
- g. Officers are responsible for maintaining all certifications, which allow access to CJIS/NCIC/METERS, and other databases retrievable by an MDT.

#### 6. Warrant and Stolen Property Verification

- a. Special care must be taken in using the MDT to check warrants. Not all local warrants have been entered into the system. The absence of a warrant in the system does not necessarily mean there are no local warrants. The officer must still have dispatch confirm the status of an active warrant.
- b. The officer will also confirm with dispatch, all hits received as a result of an NCIC query with regards to stolen property.
- c. Warrant or stolen property information received from the MDT will **not** be considered probable cause for arrest. Warrant and stolen property hit confirmation procedures include:
  - i. Officers receiving a hit on his/her MDT, will verify the hit by viewing the NCIC summary screen to ensure the HIT applies to the person or type of property which has been queried, and that the information they requested matches the query results provided by the system. Officers should follow this procedure prior to initiating a stop, contact or other law enforcement activity when ever possible unless, other probable cause exists for the stop.
  - ii. Officers must confirm a warrant or stolen property hit through dispatch prior to making an arrest or recovery. Waiting for the hit

confirmation, does not prohibit the Officer from taking the necessary precautions to secure the suspect individual for officer safety.

## 7. Care of Equipment

- a. Care must be taken when handling all MDT Devices. Avoid exposing the laptop unit to moisture, including rain and snow, as well as beverages. If spillage does occur, log off all active sessions and shut down the MDT immediately. Clean the affected area, and notify the IT Department. Do not power-on the MDT Device until such time as the IT Department has had an opportunity to inspect the device.
- b. The MDT is capable of operating in diverse weather however; it may not function properly until it returns to ideal operating range. In extreme cold, the device may not function until the device heats up. In the extreme heat of summer, the device may not work until the ambient temperature of the vehicle has cooled down.
- c. Care should be used in cleaning the screen of the MDT. An anti-static cleaning cloth should be used to clean the screen. Another cleaning method may be the use of a soft cotton cloth lightly moistened with water. No cleaning solution of any kind should be used to clean the screen or laptop device. No cleaners of any type such as Windex will be used on the screen.
- d. For those MDT's having a touch screen, users will only use a "fingertip" when touching the screen. Under no circumstances will an ink pen be used on the screen. The ink pen can cause irreparable damage to the screen.
- e. Any maintenance or repairs that need to be done to the MDT's will be done exclusively through the IT Department, as well as any adjustments that are needed.
- f. The MDT will be removed from the vehicle at the end of the users tour of duty as well as when the vehicle will be left unattended for any extended period of time, to include routine vehicle maintenance or left at another repair facility.

## 8. Safety and Inspections

- a. MDT's will undergo monthly inspections by the Police Chief.
- b. For officer safety, the MDT should always be properly secured in the vehicle mount, and in-line with the center console so it does not interfere or impede with the operation of the passenger side air bag.
- c. Wireless mobile computing devices may interfere with the function of inadequately protected medical devices including pacemakers.
- d. Wireless mobile computing device users will be mindful of regulations governing the use of the device. The user will deactivate the device in areas where radio devices are forbidden, or when it may cause interference or danger. Any restrictions on use pertaining to cell phones and two-way radios will apply to the MDT's. Similar to radio transmission, special attention should be used in the following areas: fuel depots, chemical plants, blasting operations, and all other areas where radio transmissions are either prohibited or restricted.

## **Article 22. DISCIPLINARY PROCEDURES**

### **Section 22-1. General Provisions**

The Police Chief will be responsible to administer disciplinary action against police employees within the Department as described below.

1. An emergency suspension of an employee's police powers may be imposed when it is deemed to be in the best interest of the public and the law enforcement agency Public Safety Article, Title 3-112 of the Annotated Code of Maryland. Such a suspension may be imposed against a law enforcement officer only by a supervisor superior in rank. Concurrence of the Police Chief of such an action will be obtained as soon as possible through channels. When an employee's police powers have been suspended, his Department issued firearm, badge, North East Police Department identification card, Maryland police officer certification card, and assigned vehicle will remain in the custody of the Police Chief and the employee will not exercise police authority.
2. Actions involving the suspension of police powers are generally related to disciplinary matters, however such a suspension may also be imposed in the best interest of the employee, the Department and the public for issues related to medical and/or psychological consideration. When an employee's police powers are suspended for medical/psychological reasons, not associated with the disciplinary process, an emergency suspension review hearing is not required. Instead, these cases will be promptly reviewed by the Department approved physician and, when necessary, referred to an appropriate specialist to obtain a fitness for duty evaluation.
3. The Police Chief shall arrange for the convening of an emergency suspension review hearing board in all cases relating to suspensions involving the disciplinary process. The suspended employee will be ordered to appear for the suspension review hearing to determine if the suspension will be terminated or continued pending disposition of the charge(s). This suspension review is in addition to the hearing on the merits of the charges as provided for in Public Safety Article, Title 3-107, of the Annotated Code of Maryland.
  - a. The Police Chief or his designee shall promptly conduct an emergency suspension review hearing.
  - b. An employee whose police powers have been suspended may

Choose to waive the review hearing. This waiver must be documented in writing utilizing any Emergency Suspension/Waiver of Hearing Form and submitted to the Police Chief or his designee prior to the hearing.

- c. The review board will be comprised of three members, at least one of which shall be the same rank as the suspended employee.
- d. The review board shall conduct the hearing in order to formulate recommendations to the Police Chief regarding the emergency suspension. The board shall limit the subject of its review to determining if the continuation of the suspension of police powers is necessary to protect the interest of the public or the Department pending final disposition of the charge(s). The board shall also consider whether other assignment of leave status alternatives should be considered. At this review the employee may:
  - i. Be accompanied by counsel; however, only matters dealing directly with the determination of the suspension will be heard;
  - ii. Rebut the reason(s) given for the suspension;
  - iii. Present mitigating testimony;
  - iv. Suggest alternatives to suspension.
- e. The presenter of facts will present information to the review board and will make recommendations concerning the employee's leave status, temporary assignment during the period of suspension and/or whether the suspension should continue with or without pay.
- f. An emergency suspension of police powers without pay may only be imposed when the suspended employee has been charged with the commission of a felony.
- g. The hearing will be tape recorded. At the conclusion of the hearing, the tape will be sealed in an envelope and forwarded to the Police Chief for retention and inclusion in the investigative case file if any.



9. A hearing arising from the administrative charges must commence promptly after the date of the order assigning the members of the hearing board. After the initial hearing has been set, the date may only be postponed by the chairman of the hearing board on presentment of good and substantial reason by either party.

## **Section 22-2. Summary Punishment**

### 1. Procedure

- a. In all cases when a law enforcement officer is charged with a violation of Department rules, policy or procedures, such charges may be heard by the hearing board. If the Police Chief considers the charge placed against one of his subordinates to be minor, he may allow the accused to elect to have these charges disposed of by summary punishment. In no instance, however, may the accused choose summary punishment unless the Police Chief approves of such a course or action.
- b. The authority to impose summary punishment charges by the Police Chief who has the responsibility of exercising his authority in a fair and judicious manner. The Police Chief must ensure that the case investigator promptly provides sufficient information to make an appropriate disposition of the incident. The investigation should reveal:
  - i. Whether an offense was committed;
  - ii. Whether the employee was involved in the offense;
  - iii. The disciplinary record of the employee;
  - iv. Recommendations as to sustained or non-sustained findings
- c. Any decision, order or action taken as a result of summary punishment shall be accompanied by finding or fact. The findings shall consist of a concise statement of each issue in the case.

- d. If the accused is given the option of choosing the hearing authority they must choose within three (3) days after receiving the Notification of Charges Form whether they elect to accept summary punishment. If summary punishment is accepted, the accused shall complete the Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form. The failure of the accused to select the hearing authority and to submit this form within three (3) days shall be considered a waiver of summary of punishment and the Police Chief shall process the case in accordance with the procedures specified in the subsection entitled "Hearing Board".

## 2. Penalty Assessment Guide

- a. In order to assure uniformity and objectivity in the assessment of penalties for summary punishment offenses, the Police Chief has established a Penalty Assessment Guide. Penalty ranges for such offenses are limited to suspension or loss of leave for three days. The guide will list all of the various offenses, along with the recommended penalty for each infraction.
- b. The Penalty Assessment Guide provides the following categories of offenses and corresponding penalties:

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### **CATEGORY I – VERBAL REPRIMAND UP TO A WRITTEN REPRIMAND**

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#### **Insubordination:**

Failure to follow chain of command.

#### **Conformance of Laws:**

Violation of Traffic Laws On-Duty.

Violation of Traffic Laws Off-Duty.

#### **Department Communications:**

Failure to submit required reports.

Late reports.

Failure to maintain acceptable appearance.

**Neglect of Duty:**

Punctuality (assignments, court. etc.).  
Inattentiveness to Duty.

**Department Equipment:**

Failure to Maintain.  
Damage to.  
Loss of Department Equipment.

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**CATEGORY II –WRITTEN REPRIMAND UP TO A ONE (1) DAY SUSPENSION**

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**Unbecoming Conduct:**

Conduct On-Duty.  
Conduct Off-Duty.

**Criticism:**

Ridicule of North East Police Department/Other Agencies.

**Secondary Employment:**

Unapproved Secondary Employment.

**Department Communications:**

Failure to maintain radio contact.  
Inaccurate reports.

**Courtesy:**

Rude/Discourteous/Argumentative.  
Obscene Language/Gestures.

**Identification:**

Failure to furnish Name/I.D./Assignment

**Department Equipment:**

Off-Duty Misuse of Vehicle.

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**CATEGORY III –WRITTEN REPRIMAND UP TO A THREE (3) DAY SUSPENSION**

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**Insubordination:**

Failure to obey order.

**Reporting for Duty:**

Failure to log On/Off and In/Out.

**Fictitious Illness or Injury Report:**

Abuse of sick leave.

**Evidence Found and Recovered Property:**

Failure to secure.

**Suggestions Pertaining to Service.**

Recommending product/professional service to public.

**Requests for Assistance:**

Failure to assist/advise public intervening in a civil case.

**Citizen Complaints:**

Failure to accept complaint.

**Neglect of Duty:**

Sleeping On Duty.

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**HEARING BOARD- REFLECTS THOSE OFFENSES RECOMMENDED FOR REVIEW BY  
A HEARING BOARD**

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**Associations:**

Association with criminal element.

**Immoral Conduct:**

Moral turpitude.

**Conformance to Laws:**

Violation of criminal laws On-Duty.

Violation of criminal laws Off-Duty.

Perjury.

Driving while intoxicated.

**Abuse of Position:**

Using official position for personal/financial gain.

**Seeking or Accepting Gifts/Gratuities/Bribes:**

Seeking or accepting Gifts/Food/Drink/Fee/Reward On-Duty.

Seeking or accepting Gifts/Food/Drink/Fee/Reward Off-Duty.

Seeking or accepting Contributions On-Duty.

Seeking or accepting Contributions Off-Duty.

**Interrogations:**

Failure to comply with interrogations/polygraph/CVSA/urine specimens/line-ups/other test.

**Reporting for Duty:**

Unfit for duty.

Absent without authorized leave.

**Interference with Duty:**

Interfering with criminal/traffic cases.

Revealing identity of plainclothes/covert investigator.

**Abuse of Processing/Withholding Evidence:**

Withholding evidence or information.

**Evidence Found and Recovered Property:**

Converting to own use, Tampering/Destruction of.

**Demonstration of Discrimination/Harassment:**

An expression, in any form, of discrimination or prejudice, such as, but not limited to all forms of discrimination or prejudice, such as, but not limited to all forms of illegal prejudice, expressions of racial/ethnic/religious insults and epithets, gender bases derogatory comments and sexual harassment.

Retaliation against reporting is also covered.

**Neglect of Duty:**

Failure to take police/administrative action.

**Use of Alcoholic Beverages:**

Drinking On-Duty.

Authorized alcohol consumption, but consumed to excess.

Consuming alcohol in on-call status.

**Political Activity:**

Unauthorized political conduct On-Duty/Off-Duty.

**Department Communications:**

Failure to report criminal activity.

False reports.

Providing Department information to unauthorized parties.

Possession of alcohol on Department premises.

Consuming alcohol beverages while operating Department vehicle.

**Use of Drugs:**

Possession of CDS.

**Treatment of Persons in Custody:**

Mistreatment of prisoner.

Allowing escape of prisoner.

**Use of Force:**

Unnecessary or excessive.

Brutality.

**Firearms:**

Discharge of Firearms Indiscriminate/Careless/Display or Use.

**Incompetence:**

Performance of duties.

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- c. Supervisors should adhere to the penalties listed for each offence. The guide is structured to take into account such factors as repeat

offenders and the frequency of offenses committed by an individual. However, the Penalty Assessment Guide is just as its name implies, a guide, and not an absolute directory. Although occasions to deviate from the guide should be rare, supervisors may, with adequate justification, choose a penalty assessment different from that recommended by the guide, after consulting with the Police Chief. If an employee has been charged with two violations of the same offense within one (1) year, he should be subjected to the penalties of the next higher category or the case should be sent to a hearing board, whichever is appropriate.

### 3. Penalty Selection

- a. If the officer accepts summary and considers it appropriate, following current investigative and administrative procedures as outlined in Section 22-2. Summary Punishment, then the Police Chief will determine an appropriate penalty.
- b. Once a decision is made, the Police Chief or his designee will properly complete the Notification of Charges Form including the specific charge and facts used to support that allegation. A copy of the completed Notification of Charges Form will be presented to the accused. At this time, the accused may be offered summary punishment or advised summary punishment is not appropriate and the case will be heard by a hearing board.
- c. The accused is not compelled to accept summary punishment and penalty may demand the case be heard by a hearing board. The accused employee's decision will be made according to policy contained in this subsection.
- d. In case where summary punishment is not offered or where it is offered and refused, the case file and completed Notification of Charges Form will be forwarded directly to the Town's legal advisor for processing and review.

#### 4. Case Flow

- a. After the Police Chief's disposition, the original case file, the Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form will be filed in the officer's case file.
- b. The Police Chief shall prepare an appropriate order announcing the disciplinary action and designated dates of suspension or loss of leave in accordance with dates specified on the Notification of Charges/Waiver of Law Enforcement Officers Bill of Rights and Acceptance of Punishment Form.
- c. Records of Disciplinary Action of any case disposed of through summary punishment may be filed in the affected employee's personnel file without his consent.
- d. After final disposition, the Police Chief shall give a completed copy of the Notification of Charges Form to the accused.

#### **Section 22-3. Hearing Board**

The rules and regulations in this subsection define policy for the imposition of discipline within the Department. These rules and regulations are guides for handling disciplinary action and generally should be followed. In unusual situations not covered by these rules and regulations, or where strict adherence to these rules would work an injustice, deviation from the rules and regulations are permitted. The hearing board chairman and other members of the board should be flexible and should not apply these rules, regulations and rules of evidence mechanically.

##### 1. Jurisdiction

- a. It shall be the function of the hearing board to hear all charges against a law enforcement officer not disposed of by summary punishment. Hearing will be conducted pursuant to the Administrative Procedures Act as modified by the Law Enforcement Officers Bill of Rights. Charges should describe only the offense committed; portions of the rule, procedure, or directive containing irrelevant or extraneous language shall not be cited. Charges should be prepared as described in the

example appearing in the subsection relating to summary punishment.