

**CHAPTER 11: CODE ENFORCEMENT****I. POLICY**

Code enforcement has a dual strategy: first, to ensure that unsafe and/or hazardous conditions in the Town are addressed immediately; and second, to send a strong message to the criminal community that chaos and decay are not acceptable conditions to Town residents. To this end, the Department will work closely with other Town, County, and State departments or agencies to help ensure a safe environment.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**Stop Work Order:** An order issued by a representative from the Town or by Prince George's County's Department of Environmental Resources which prohibits further work due to code violations

**IV. FORMS**

- Notice of Violation
- Police Summons
- Inspection Report
- Orange Warning Sticker
- Warning/Field Observation/J-2 Report Form
- Inter-Town Information Sheet/Request For Action
- Uniform Civil Citation (District Court of Md. Form #DC28)

**V. PROCEDURES****1. Code Enforcement Officer (CEO)**

The Department employs a full-time civilian Code Enforcement Officer (CEO) whose specific responsibility lies with enforcing the multiple civil and criminal sections of the Cheverly Town Code. Specific areas of primary responsibility include, but are not limited to:

- Animal Complaints and Violation (Town Code, Chapter 4)
- Housing Code and rental inspections, including the issuance of Inspection Reports (Town Code, Ch. 5)

- Businesses and related licensing (Town Code, Ch. 9)
- Dumping and littering (Town Code, Ch. 10)
- Health and nuisance violations (Town Code, Ch. 15)
- Lot maintenance, including grass and snow removal violations (Town Code, Ch. 18)
- Noise violations (Town Code, Ch. 19)
- Traffic and Parking Complaints (Town Code, Ch. 27)

Each of these areas of concern has overlapping law enforcement applications and all police personnel are expected to enforce these violations and others. The CEO should serve as a resource for all personnel regarding the Town Code and its enforcement, particularly civil violations.

***Citing Civil/Criminal Violations***

The CEO and police officers should cite violations using the Notice of Violation (CPD Form #) that indicates the specific violation and indicates a time period for correction. This form has pre-printed violation chapter/section numbers. If correction is not made in conformance to the Notice of Violation, where applicable, then the violator can be cited on a Uniform Civil Citation (DC Form # 28).

***Citing Traffic and Parking Violations***

Regarding parking or other vehicle violations, the orange Warning Sticker should be used to identify a violation or potential violation and a Police Summons to cite traffic and parking violations, as appropriate. The CEO is not empowered to enforce the Maryland Transportation Code; only sworn law enforcement officers may write Maryland Citations for moving and/or parking violations.

The CEO maintains a list of Town-approved contractors to correct violations when the homeowner or resident fails to take appropriate action (i.e. cutting grass, removing litter). The Director, Public Works can also be contacted for assistance.

**2. Assisting Outside Agencies Code Violations**

When an inspector from outside the Town requires assistance with a code violation, a CPD supervisor shall verify the need for assistance and arrange for an officer to assist the inspector. If doubt exists regarding the legality of the situation, the OSA may be contacted for guidance.

Officers assisting inspectors shall familiarize themselves with the situation and the inspector's duties. Examples may include the issuance of Stop Work Orders and violations of building and plumbing codes.

### ***Stop Work Orders***

Regarding Stop Work Orders, it is a misdemeanor for any person to continue work in violation of a Stop Work Order that has been issued by the Town or another local government agency such as the County's Department of Environmental Resources (DER).

Officers assisting Town employees or County Inspectors with violations of Stop Work Orders shall respond to the location and verify that an order has been issued. If an order has been issued, the officer shall advise the individual that continuing to work constitutes a misdemeanor offense and may result in arrest.

The officer shall obtain the individual's identity and provide it to the inspector so that the inspector may apply for a warrant.

If the individual continues to work in the presence of the officer, an on-scene arrest may be made. When an arrest is made, the officer shall provide the individual's identity and the case number to the inspector and summons him to court.

### ***Plumbing Violations***

Regarding plumbing violations, after a Washington Suburban Sanitary Commission (WSSC) plumbing inspector obtains a warrant, he or she shall contact this Department and shall speak to a supervisor to request assistance with serving the warrant. Only after a warrant has been verified shall an officer accompany the plumbing inspector to the suspect's location. Upon arrival, the officer shall serve the warrant.

After the suspect has been arrested, the officer shall transport him to a processing facility and complete an Incident Report and an Arrest Report. The officer shall note "Warrant Service Only" on the Arrest Report.

### **3. Violations of Liquor Laws** *(Maryland Code, Article 2B)*

Officers who observe violations of the liquor laws shall complete an Incident Report.

The PGPD Records Section shall forward a copy of the report to the Chief Liquor Inspector, Board of License Commissioners. This allows the Board of License Commissioners to monitor establishments that violate the law. If immediate enforcement is required, officers shall take appropriate action.

### **4. Violations Involving Adult Bookstores** *(Prince George's County Code Section 27-264)*

Prince George's County's Department of Environmental Resources (DER) is responsible for serving notice on property owners who are in violation of provisions of the County Code regarding adult bookstores. This notice directs the property owner to cease the violation.

If the violation has not ceased within 48 hours, DER may notify PGPD Narcotics Enforcement Division's (NED) Intelligence Unit and request that they take enforcement action against the violator.

For a first offense, an NED investigator may verbally direct the individual to stop operating the adult bookstore. This shall be documented on an Incident Report.

For a second or subsequent offense, the individual may be arrested. When an arrest is made, the NED investigator shall provide the individual's identity and case number to DER and summons the DER inspector to court.

### **5. Inter-Town Information Sheet/Request for Action**

When a possible hazard or other condition is noted around the Town that is typically assisted by another Town component, for example, Public Works or Administration, employees shall use the

Inter-Town Information Sheet/Request for Action (CPD Form#) to document conditions or environmental hazards. The report does not require a CCN. Upon completion, the report shall be forwarded to the Police Secretary who shall disseminate it to the appropriate component for follow-up.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **Governing Legislation:**

- Town Code, Chap 4, Animals
- Town Code, Chap 5, Housing
- Town Code, Chap 6, Tree Preservation
- Town Code, Chap 8, Building Code
- Town Code, Chap 9, Businesses & licenses
- Town Code, Chap 10, Dumping, liter, trash
- Town Code, Chap 12, fire prevention
- Town Code, Chap 15, Health & Nuisances
- Town Code, Chap 16, Parks
- Town Code, Chap 17, Municipal Infractions
- Town Code, Chap 18, Lot Maintenance
- Town Code, Chap 19, Noise
- Town Code, Chap 20, Peace & Good Order
- Town Code, Chap 23, Signs
- Town Code, Chap 24, Streets & sidewalks
- Town Code, Chap 25, Swimming Pools
- Town Code, Chap 27-4, Parking (Vehicles)
- Prince George's County Code, Sect. 27-264
- Maryland Code, Article 2B

**CHAPTER 12: CONCURRENT JURISDICTION, MEMORANDA OF UNDERSTANDING, & EXTRA-JURISDICTIONAL INCIDENTS**

**I. POLICY**

The Town of Cheverly Charter and Subtitle 22 of the Town Code provide that the Department is responsible for law enforcement in the Town, except where otherwise specified by law.

**II. CHECKLIST (N/A)**

**III. DEFINITIONS**

**Concurrent Jurisdiction:** Two or more law enforcement agencies operating in the same geographic area and sharing authority and responsibility

**Emergency:** A sudden or unexpected event that calls for immediate action to protect the health, safety, welfare or property of a person from actual or threatened harm or from an unlawful act

**Home Jurisdiction:** Jurisdiction where an officer is normally employed, such as Cheverly, for a CPD officer

**Host Jurisdiction:** Jurisdiction where an incident physically occurs

**Host Agency:** A law enforcement agency responsible for providing police services in a given jurisdiction

**Primary Jurisdiction:** The law enforcement agency ultimately responsible for a geographic area and/or incident

**Scheduled Transport:** Routine deliveries of a prisoner from one facility to another

**IV. FORMS**

Incident Report

**V. PROCEDURES**

**1. Authority to Enforce Laws**

Cheverly officers are empowered to enforce all State laws and County and Town ordinances within the Town.

Officers may enforce State laws in other Maryland counties and Baltimore City if they act in accordance with the provisions of this section.

Officers also have statutory authority to enforce certain federal statutes within the Town in which the U.S. Congress has provided such authority (concurrent jurisdiction). Many State law references are found in the MPCTC Digest of Criminal Laws.

**2. Town Boundaries**

The Town is completely enclosed within Prince George's County and the exact boundaries are enumerated with Article II of the Town Code entitled Charter and Local Laws. Also enclosed within Article II are various annexations that were initiated after the 1951 Charter.

**3. Assisting Other Agencies**

CPD may assist the Prince George's County Police (PGPD) with emergency calls for police service. Either jurisdiction may request support of the other through PSC.

The responding agency will serve as a backup for the minimum time necessary, but PGPD may serve as the primary law enforcement provider in the absence of CPD officers. Upon leaving the Town to assist PGPD officers, all CPD officers shall follow the provisions, rules, and regulations of the CPD's General Order Manual. Officers shall only use deadly force as authorized by Departmental regulations. *See: VOL II, CH. 51. USE OF FORCE*

Officers engaged in the provision of law enforcement services have all immunities from liability, powers of arrest, exemptions from laws, ordinances, and regulations in Prince George's County as they do in the Town of Cheverly. At this time, the PGPD is the only jurisdiction for which the CPD has a Memorandum of Understanding (MOU) regarding jurisdictional

police services.

#### 4. Mutual Aid Agreement

The mutual agreement between CPD and Prince George's County (PGPD) states the following:

- Both agencies shall provide copies of law enforcement reports concerning incidents, crimes, and statistical data occurring within the Town jurisdiction.
- The County shall provide police communications services and provide information in reference to radio and MDT equipment compatibility.
- The County shall dispatch the CPD to all calls for service in the Town, and absent the availability of CPD, dispatch PGPD for this service. The prioritizing and dispatching of calls shall be in conformance with the County's Public Safety Communications (PSC) protocols.
- In the unavailability of CPD to take a call for service that meets the criteria for PGPD's Telephone Reporting Unit (TRU), applicable calls will be handled and resolved by the TRU.
- The CPD and PGPD will have joint jurisdiction to calls for service at any school facility located within the Town, including participation in any outreach or educational programs which are agreed upon with school officials.

#### ***PGPD to Investigate and Follow-up on Certain Crimes in the Town***

In accordance with the MOU, the PGPD will conduct the original investigation and follow-up on the below described incidents regardless of which department writes the original report or handles the original call:

- Homicide
- Rape in the First or Second Degree
- Sex Offense in the First or Second Degree
- Child Abuse, Physical or Sexual
- Extortion
- Hostage or Kidnapping
- Commercial Armed Robberies
- Confirmed Explosive Devices
- Barricades

- Arsons
- Natural Deaths
- Police in Custody Deaths
- Contact Shooting – All discharge of firearms by County Police and any criminal investigations of shootings by CPD officers in which an individual is struck
- Any allegation of misconduct by a County officer
- Any other crime/incident by the County in its sole discretion to fall within the category of Special Crimes and Incidents and investigated by PGPD CID.

In addition, the PGPD will handle all press releases associated with the enumerated crimes and incident listed above and the CPD will handle all other press releases for crimes and incidents not so enumerated by PGPD.

#### ***Washington Metropolitan Area Transit Authority (WMATA)***

WMATA and the Cheverly Police Department (CPD) share concurrent jurisdiction on WMATA facilities in the Town. WMATA will have primary responsibility on WMATA trains and tracks. CPD will have primary responsibility on parking lots, platforms and station.

#### **Traffic, Towing, Crowds:**

- CPD will have primary traffic enforcement responsibility, and accident investigations.
- CPD will have responsibility for towing or otherwise removing vehicles from WMATA property for violation of parking regulations.
- WMATA shall have primary responsibility for normal crowd control.
- CPD will handle major demonstrations, which disrupt normal operations.

#### **Incidents, Warrants, Arrests:**

- WMATA and CPD are jointly responsible for reporting incidents occurring at WMATA facilities. Generally, the first officer on the scene completes the initial report.
- There will be an exchange of reports made by WMATA and CPD officers of incidents occurring on WMATA property.
- Arrests and search warrants shall be executed by the agency holding them.
- Arrests will be made by the officer observing the violation or the first officer on the scene if

probable cause can be established.

- ❑ CPD officers will transport arrestees if requested and available.

#### **Investigations, Crime Scene, Property:**

- ❑ WMATA will have primary responsibility in handling misdemeanor crimes committed against property, either private or owned by WMATA. However, this does not prevent CPD officers from conducting investigations, when witnessed or specifically requested.
- ❑ WMATA will be responsible for collection and preservation of property taken in relation to misdemeanor arrests made by them.
- ❑ CPD will have primary responsibility for all felony crime investigations; control of crime scene searches; and collection/ preservation of property related to a felony crime.

### **5. Out of Town Incidents**

Except in situations described elsewhere in the GOM, officers shall not patrol or be dispatched to calls for service beyond the borders of the Town of Cheverly. Persons outside the Town who desire to file reports shall be advised to file the report upon their return to the County.

Extra jurisdictional authority applies to emergency situations occurring in a visited jurisdiction within the State of Maryland. Except where task force operations are concerned, it does not apply to continuing investigations that take an officer across jurisdictional boundaries. Therefore, officers who travel to other jurisdictions while investigating Town incidents shall not, pursuant to the Town case, make arrests or seize evidence. Officers may, however, accept evidence that is voluntarily surrendered by a cooperative witness, and may transport un-arrested suspects back to the County if the suspects are willing.

### **6. Calls Along Town Borders**

The PSC shall dispatch units to calls along the Town's borders when the exact location or proper jurisdiction is in doubt. Upon arrival, the responding officer shall notify the dispatcher to request the appropriate agency's response if the call is found to be outside the Town.

If the call is located outside the Town and the other jurisdiction has been requested, the officer

does not need to stand by pending the arrival of that officer. However, if circumstances suggest that any person's safety or property will be in danger if the officer departs, the officer shall stand by and, if necessary, take immediate action to protect that person's safety or property in accordance with **Section 10. Extra-Jurisdictional Incidents Outside the Town**, of this chapter. Officers shall complete an Incident Report for all actions and citizen contacts occurring in the neighboring jurisdiction.

### **7. Travel Outside the Town in Departmental Vehicles**

Employees may remove Departmental vehicles from the Town for official business. This includes traveling in areas adjacent to the Town border while on duty, performing follow-up investigations, or attending assigned functions. Officers traveling outside the Town, but inside Prince George's County, shall do so for official business only (with exceptions provided for in the Departmental Vehicle Program). All such travel outside Prince George's County must be approved by a supervisor. *See: VOL. I, CH. 8. DEPARTMENTAL VEHICLES*

### **8. Response to Local Hospitals**

Public Safety Communications (PSC) accepts requests for service at out-of-county hospitals in the Washington metropolitan area. Prior to dispatching, however, the PSC supervisor shall notify the appropriate CPD supervisor, who shall determine whether or not a response is appropriate.

The CPD supervisor may cancel a response in minor cases when delaying the taking of a report will not jeopardize the successful resolution of the case or cause physical evidence to be lost.

If the CPD supervisor does not approve a response, PSC shall call the hospital back to confirm cancellation of the call, and explain alternatives regarding TRU or the victim reporting the incident upon their return to the Town.

Response to a hospital is mandatory in the following cases:

- All death cases, including accidental or unattended
- Rapes, attempted rapes and other sexual assaults
- All felony assaults, including all shootings and cuttings
- Suspected or confirmed child abuse cases
- Robberies or abductions, including attempts
- Motor vehicle accidents involving incapacitating injury

When an immediate follow-up response by an investigator is likely to be necessary, especially those cases covered by the current Memorandum of Understanding (MOU) between the CPD and PGPD, the supervisor may direct a CPD investigator respond and write the initial report, rather than a uniformed officer.

An officer taking a report at an out-of-state hospital shall request a hospital security officer, or police officer from the host jurisdiction, to stand by as a precautionary measure if the suspect is present.

### ***Exceptions***

No provision of this section limits the authority of any officer to take action in another jurisdiction when:

- Pursuing a suspect into a neighboring jurisdiction under the doctrine of fresh pursuit
- Deployed under a mutual aid agreement, as noted above
- Dispatched into a neighboring jurisdiction in response to that jurisdiction's request for assistance
- Operating in a multi-jurisdictional task force

### **9. Extra-Jurisdictional Incidents in the Town**

*(Criminal Procedure 2-102)*

The Department shall assist officers from other jurisdictions who take emergency police action in the Town. Assistance includes, but is not limited to, transporting prisoners, processing evidence, investigative support, and providing fingerprint cards and equipment.

Officers are not required to confirm probable

cause or examine the facts of a case before rendering general assistance to officers of another jurisdiction. They shall rely upon a good faith expectation that the officer is acting properly, unless circumstances suggest otherwise.

Prior to any CPD officer transporting a prisoner, accepting custody of a prisoner, or accepting transfer of investigative responsibility for a case, the facts of the case shall be examined and the probable cause for arrest confirmed. If the responding officers believe that the outside agency officer's conduct is improper, or that the arrest is unlawful, they shall request a supervisor.

If the supervisor concurs, they shall ensure that no transfer of prisoner custody or responsibility for the case occurs. A CPD officer shall not transport the prisoner. Obtaining an alternative means of transport shall be the outside agency officer's responsibility.

If an officer from another jurisdiction notifies a CPD officer of extra-jurisdictional action in the Town, the officer shall notify the PSC supervisor.

PSC shall dispatch an officer if:

- The outside officer is still on scene
- The conflict has not been resolved
- A report remains to be taken for a criminal offense that occurred in the
- Town subsequent to the jurisdictional incident

If none of these conditions exist, the PSC supervisor shall notify the appropriate CPD investigator or PGPD CID as appropriate. The component receiving the notification shall initiate an investigation. The extent of the investigation shall be determined by the circumstances of the incident.

The investigator shall complete an Incident Report and place "034" in the SPECIAL STUDIES block. If no criminal offense is confirmed, they shall title the report, "EXTRA-JURISDICTIONAL INCIDENT." If a criminal offense is confirmed, they shall title the report with the appropriate criminal violation, and write "EXTRA-JURISDICTIONAL INCIDENT" in bold letters across the top margin. The report shall:

- List the outside officer's name, ID number, agency, and telephone number
- List names, addresses, and telephone numbers of all victims, witnesses and suspects
- Describe the actions of the outside officer and the assisting CPD officers, indicating whether transfer of prisoner custody or investigative responsibility occurred

Officers who assist outside agency officers, and employees who receive notifications of extra jurisdictional actions, shall request the outside officer to forward copies of their agency's reports to the CPD.

The Department may accept custody of detainees and assume investigative responsibility for a case if the outside officer consents. In such instances, the outside officer shall provide a written statement regarding their actions, and be summoned as a police witness. If custody of the detainee is transferred, a CPD officer shall prepare the report, process the detainee, and present them before a District Court Commissioner.

If the extra jurisdictional incident involves a felony, the appropriate investigative component shall be notified and make an effort to assume investigative responsibility, including accepting custody of all lawfully arrested individuals. If the outside officer refuses to transfer the case, the officer's agency shall be contacted and a request for cooperative transfer made. If the officer's agency refuses, appropriate support will be provided and the refusal shall be noted in the Incident Report.

The Department reserves the right to decline custody of any detainee and responsibility for any case.

#### **10. Extra-Jurisdictional Incidents Outside the Town**

Any CPD officer who discovers an incident requiring police attention in another jurisdiction in the state of Maryland shall cause notification to the police agency for the area of occurrence.

The officer need not wait for the other agency.

However, if immediate action is necessary to prevent personal injury or property damage, the officer may take such action if permitted by law.

When taking action in another jurisdiction, the officer continues to be governed by CPD written directives.

All provisions of this section apply to on-duty and off-duty actions.

#### ***Authority of Officers***

Officers may exercise police powers in other Maryland jurisdictions if:

- An emergency, as defined in **Section III. DEFINITIONS**, exists
- Requested by the host jurisdiction's officer or by MSP
- Assisting an officer, even if such assistance was not specifically requested
- Operating in a joint investigation or task force involving other federal, state or local law enforcement agencies, provided that at least one of those agencies has local jurisdiction

When taking action in one of these situations, officers are empowered with full police authority, except that they shall not enforce any motor vehicle law. The officers may make criminal arrests, seize evidence, conduct investigations and take other appropriate actions to enforce state laws.

While performing these duties in the host jurisdiction, the officer enjoys the same immunities from liability that apply in their home jurisdiction, as well as any immunities that apply to MSP officers. The officer remains for all purposes a CPD employee.

#### ***Notifications***

Officers who take action in another jurisdiction shall notify the host jurisdiction's police department (or sheriff's department when no police department exists) as soon as practical.

If the incident occurred in a municipality, notification shall be made to the municipal police

rather than the County agency. If the incident occurred on state owned or controlled property, notification shall be to the appropriate state agency.

When the action is taken pursuant to a task force or joint investigation, the officer shall ensure that notification is made in advance of the action if practical. Notification to the host jurisdiction's participating officer may be sufficient although other procedures may be required for certain agencies.

When making notification, the officer may request that the host agency respond to the scene of any incident. Such a request is mandatory if:

- An arrest is made
- The officer displayed a weapon or used force
- A person was injured
- A felony occurred
- An offense report is necessary
- Evidence is available for processing or unattended property needs to be recovered or guarded
- There is a reason to believe further disturbances will occur after the officer's departure

The officer shall notify a CPD supervisor and the PSC, within one hour following completion of an extra jurisdictional action, except when the action was taken as part of their standard duties in a task force or joint investigation.

### ***PSC Duties***

Upon notification that an officer is involved in an extra jurisdictional action, PSC shall immediately notify the appropriate host agency by telephone unless the officer has already done so. If a local host agency in the State of Maryland cannot be identified or contacted, PSC shall notify MSP.

The PSC supervisor shall ensure that the name and assignment of the host agency official accepting notification is provided to the officer involved in the extra-jurisdictional action.

### ***Transporting Prisoners***

If the officer makes an arrest and does not have a Departmental vehicle appropriate for prisoner transport, they shall request that the host agency make the transport. If the host agency refuses, the officer shall contact PSC for guidance from a CPD supervisor.

Unless authorized by a CPD supervisor, prisoner transports in privately owned vehicles are prohibited except in emergencies or when timely contact with appropriate authorities is physically impossible, such as arrests occurring in an isolated rural area without phone or radio.

Prisoners shall be transported to a police or court facility in the host jurisdiction and shall not be brought back to the Town, except when transport to a different location is specifically authorized within a task force or joint investigation.

### ***Investigative Responsibility***

The law does not require responsibility for a case or custody of a prisoner to transfer to the host agency. However, CPD officers taking action in other jurisdictions shall offer such transfer unless the officer discharged a weapon, injured a person during their action, or took that action in the course of a joint investigation or task force operation.

If the officer's firearm discharged or injury occurred, the officer shall notify the Patrol Commander for determination regarding any transfer of the firearm. The officer may consult with the Patrol Commander in any other situation when they believe transfer may be inappropriate.

If the action occurred as a result of a task force or similar joint investigation, procedures previously agreed upon by participating agencies establish investigative responsibility or identify the person who will make that decision.

The host agency may accept or decline a transfer of investigative responsibility. If the host agency accepts, officers shall yield authority to the assigned host investigator, cooperate with the investigator, and make themselves available as a witness for court.

If the case is not accepted by the host agency, the

officer shall have complete investigative responsibility as if the crime occurred in the Town of Cheverly. If they have made an arrest, they shall charge their prisoner on a statement of charges and present the prisoner to a District Court Commissioner in the host jurisdiction. They shall also recover and process evidence, obtain statements, coordinate with the local State's Attorney's Office, and perform all other appropriate follow-up investigation.

The Patrol Commander may assign an investigator to assist the officer with follow-up duties if appropriate.

### ***Processing & Reports***

Whenever an officer takes action *in* another jurisdiction, they shall complete an Incident Report upon their return to the Town. The report shall:

- Describe the officer's actions and identify the reasons why action was taken
- List the names, addresses and phone numbers of all known victims, witnesses and suspects (if the host agency processes a CPD apprehended prisoner, list the host agency's processing ID number for that prisoner)
- Record the date, time and method of notification to the host agency and identify, by name, the host agency's official who received that notification
- Describe the host agency's response or supporting actions, and indicate whether a transfer of custody or investigative responsibility occurred
- Place "034" in the SPECIAL STUDIES block of the Incident Report
- List the out-of-Town address of occurrence in the LOCATION block on the Incident Report

If the officer makes an arrest and the host agency accepts custody of the prisoner, the host agency is responsible for prisoner processing and completion of required paperwork. No documents other than the Incident Report are required of the officer.

If the host agency does not accept custody and the prisoner is charged by the officer, the officer shall

obtain a PGPD arrest number for use with the charging document, and shall complete an Arrest Report upon their return to the Town. They shall also fingerprint, and, if possible, obtain a photograph of the prisoner using the host agency's facilities and equipment. If the host agency refuses to provide cards or allow use of its equipment, they shall not process the prisoner, and shall note the host agency's refusal in the Arrest Report narrative.

### ***Scheduled Prisoner Transport***

Such transports do not include removal of prisoners from the scene of an arrest.

Officers shall maintain custody and control of prisoners during scheduled transports in other Maryland jurisdictions. They are authorized to use the same degree of force necessary to control the prisoner or prevent escape as would be permitted in the Town.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### **This General Order addresses:**

- Commission on Accreditation for Law Enforcement Agencies, Standards 1.2.1, 1.2.5, 1.3.1, 2.1.2, 2.1.3, 2.1.4, 41.2.1, 82.2.1

### **Governing Legislation:**

- Criminal Procedure 2-101
- Criminal Procedure 2-102
- Criminal Procedure 2-106
- Memorandum of Understanding (MOU) between the Town of Cheverly and Prince George's County for Jurisdictional Police Services (July 2008).

**CHAPTER 13: CONTACTS WITH  
DIPLOMATS & ARREST  
OR DETENTION OF  
FOREIGN NATIONALS**

**I. POLICY**

Some foreign nationals in the United States are entitled to diplomatic immunity. When it is established that an individual is entitled to diplomatic immunity, officers will respect their privileges.

It is the policy of the Department to comply with all United States Treaty obligations on consular notification and access, and to ensure that prompt notifications of consular officials are made on behalf of foreign nationals that have been arrested or detained.

**II. CHECKLIST (N/A)**

**III. FORMS**

- Incident Report
- Commander's Information Report
- Special Report

**IV. DEFINITIONS**

**Detention:** Refers to periods longer than reasonably required to verify identification, reconcile a minor problem, or record information for a police report

**Foreign Mission:** Personnel and official premises of:

- A foreign government, including embassies and consulates
- An international organization, including diplomatic missions of the organization
- Missions authorized under the Foreign Mission Act of 1982

**Foreign National:** Any individual who is not a citizen of the United States, including lawful permanent residents in the United States who have a resident alien registration card ("green card") and undocumented or "illegal aliens"

**Full Immunity:** Accorded to certain personnel of foreign governments who have been accredited to the U.S. In some cases, this immunity covers both criminal and civil process; in others, only criminal process. Individuals with criminal immunity may not be:

- Detained longer than necessary to verify immunity status
- Arrested
- Prosecuted
- Subjected to searches
- Required to give evidence as witnesses

**Functional Immunity or Official Acts**

**Immunity:** Individuals are not immune from detention or arrest, but may assert immunity for actions carried out in the course of their official duties as an affirmative defense

**Vehicle Representative:** Any individual authorized by a foreign mission to be responsible for any vehicle used by the mission, whether it bears diplomatic registration plates or not

**Vienna Convention on Consular Relations**

**(VCCR):** A multilateral treaty to which the United States and more than 170 other countries are a party and which sets forth international legal obligations designed to ensure that governments can assist their nationals who live and travel abroad

**V. PROCEDURES**

**1. Levels of Diplomatic Immunity**

There are three broad categories of immunity:

**Full Immunity:** The following and their immediate family members are immune from arrest, detention, and prosecution:

- Diplomats, including those in transit to a diplomatic post
- Embassy administrative and technical staff members

**Staff Employee Immunity:** Staff members of international organizations, service staff members, and consular employees may be charged with any crime. Immunity is determined by the courts.

**Consular Immunity:** Consular officers may be arrested for felonies when a charging document has been issued; they are immune from arrest for other acts or those committed as part of their official business; the courts determine immunity. Honorary consuls have official acts immunity but may be arrested for commission of any crime.

Officers shall contact the U.S. State Department to determine the proper course of action when dealing with individuals who claim diplomatic immunity.

Officers may temporarily detain individuals claiming diplomatic immunity. They shall request that the individual produce identification to verify their claim. Accredited diplomats carry a U.S. State Department identification card. The reverse side of the card lists the level of immunity to which the individual is entitled. If the individual does not have a State Department card in his or her possession, officers shall telephone the State Department.

If immunity is verified, the officer shall release the individual and complete an Incident Report. He shall write "U.S. STATE DEPARTMENT" in the COPY TO block. If the diplomat is a member of the U.N., the officer shall write "HOST COUNTRY SECTION, U.S. MISSION TO THE U.N." in the COPY TO block of the report.

Officers may use necessary force to preserve public safety or stop a battery against anyone. An arrest will not be made; the officer will complete an Incident Report.

When an officer is the victim of a battery by a diplomat, a supervisor shall investigate the incident, and prepare a CIR.

## 2. Searches & Seizures of Property

Official documents, correspondence, and papers of an individual entitled to immunity may not be searched.

## 3. Registration Plates

The U.S. State Department issues diplomatic registration plates. Two plates are issued to each

vehicle. The registration plates do not determine the level of immunity to which the driver of the vehicle is entitled. Immunity attaches only to an individual; occupants of a vehicle bearing diplomatic registration plates may not have immunity.

Vehicles bearing the following U.S. State Department registration plates are immune from search and seizure:

- Diplomatic plates that begin with the letter "D"
- Staff plates that begin with the letter "S"
- Plates with the words "United Nations" on the upper right corner

Occupants of diplomatic vehicles suspected of being stolen or involved in the commission of a crime may be required to present identification. If the vehicle is stolen or was used in the commission of a crime, its inviolability is suspended, and search and seizure of the vehicle are permissible. Articles within the vehicle remain inviolable.

If the occupants are not authorized to use the vehicle, whether or not they are entitled to immunity, the vehicle shall be released to a vehicle representative or impounded for safekeeping. Such vehicles shall be processed for evidence only at the owner's direction or with supervisory authorization.

The validity of a diplomatic driver's license should be verified separately. The status of drivers' licenses and registration plates issued by the State Department may be queried through NLETS.

## 4. Traffic Violations (*Maryland Vehicle Law 16-901*)

Officers confronting individuals who have committed a moving violation under the vehicle laws or regulations of this State or any local authority, and display a U.S. State Department issued driver's license or otherwise claim diplomatic immunity shall:

- Contact the U.S. State Department at 202-647-7277 to verify immunity
- Document all relevant information from the

- driver's license or identification card
- Forward to the Motor Vehicle Administration copies of any accident reports, incident reports (write "MVA" in the COPY TO section), citations, or other charging documents issued to the driver within 5 workdays of the incident through the PGPD, Records Section.

Officers may issue traffic citations for any violation of the Maryland vehicle laws, however:

- The violator's signature on the citation is not mandatory
- The violator, if entitled to criminal immunity, shall not be arrested or subjected to any test without his or her permission

When individuals with immunity are detained for longer than several minutes or removed from the scene, they shall be provided with access to a telephone. Officers shall complete an Incident Report whenever they issue a citation to a diplomatic or consular officer.

When dealing with individuals who are suspected of driving while intoxicated and have diplomatic immunity, officers shall ensure that the individual does not endanger himself or herself or the public. The officer may:

- Offer field-sobriety or chemical tests
- Safeguard the violators until they are capable of driving safely
- Park and secure the violator's vehicle
- Provide transportation to the violator

### ***Parking Violations***

Vehicles bearing diplomatic registration plates may be towed only if necessary to prevent a serious obstruction of traffic. When possible, the officer shall attempt to contact a vehicle representative and seek voluntary removal of the vehicle.

If towed, the vehicle will be moved to the closest available legal parking space. The officer shall request that a vehicle representative accept financial responsibility for the crane service. If the representative is unavailable, unwilling, or unable to do so, the officer shall sign the tow service

invoice and advise the crane operator to submit it to the Office of the Chief for payment.

### ***Notifications***

If a diplomat is seriously injured or dies in the Town, the appropriate CPD supervisor will make notification to:

- The diplomat's embassy
- The U.S. State Department.

### **5. Arrest or Detention of Foreign Nationals**

A foreign national is any individual who is not a citizen of the United States. Therefore, everyone arrested/detained who is not a citizen and is in the United States either legally or illegally is a foreign national.

For purposes of the consular notification process, an "arrest" or "detention" which results in a foreign national being incarcerated for more than a few hours triggers notification requirements. A brief traffic stop or an arrest resulting in a citation for a misdemeanor and release at the scene ("citation in lieu") does not trigger notification requirements.

When officers arrest or detain a foreign national in accordance with this policy, (an EPS situation or situation involving a foreign national being quarantined included), they shall determine whether a foreign national's consulate must be notified or whether notification of the consulate is optional. To determine whether an individual's country requires notification of the consulate of the arrest or detention, the officer can:

- Check the *Consular Notification and Access Manual* (available electronically at the State Department's website at [http://www.travel.state.gov/law/consular/consular\\_753.html](http://www.travel.state.gov/law/consular/consular_753.html))
- Contact the U.S. State Department at (202) 647-4415 during business hours and (202) 647-1512 after hours

Contacting the State Department for guidance does not trigger a consular notification by them. It is law enforcement's responsibility to notify the consulate. The State Department in this regard is

merely a resource as far as questions, guidance, or to ascertain a consulate's phone or fax number.

When contacting a foreign national from a country with which the United States does not have diplomatic relations, the State Department must be consulted.

Should an officer encounter a situation not covered by this directive or the *Consular Notification and Access Manual*, he/she should contact the State Department.

### ***Mandatory Notification***

When the treaty with the arrestee's country of citizenship requires notification, the reporting officer shall make the notification as indicated in this directive. The arrestee does not have the right to refuse consular notification when notification is required by treaty.

In order to comply with the VCCR and other agreements with provisions on consular notification and access, the State Department recommends that the Statement Forms in the *Consular Notification and Access Manual* be utilized. The manual provides Statement Forms that have been translated into various languages. The *Statement 2* form pertains to those foreign nationals who are from a country for which a mandatory notification of their consulate is required.

For non-English-speaking foreign nationals, he/she should be shown the Statement Forms in the *Consular Notification and Access Manual* so the Statement Forms for the language they speak can be located. Once the appropriate Statement Form is located, a blank copy of the form should be made and the foreign national will be afforded the opportunity to read it. After reading it, the foreign national should be asked to sign the form as an indication that he/she received the information. They cannot be forced to sign the form and there is no penalty for their refusal.

If a foreign national refuses to sign the form, the officer will write "Refused to Sign" in the signature area and list their name and I.D. number in the witness area of the form along with the CCN number(s) in a conspicuous location on the form. The original of this form is submitted with the copy of the report that is forwarded to the Records

Management Division. The officer shall keep a copy of this form for their records.

After completing the aforementioned Statement Form, the foreign national's consulate must be notified without delay. Using a completed *Arrest or Detainment Form* (PGC Form #5197, available at the District I Processing Center) as the preferred method of consular notification, the officer shall fax the aforementioned form to the appropriate consulate, and retain a copy of the fax verification receipt to confirm that notification was sent. If notification cannot be made by fax, notification of the consulate will be made by telephone and the officer shall document:

- The name of the individual notified
- Date and time of the notification Name of consulate's country

Notifications by telephone shall be documented on the following reports (whichever is appropriate):

- Incident Report
- Alcohol/Drug Influence Report
- Continuation Report
- Special Report

After notification of a consulate has been made by fax or phone, the foreign national will be advised of the notification.

### ***Optional Notification***

In many cases, the foreign national has the option to decide whether to have consular representatives notified of their arrest or detention because the treaty does not require their consulate be notified. However, to ensure the foreign national is aware that they may have their consulate notified, a blank *Statement 1* form (available at the District I Processing Center) will be utilized and completed by the foreign national and the officer. If the foreign national indicates that they want their consulate notified (as indicated by "Yes" being circled on the *Statement 1* form), the officer will proceed as outlined in the *Mandatory Notification* section of this directive.

If the arrestee declines notification, the word "No" will be circled on the *Statement 1* form, no notification will be made to the consulate, and the

foreign national's declination will be documented in the officer's report. The original *Statement 1* form will be attached to the report to be forwarded through the Department to the PGPD Records Management Division. The officer is shall keep a copy of the form for their records.

### ***Consular Access***

Detained foreign nationals are entitled to communicate with their consular officers. Any communication by a foreign national to his or her consular representative must be forwarded to the consular post without delay. Subject to security considerations, consular officers shall be permitted to visit and speak with the arrestee and to arrange for their legal representation. The consular officer must refrain from acting on behalf of a foreign national, however, if the arrestee opposes their involvement.

The activities of consular officers are covered by the Consular Notification and Access Manual.

## **6. Death of a Foreign National**

When a foreign national dies, the investigating officer shall ensure that the foreign national's consulate is notified as soon as practicable via fax utilizing a *Notification of Death, Serious Injury, or Illness of a Foreign National of Your Country* form.

While fax is the preferred method of notification, telephone notification is acceptable if fax notification is not possible or is impractical. Notifications, reporting, and documentation will be handled in a manner similar to arrests and detention.

If the death results from a traffic collision consular notification will be made by the investigating officer. If notification is not made by fax, the investigating officer will document the notification on an Incident Report in conjunction with the MAARS Report.

## **V. GOVERNING LEGISLATION & REFERENCE**

### **Governing Legislation:**

- Diplomatic Relations Act of 1978 (22USC 254)
- Maryland Vehicle Law 16-901

### **Reference:**

- Vienna Convention on Consular Relations
- Consular Notification and Access Manual.

The matrix found on the next page provides guidance for interacting with diplomats.

The U.S. Department of State publishes the following documents that may aid officers in determining an individual's immunity status:

- Blue Book: Lists accredited diplomatic officers and their spouses
- White List: Lists administrative, clerical and service personnel of diplomatic missions
- Grey List: Lists foreign consular officers in the U.S.
- Consular Notification and Access Reference Card: Instructions for Arrests and Detentions of Foreign Nationals

**DIPLOMATIC AND CONSULAR PRIVILEGES AND IMMUNITIES MATRIX**

Category	May be arrested or detained	Residence may be entered subject to ordinary procedures	May be issued traffic citation	May be subpoenaed as witness	May be prosecuted	Recognized family member
<b>Diplomatic</b>						
Diplomatic agent	No	No	Yes	No	No	Same as spouse (full immunity inviolability)
Member of administrative and technical staff	No	No	Yes	No	No	Same as spouse (full immunity inviolability)
Service staff	Yes <sup>1</sup>	Yes	Yes	Yes	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability
Career consular officers	Yes, if for a felony and pursuant to a warrant	Yes <sup>2</sup>	Yes	Not for official acts. Testimony may not be compelled in any case.	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability
Honorable consular officers	Yes	Yes	Yes	Not for official acts. Yes in all other cases. <sup>1</sup>	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability
Consular employees	Yes <sup>1</sup>	Yes	Yes	Not for official acts. Yes in all other cases. <sup>1</sup>	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability
<b>International Organization</b>						
International organization staff	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes	Yes <sup>3</sup>	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability
Diplomatic-level staff of missions to international organizations	No	No	Yes	No	No	Same as spouse (full immunity inviolability)
Support staff or missions to international organizations	Yes	Yes	Yes	Yes	Not for official acts. Yes in all other cases. <sup>1</sup>	No immunity or inviolability

Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety or the prevention of serious criminal acts.

1. This table presents general rules. In cases indicated, the employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.
2. Note that consular residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
3. A small number of senior officers are entitled to be treated identically to "Diplomatic Agents."

**CHAPTER 15: COURT APPEARANCES & SUMMONS SERVICE****I. POLICY**

Departmental employees normal work activities will routinely necessitate their appearance in criminal and civil proceedings. Employees shall accept summonses or subpoenas, and appear for all legal proceedings when properly served.

**II. CHECKLIST (N/A)****III. DEFINITIONS**

**ASA:** Assistant State's Attorney

**FTA:** Failure to Appear

**HJC:** Hyattsville Justice Center OSA:

**OSA:** Office of the State's Attorney

**OSPG:** Office of the Sheriff Prince George's

**IV. FORMS**

- Compensation Request Form
- Request for Grand Jury/State's Attorney Subpoena Form (PGC Form #5079)

**V. PROCEDURES (N/A)****1. Court Summonses**

Employees, on or off duty, shall accept any legal court, civil, or administrative process served on them personally, unless such service directly interferes with an immediate police operation or task.

Supervisors shall not take employees out of service to enable attorneys or process servers to serve civil subpoenas. Generally, summons or subpoena service should be accomplished before employees go in service.

Employees shall immediately accept service of process, subpoenas, or certified registered mail on behalf of the Town or Town officials. If requested, employees may accept service on behalf of other officers. This includes receiving

subpoenas from the OSA or OSPG for criminal cases.

All incoming court and administrative hearing summonses, including summonses faxed from the OSA, will be directed to the summons control officer. The following are some examples of administrative agencies:

- Motor Vehicle Administration
- Animal Control Commission
- County Board of License Commission (Liquor Board)

**2. Summons Control**

All incoming court or administrative summonses, including summonses faxed from the OSA, will be directed to the summons control officer.

A summons, received for an employee that is no longer employed by the Town, that cannot be delivered to the affected employee through normal Departmental delivery in time to prevent a FTA shall be faxed or mailed to the employee's last known address.

The summons control officer will enter all summonses on a calendar noting the employee's name, summons or case number, defendant's name, and the date. Supervisors will check the calendar daily and, as necessary, ensure summons distribution. Receiving employees will sign the summons and return to the summons control officer.

If an employee is on extended leave, he or she will contact the appropriate prosecutor's office; (in minor motor vehicle cases, the court clerk). If unable, a supervisor shall make the appropriate notification and note the date and time that these notifications were made for their records.

In cases when a prosecuting attorney calls an employee's assignment to discuss a case, the summons control officer or a supervisor shall attempt to notify the employee, including calling the employee at home, if necessary.

**3. Attendance Required**

The Chief of Police will accept court summonses

from the OSPG or the OSA, provided that there is sufficient time to distribute the summonses to the affected employees before the trial date. If not, the OSPG or OSA is responsible for service. Faxed summonses from the OSA will only be accepted in emergencies.

When employees have been properly served or have received any legal court, civil, or administrative process to appear in a judicial proceeding (in or out of state), they shall appear as ordered. They shall neither leave nor fail to appear at any proceeding unless released by the court or summoning authority.

In the event that employees receive two or more summonses for the same date and time but different locations, they shall:

- Immediately notify the Assistant State's Attorney for each courtroom (in minor traffic cases, the court clerk); record the names of the individuals notified, date, time, and any directions given
- Notify their supervisor of the conflict and the individuals who were notified
  - The supervisor shall confirm the notifications to the ASA/court clerk

On the date of trial, if the cases are in the same building, employees shall sign each courtroom's "Sign-In Roster" indicating where they can be located.

#### 4. Notification to Court When Sick

When an employee is unable to appear in response to a summons, he or she shall, prior to 0730 hours, notify a supervisor and provide the following information:

- Employee's name, (last name, first name)
- Rank and ID
- Date of court
- Time of court
- Court location (Hyattsville/Upper Marlboro)
- Courtroom number
- Defendant's name (last name, first name)
- Type of court (traffic/criminal)
- Reason for absence

Prior to 0800 hours, the supervisor shall FAX this information to the State's Attorney Office.

Subsequent to 0800 hours, officers should contact the State's Attorney Office if a situation arises that he or she cannot be present at 301-952-3555.

#### 5. Testifying for Defense

An employee summonsed or requested to testify on behalf of a defendant in a criminal case shall notify the prosecutor as soon as possible after being summonsed or requested. This notification shall be made via the telephone or via e-mail. The employee shall keep a record of the notification.

#### 6. Court Attire

The dress uniform is acceptable court attire.

In lieu of a uniform, male employees may wear civilian business attire, consisting of a suit or sport coat with complementary slacks, dress shirt, and a conservative tie.

In lieu of a uniform, female employees may wear civilian business attire, consisting of a dress, skirt and blouse, or slacks outfit of a conservative nature.

On-duty employees summonsed to court without advance notice may appear in their normal on-duty attire.

Officers appearing in a criminal proceeding resulting from official duties may wear the uniform with the authorized firearm.

Officers shall not wear the uniform when appearing in a court proceeding not related to official duties or when prohibited from being armed while in court.

#### *Employee Defendants or Litigants*

Employees who are defendants in any criminal proceeding or are litigants in any civil proceeding shall not wear any departmentally issued uniform. They shall not display any Departmental identification or accouterments, or carry any firearm or other weapon inside the courtroom during the proceeding.

***Employee Witnesses***

If the court appearance is related to police services, employees who testify as witnesses in any judicial proceeding may wear an authorized uniform, including their firearm.

If the court appearance is not related to police services, employees shall not wear a uniform, but those authorized may wear an approved firearm.

***Weapons Restrictions — Certain Situations***

Officers shall not be armed in a Prince George's County courthouse when:

- In the courthouse as moral support for a friend or relative
- In the courthouse for personal business
- Serving on jury duty
- Testifying in a personal matter

***Courthouse Identification for Plainclothes Officers***

Armed officers who are in plainclothes attire are required to present their law enforcement identification for verification to the public service aide before entering the HJC and County Courthouse. Armed officers not in uniform and on official business shall wear their photo identification and badge prominently displayed on their outermost clothing while in the HJC or County Courthouse.

***Officers Performing Covert Activities***

Undercover officers who can articulate an immediate need, and whose official duties would be otherwise compromised if recognized as a law enforcement officer, may remain armed while in the courthouse without the need to wear conventional law enforcement identification attached to the outermost clothing. Officers in this category must enter the courthouse at the commissioner's entrance and respond to the Sheriff's Building Security Office for instructions for using an alternative identification method.

Alternative identification methods change daily. Officers shall protect the confidentiality of this

system.

Officers conducting operations not requiring an inconspicuous appearance or disguise shall wear civilian business attire as described in **Court Attire**.

***Court Attire for Civilian Employees***

Attire shall be civilian business attire that is neat, clean, pressed, and properly tailored. The wearing of unserviceable clothing is prohibited. Shoes shall be clean and shined.

Civilian employees shall wear clothing suitable to job performance as stated in their official position description. Employees performing similar duties to officers in the same position description shall wear similar non-uniform clothing.

**7. Off-Duty Appearances at Court & Administrative Procedures**

Employees are eligible for court compensation for appearances arising from duties related to Town employment. To receive compensation, employees must submit a completed Compensation Request Form to a supervisor. The form must be signed by either the Clerk of the Court or the prosecuting Assistant State's Attorney. If the clerk or the ASA are unavailable, a copy of the employee's summons shall be attached to the Compensation Request Form.

Employees shall attempt to schedule the following appearances for their normal duty hours:

- Bond review hearings
- Felony screening appointments
- Juvenile intake hearings
- Preliminary hearings

When employees are notified that an off-duty appearance is necessary, they shall notify their supervisor. The supervisor shall contact the official mandating the appearance and attempt to reschedule the appearance for the employee's on-duty hours.

If rescheduling is not possible, the supervisor shall request a memorandum to that effect from the requesting official and attach it to the

## CHAPTER 16: CRIMINAL ARREST WARRANTS, SEARCH WARRANTS, & RAIDS

### I. POLICY

The Office of the Sheriff (OSPG) has primary responsibility for serving legal process in Prince George's County, including all civil legal process and criminal arrest warrants. Upon OSPG request, officers may assist in keeping the peace or enforcing criminal laws at locations where civil process is executed.

Officers shall serve criminal or civil legal process (Protective Orders and Emergency Petitions) during those patrol and investigative functions normally conducted by the Department. Only sworn Departmental personnel shall handle criminal legal process. Civilian employees may assist in collecting evidence related to the execution of criminal process, but shall not participate in the physical apprehension, handling, or transportation of any person detained pursuant to criminal process.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Legal Process:** Any writ, summons, warrant, body attachment, or other judicially issued written order that accomplishes at least one of the following objectives:

- Compels a person to appear before a civil or criminal court
- Orders the arrest or apprehension of any person
- Judicially authorizes or requires law enforcement officers to take specific enforcement actions, such as searches and seizures

**Raid:** A sudden, forcible entry into a place by police, usually for serving search and seizure warrants or high-risk arrest warrants

### IV. FORMS

- Arrest Report (CPD Form #)
- Continuation Report (CPD Form #)

- Incident Report (CPD Form #)
- Report of Investigation (CPD Form #)
- Suspect Identification Sheet (CPD Form #)

### V. PROCEDURES

#### 1. Arrest Warrants Obtained by Employees

The Department does not routinely enter or remove warrant information into or from any computer system. Officers shall not attempt to enter warrant information into any computer system. The OSPG performs these functions after receipt of a warrant and Suspect Identification Sheet. All warrants shall be immediately forwarded to the OSPG with a completed Suspect Identification Sheet attached. Officers shall ensure that the CCN is recorded in the upper right section of each charging and supporting document.

Officers desiring notification of a suspect's arrest must include that request on the Suspect Identification Sheet. When an officer is notified that a person for whom he or she holds a warrant has been arrested, the officer shall immediately serve the warrant or turn it over to the OSPG.

The warrant shall be placed in the OSPG mailbox at PGPD's District 1 facility and entered on the transmittal log for that mailbox. The OSPG Deputy will pick up the warrant.

If an initial offense report has not been written, the officer shall document the issuance of a warrant on an Incident Report. Otherwise, officers shall document the issuance of a warrant on a Continuation Report.

#### *Arrest Warrant Retention*

A supervisor may authorize retention of an arrest warrant within the Department for a maximum of five days if service by an officer is deemed beneficial to the case. When retained, the original warrant and one copy shall be kept. Copies of the warrant and the Suspect Identification Sheet shall be immediately forwarded to the OSPG.

OSPG does not enter warrant information into the computer until it receives the original warrant. Therefore, the supervisor shall consider that retaining the warrant will delay computer entry.

## 2. Sheriff's Arrest Report; Case Disposition

When OSPG makes an arrest on a warrant initiated by this Department, the Department receives a copy of the Arrest Report completed by OSPG. A CPD supervisor shall ensure that the investigating officer is notified and properly closes the case. Closing reports shall include the date of arrest, original case number, and complete suspect description.

## 3. Arrest Warrant Service

The OSPG has primary responsibility for serving arrest warrants. However, officers may attempt to serve warrants obtained by officers during CPD investigations. They shall arrest persons wanted on other arrest warrants if contact is made during normal police duties.

Custody of persons arrested on a warrant shall be transferred to the PGPD District 1 regional processing facility for processing and presentment to a commissioner. In such cases, OSPG ensures that warrant information is removed from the computer.

If District 1 Center is closed all persons arrested on a warrant shall be transported to Upper Marlboro Department of Corrections.

Officers shall carry a copy of the warrant or confirm its existence before making an arrest. Confirmation may occur through a computer hit for local warrants, teletype, or contact with a District Court Commissioner who is in possession of the warrant.

Officers may access the Central Warrant System 24 hours per day, through telephone contact with the OSPG dispatcher or by direct computer link where available.

For purposes of this section, juvenile writs of attachment are treated as arrest warrants.

## 4. Service of Warrants Obtained by PGPD

Before transferring a wanted person to the District 1 regional processing facility, the arresting officer shall determine whether a CPD officer initially

obtained the warrant. If so, the arresting officer shall transport the prisoner to District 1 and notify the obtaining officer.

Transfer of the prisoner to PGPD CID is mandatory if the obtaining officer was a member of CID.

When CID or another law enforcement agency component accepts custody, the arresting officer shall complete an Incident Report. The component accepting custody becomes responsible for the prisoner.

If the warrant has already been transferred to the OSPG, the arresting officer shall complete the top portion of the Arrest Report and give the report to the regional processing facility intake officer. The regional processing facility intake officer will complete the Arrest Report, process the prisoner, and present them to a District Court Commissioner.

When an officer serves his or her own arrest warrant, the officer must give the defendant a copy of the statement of charges prior to transporting the defendant to the regional processing facility. The officer must sign the reverse of the warrant, indicating service of the warrant.

## 5. Warrants Held by Commissioner

When an officer arrests a person on a warrant that is still in the possession of a District Court Commissioner, the officer shall complete an Arrest Report.

## 6. New Charges on Wanted Persons

When an officer makes a warrantless arrest and later discovers that the prisoner is wanted on an unrelated warrant, the officer shall ensure that all processing for the original arrest, including presentment to a commissioner, is completed before custody is transferred to another agency for warrant service.

## 7. Warrant Service Within CPD Primary Jurisdiction

CPD officers who serve arrest warrants, shall document service on an Incident Report. A copy of the report shall be maintained in their case file.

The documentation shall include:

- Officer's name and ID number
- Wanted person's name, race, sex, and date of birth
- Jurisdiction issuing warrant and warrant number
- Offense(s) charged on warrant
- Date, time, and address of service
- Disposition
- Name of persons contacted during warrant service
- Method of service; personally or other means

In cases when an investigator serves or attempts a CPD initiated warrant, the investigator shall document their actions on a Continuation Report under the original CCN, rather than on a separate Incident Report. The investigator shall also make an entry on the Suspect Identification Sheet attached to the copy of the warrant.

When an officer serves an arrest warrant and an Arrest Report is prepared, the officer shall note the following information in the narrative of the Arrest Report:

- Warrant number
- Warrant date
- Victim's name
- PGPD case number (if PGPD case/charges)

For warrant service attempts, officers will carry copies of the warrant, if available. The original warrant will remain in a file or be forwarded to the OSPG. Unsuccessful warrant service attempts shall be documented in the investigator's case file or the Suspect Identification Sheet.

If the warrant service is successful, this information will be placed on the Arrest Report (if the warrant is retained by the Department) or an Incident Report (if warrant has been sent to the OSPG).

When the arrestee is processed, the custody officer will serve the original warrant and destroy the copy.

When the attempt is made pursuant to a teletype or information provided by another public safety agency, the officer shall document this

information on an Incident Report.

#### 8. Warrant Service Outside the Town of Cheverly

Investigators attempting warrant service outside the Town shall request the assistance of the host jurisdiction before the attempt. They shall allow the host jurisdiction to make the actual arrest and comply with the host jurisdiction's instructions regarding their conduct at the scene and subsequent transfer of custody.

If the warrant stipulates that the arrested person shall be presented to a court commissioner in the county where arrested or if the arrest occurs in another state and extradition is required, the officer shall request that appropriate processing occur before presentment of the prisoner to court officials. This processing may be conducted by the officer or by the host jurisdiction. The investigator may request an opportunity to interview the arrested person at the host jurisdiction's discretion.

#### 9. Fugitive Arrests on Out-of-Town Warrants

A supervisor shall approve requests for warrant service assistance from officers of other jurisdictions. If granted, the supervisor shall respond to the scene and direct the apprehension. An arrest shall not be attempted prior to the supervisor's arrival unless circumstances require immediate action.

If the offense alleged on the warrant is for a crime investigated by PGPD CID, the officer shall notify CID of the impending warrant service attempt. CID is not required to respond, but may require that an apprehended fugitive be delivered to CID before release to the outside agency.

Unless the outside agency's officer has concurrent jurisdiction or is operating within a task force that does, the officer shall not take an active role in the apprehension, except in an emergency. The supervisor shall ensure that the officer understands this requirement before attempting warrant service.

Except when prohibited elsewhere in this section, individuals arrested on warrants from other

Maryland jurisdictions may be released directly to officers from those jurisdictions at the discretion of the supervisor. Otherwise, the fugitive shall be transferred to a regional processing facility within the County along with a copy of the warrant or a telex message indicating that the warrant is open.

The teletype shall also indicate whether the fugitive can be presented to a commissioner in Prince George's County or must be returned to the originating jurisdiction. If presentment is to be made in Prince George's County, it shall be made only by an officer from a regional processing facility.

Fugitives from other states have legal rights regarding extradition. Officers are prohibited from transferring custody of such fugitives to agents of any non-Maryland jurisdiction unless the warrant is federally issued and the agent is a federal officer. Prisoners shall not be transported to DOC, Upper Marlboro until a teletype verifying the warrant and that the prisoner will be extradited has been received. Prisoners wanted on non-federal out-of-state warrants shall then be transferred to the Regional Processing Facility, Upper Marlboro.

#### **10. Warrants Executed by CPD Officers**

Misdemeanor arrest warrant applications shall normally be performed by CPD officers in with the presence of a supervisor, absent an emergency situation. A pre-execution briefing must be conducted. The supervisor is responsible and accountable for all planning, briefing, staffing, and the overall conduct of the warrant execution. The supervisor may delegate authority for the specific assignment of personnel, vehicles, equipment, and other duties, as necessary. Under no circumstances may CPD officers force entry into a home or business to execute a misdemeanor arrest warrant without the direct permission of the Patrol Commander.

All felony arrest warrant executions, absent an emergency, must be approved in advance by the Patrol Commander. The Patrol Commander should consult with PGPD SOD commanders if there is any likelihood that forced entry will be made into a home or business, or by nature of the potential for violence, a PGPD tactical team would be better suited for the warrant execution.

The same is true of search warrant executions where it is highly probable that forced entry would be necessary. If the Patrol Commander feels that search warrant execution by a PGPD component or other law enforcement agency would be practical, given the capabilities of the CPD, the Patrol Commander shall seek such assistance.

#### **11. Warrant Service Matrix & Categories**

The matrix at the end of this chapter describes the seven different categories of warrant service and the requirements for each category.

When completing an Incident Report, the officer shall identify the appropriate category in the TYPE OF INCIDENT block. When completing an Arrest Report, the officer shall include the category in the CHARGES block.

#### **12. Screening Unserved Felony Warrants**

An officer who obtains a felony warrant that is not immediately served, shall within 30 days, schedule an appointment with OSA to screen the warrant.

Upon receiving reliable information that the suspect is outside of the metropolitan area, the officer will immediately telephone the OSA to schedule a screening appointment.

When an unserved felony warrant has been screened and the OSA decides to present the case to the grand jury pending arrest of the suspect, officers need not re-screen the case upon arrest. However, they shall contact the OSA to provide additional information or evidence as developed.

#### **13. Immediate Extradition Required**

If the suspect is found outside the metropolitan area and the officer requires immediate authorization for extradition, the officer shall contact the OSA, Extradition and Detainer Coordinator. During non-business hours, the officer shall request assistance from the on-call Assistant State's Attorney via PSC.

#### **14. Screening Dispositions, Defendant at Large**

If an investigator has obtained a warrant, but the

defendant remains at large, the investigator may screen the case with the OSA. The screening attorney will decide whether the case will be presented to a Grand Jury or referred to District Court. The screening attorney will also advise the officer whether extradition will be authorized, and the type of extradition for the NCIC entry. The officer will contact OSPG to confirm the NCIC entry and request appropriate modifications.

If the screening attorney believes a case has insufficient evidence for grand jury presentment, they may refer it back to the officer for further investigation (RBF1).

### 15. Documents Required at Screening

The officer shall give the screening attorney copies of the following:

- All incident, investigative, and accident reports pertaining to the defendant to include Arrest Records
- Statement of Charges, along with the Application for Statement of Charges or Statement of Probable Cause
- Any citations issued
- Copies of any warrants for search or electronic surveillance to include Consent to Search forms
- Criminal records (local, state and federal) and driver's license and registration printouts, if applicable
- Property Records and Chain of Custody Logs
- Advice of Rights and Waiver Forms and any statements made by the defendant
- All victim & witness statements
- Forensic laboratory reports/request forms
- Pertinent photos and photo spreads
- Names and ID numbers of all employees who had any involvement in the case

### 16. Request for Legal Assistance Search Warrants or On-Scene Assistance

For assistance with the preparation of search warrants or when on-scene legal advice is required, an Assistant State's Attorney will be requested via PSC. The contact for homicides and police shootings is the Chief, Homicide Division, or the Chief, Narcotics Division of the OSA. The primary contact for other cases is the Chief,

Criminal Trials Division.

### 18. Obtaining Arrest Warrants

#### *Application Drop-Off Procedure*

Applications will be placed in the mail slot. In order for a Commissioner to process an application, the following requirements must be met:

- Application must be signed & dated by applicant, stamps and copies are not acceptable.
- If shielding is requested the Confidential Supplement (DC/DR 1S) must be completed and submitted with the application.

**Guidelines:** Officers dropping off applications for arrest warrants are required to adhere to the following:

- The commissioner does not stop work to accept these applications nor will the commissioner review the application prior to submission. The commissioner will not entertain any questions regarding the application.
- The probable cause decision is based on what facts are presented in the application. The commissioner will not follow-up for clarification and will make their determination based solely on the facts contained in the application.
- Denied applications will not be reconsidered. A new application may be filed by the officer.
- All applications, issued or denied, will be returned to the law enforcement agency via mail within seven days. If you do not receive the application within the time prescribed, contact the Administrative Commissioner. Please do not contact the Commissioner's Office regarding the status of pending applications.
- Questions regarding status of an application, one issued, can be addressed to the Clerk of the Court at 301-952-4080 or at [www.mdcourts.gov/casesearch](http://www.mdcourts.gov/casesearch).
- All issues or concerns that you may have are to be reported to the Administrative Commissioner, 14735 Main Street, room

049B, Upper Marlboro, MD 20772, 301-952-3145.

## VI. GOVERNING LEGISLATION & REFERENCE

### Governing Legislation:

#### Art. 26, Maryland Declaration of Rights

Constitutional provisions regarding search warrants apply only in cases where a search is conducted without the consent of the occupant of the premises. When permission to search is granted, either by the occupant or their agent, a search warrant is not necessary.

#### Stop & Frisk: *Terry v. Ohio*

When officers observe unusual conduct that leads them to reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, officers shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of the officer and others, the officer may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible.

#### Exigency & Mobility: *Carroll Doctrine, Chambers v. Maroney*

Warrantless vehicle searches are justified if there is probable cause that the vehicle contains contraband, and mobility is possible (exigency). Probable cause that justifies making an arrest is also generally sufficient for authorizing a search, given exigency (mobility). The search is justified by exigency, not as a search incident to an arrest. The Carroll Doctrine is not dependent upon a lawful arrest.

#### Search Incident to Arrest: *New York v. Belton*

A warrantless search of a vehicle's entire passenger compartment may be made to include containers in the compartment, as a search incident to an arrest, for protection of the officer, and to

prevent the removal or destruction of evidence. Belton is based on a search incident to an arrest, and not on the Carroll Doctrine.

#### Inventory Search: *South Dakota v. Opperman*

Inventory searches of a vehicle are justified if they are:

- Pursuant to a lawful impoundment
- Routine and standard in practice
- Not a pretext concealing an investigatory police motive

#### Search of Vehicle Related to a Crime: *Barrow v. Maryland*

A vehicle may be searched at the scene of a crime if probable cause exists that the vehicle is related to the crime and could contain evidence.

#### Limitations of an Arrest Search: *Chime/v. California*

The Supreme Court has rendered a decision limiting areas that may be legally searched by police when a search of premises is made incident to an arrest.

The decision does not limit searches by consent, searches made under the authority of a search warrant, or searches of vehicles. It relates to searches of areas under the control of the arrestee incidental to a legal arrest. Fruits of a crime, instrumentalities, contraband, or evidence connected with the crime may reasonably be expected to be located in the area where the arrest is made.

Court established guidelines:

- An arrested individual may be searched for weapons and evidence
- A search of the area in the immediate control of the arrestee may be conducted, and is defined as the area from which the arrestee might gain possession of a weapon or destroy evidence

#### Area Extended: *Scott v. Maryland*

The search area is extended to include areas where

an arrestee might move to get to a weapon or evidence before an officer could restrain the arrestee.

### **Maryland Attorney General Opinion, Search of Premises Subsequent to Arrest**

Officers in possession of an arrest warrant may enter a residence if there is probable cause that the accused is present; any area in which the accused could hide can be searched and the courts have not excluded evidence and contraband found during such a search.

Searches beyond Chime/ require a search warrant; search warrants may be served along with arrest warrants.

When an arrest is made on a premise without an arrest warrant and the officer develops probable cause for a search warrant, the officer may remove the arrestee and post a guard until a search warrant is obtained; if a guard is inside a residence, and someone entitled to legal possession of the premises demands the officer leave, the officer should leave.

### **Accused Located: *Honest v. Maryland***

Searches of premises for an accused by warrant are valid, but once the accused is found, the officer's right to search is ended.

### **Reference:**

Memorandum of Understanding between Prince George's County, Maryland and the Town of Cheverly for Jurisdictional Police Services (July 2008).

**WARRANT SERVICE MATRIX**

CAT.	SITUATION	DISPOSITION OF PRISONER	DOC PROCESSING (PHOTO/PRINTS)	ARREST REPORT	OTHER REPORT	COMPUTER REMOVAL	SPECIAL REQUIREMENTS
1.	Warrant obtained by CPD officer: original copy still in CPD possession	Serve warrant: presentment by DOC	Yes	Yes	Incident, Continuation	No	Notify obtaining officer <sup>1</sup>
2.	Warrant obtained by CPD officer: original copy forwarded to OSPG	Transfer to Regional Processing Facility	Yes	No	Incident, Continuation	No	
3.	Warrant obtained in PG County by citizen or other police agency: OSPG has original	Transfer to Regional Processing Facility	Yes	No	Incident	No	
4.	Warrant obtained in PG County by citizen or other police agency: original copy in possession of commissioner	Serve warrant: presentment by DOC	Yes	Yes	Incident	No	
5.	Warrant from other MD County or Baltimore City	Transfer to Regional Processing Facility or issuing jurisdiction if applicable	Yes	No	Incident	No	Request that a teletype be sent to Regional Processing Facility confirming the open warrant
6.	Out of State warrants (i.e., VA, NY)	Transfer to Regional Processing Facility	Yes	No	Incident	No	Request that a teletype be sent to OSPG indicating that the warrant is extraditable
7.	Federal Warrant	Transfer to Regional Processing Facility or release to a Federal Officer	Yes	No	Incident	No	If transferred to Regional Processing Facility, provide a teletype confirming extradition

1. Allow officer who obtained warrant, or someone from their assignment if they are unavailable, to take custody and interview at their discretion. If custody is transferred in this way, the accepting officer shall be responsible for appropriate disposition of prisoner.

## CHAPTER 17: CRIMINAL INVESTIGATIONS

### I. POLICY

The Department thoroughly investigates crimes with the goals of apprehending those responsible and restoring property to those victimized, when possible. All Investigations shall normally be assigned to the Special Response Team (SRT) and prioritized based on solvability factors, available resources, crime analysis, and other information.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Case Clearances:** The Department closes cases as *Unfounded, Exceptionally, or By Arrest*

**Unfounded:** Applied when the investigation establishes that no offense occurred or was attempted. The recovery of property or the refusal of a victim to assist in prosecution does not mean that the crime did not occur. In those instances, the crime may not be closed Unfounded. Unfounded clearances must be supported by objective written facts.

**Exceptionally:** Applied when an investigation does not lead to a closure by Arrest. The following four questions must be answered affirmatively for the investigation to be closed Exceptionally:

- Has the offender been identified?
- Is the exact location of the offender known?
- Is there sufficient evidence to support an arrest and prosecution?
- Are there circumstances beyond the investigator's control that prevent an arrest and prosecution?

Examples of Exceptional closures include:

- Death of the perpetrator by suicide or homicide
- Deathbed confessions
- Confession by perpetrator serving an extended sentence on another charge
- The victim refuses to cooperate in the prosecution. *(The initial four questions must still be answered affirmatively.)*

**By Arrest:** Applied when an individual is arrested or charged with an offense. Although this closes the case, the investigator may note that there are additional arrests pending. The investigation continues until all perpetrators are arrested or accounted for.

**Case Status:** The Department classifies cases as *Active, Closed, or Open/Inactive*.

**Active:** An initial report has been completed and an investigation is ongoing. The investigator shall submit Continuation Reports every 30 days while an investigation is active.

**Closed:** The investigation has been closed Unfounded, Exceptionally, or By Arrest.

**Open/Inactive:** A supervisor may suspend investigation and reclassify an active case as Open when all viable leads have been exhausted. Open cases are not cleared and will be reclassified as Active if information is received that identifies a suspect, enhances prosecutorial merit, or develops the case further.

**Decoy Operation:** An investigative effort where officers pose as potential victims for those who may commit criminal acts

**Family Member:** A relative (by blood, adoption, or marriage) of a victimized child

**Homicide:** The killing of a human being by the act, procurement, or omission of an individual; homicide might not be a crime if it is justifiable

**Household Member:** A person who lives with or is a regular presence in the home of a victimized child at the time of alleged abuse

**Informant:** An individual who provides information regarding criminal activity to a law enforcement officer in exchange for reward or benefit

**Interview Room:** A room designated by the Department for the specific purpose of conducting interviews

**Investigative Funds:** Monies used to purchase contraband, information, and defray investigative expenses to further a criminal investigation; the Chief of Police may designate other uses

**Malice Aforethought:** Cognizant intent before committing a crime

**Stakeout:** An investigative effort combining the observation, confrontation, and apprehension of dangerous individuals

**Surveillance:** An investigative effort intended to obtain information or make routine arrests

#### IV. FORMS

- Advice of Rights and Waiver Form (English version — CPD Form #,
- Spanish version — CPD Form #)
- Confidential Source Information Form (CPD Form #)
- Formal Receipt for Investigative Funds (CPD Form #)
- Interview Videotape Chain of Custody Log (CPD Form #)
- Notice of Right to Presentment Form (CPD Form #)
- CPD Recorded Interview Script
- (CPD Form #)

#### V. PROCEDURES

##### 1. Initial Assignment of Investigative Cases

All investigation cases shall normally be assigned to the Special Response Team (SRT)

All crime reports, whether an SRT investigator was on the original scene or not, shall be reviewed daily by a supervisor. Based upon this review, a supervisor shall assign cases based upon the following criteria. Cases to be automatically assigned to SRT include:

- 1<sup>st</sup> Degree Assaults
- Carjackings, unless commercial funds are stolen
- Citizen Robberies
- Burglaries/B&E's
- Any crime report with an identifiable or known suspect or a viable lead

- Crimes involving firearms, to include the theft of firearms
- Any incident involving a Town official

Supervisors may, at their discretion, also assign other cases that may warrant investigation. Examples might include crimes that reveal a pattern warranting police attention or multiple crimes committed in a short time period where it is likely these crimes were committed by the same suspect(s).

In accordance with the current MOU between the CPD and PGPD, CID will handle the following identified crimes and all follow-up:

- Homicide
- Rape in the 1<sup>st</sup> or 2<sup>nd</sup> Degree
- Sex Offense in the 1<sup>st</sup> or 2<sup>nd</sup> Degree
- Child Abuse, Physical or Sexual
- Extortion
- Hostage or Kidnapping
- Commercial Armed Robberies, Home Invasions, and Courier Robberies
- Arsons
- Natural Deaths
- Police in Custody Deaths
- Contact Shootings Involving CPD Officers

In both types of assignment, the CPD Administrative Assistant will enter into a computer program all criminal case assignments and the responsible investigator, and then will track all outstanding cases by CCN, victim(s), and location of incident. Case acceptance and closure letters will be mailed to all victims and final closure of every case will be approved by a CPD supervisor.

##### 2. Responsibilities of SRT Investigators

The SRT shall take initial reports of crimes as appropriate. They will investigate those crimes that are not the responsibility of CID as stated in the current MOU. When investigation reveals the commission of a crime is to be handled by CID, the SRT Investigator will notify CID, coordinate with the appropriate investigator, and document these actions in a report.

SRT Investigators handle non-fatal train accidents involving pedestrians. They shall determine

whether foul play or attempted suicide is involved.

SRT Investigators will investigate abductions leading to third or fourth degree sexual offenses, as well as abductions and robberies of citizens.

SRT Investigators are also to disseminate information on:

- Wanted persons and vehicles
- Active cases and operations
- Issues related to the Investigative Section

### ***Domestic Violence***

SRT Investigators will review reports of domestic violence noting when multiple incidents or particularly violent behavior have occurred. Investigators shall:

- Contact the victim and refer him or her to available assistance
- Notify the Prince George's County Department of Social Services and other agencies, as necessary
- Take appropriate steps to prevent future violence against victims or responding officers
- Ensure copies of Incident and Supplemental Reports are forwarded to the Office of the State's Attorney (OSA)

### ***Victim Witness Assistance***

SRT Investigators will consider the preferences of victims and witnesses; however, they will not allow those preferences to interfere with sound investigative practices. When practical, investigators will schedule interviews at a time and place convenient to the victim or witness. Investigators will make every effort to keep the victim or the victim's family informed regarding the progress of the investigation. The investigator shall notify those concerned of arrests and significant developments, such as indictments or bond hearings, in a timely fashion. The investigator may ask the Administrative Asst. to assist with these notifications.

### **3. Interview & Interrogation Procedures**

It is the State's responsibility to establish that each person interrogated was properly advised of his or her Constitutional rights, understood them, and was afforded the opportunity to exercise them. When a person in custody waives his or her rights, it is necessary that such waiver be knowing, intelligent, and voluntary.

Generally, it is not necessary for an officer to advise a suspect of his or her Miranda rights upon apprehension. When a suspect is taken into custody and is to be released to an SRT investigator, the apprehending officer will not advise the suspect of his or her rights unless circumstances require an immediate interrogation. An officer who relinquishes custody of a suspect to an investigator will advise the investigator if the suspect was advised of his or her rights. If the suspect has not been advised of his or her rights, it is the investigator's responsibility to do so.

### ***Advice of Rights & Waiver Form***

Prior to an interrogation, the Advice of Rights and Waiver Form shall be read in its entirety to the suspect, and his or her responses to the questions shall be documented. Until the suspect is advised of his or her rights, no evidence obtained as a result of a custodial interrogation can be used against him or her.

### ***Interview/Interrogation Rooms***

Interviews may be conducted at a CPD facility of persons not officially charged with a crime (victims, witnesses, persons of interest), and such interviews may be videotaped and audibly recorded. An exception is noted below in this Section. The SRT investigator conducting the interview shall be responsible for maintaining the custody of all recordings.

Video recording in an interview room within a police facility is allowable because individuals inside the interview room have no expectation of privacy.

Audio recordings must comply with Maryland law. Generally, the law prohibits audio recording unless consent from all parties is granted. Maryland is a one-party consent State regarding the following crimes:

- Arson
- Bribery
- CDS Distribution
- Child Abuse
- Child Pornography
- Extortion
- First or Second Degree Sex Offenses
- Gambling
- Insurance Fraud
- Kidnapping
- Murder
- Offensives Relating to Destructive Devices
- Rape
- Robbery
- Conspiracy or Solicitation to Commit any of the above

Interrogations shall normally only be conducted at PGPD District Processing areas. Interview/ Interrogation rooms in these facilities shall be inspected before and after each use by the investigator conducting the interview. The inspections shall be documented either on the Detainee Processing Log Sheet or the investigator's activity sheet. All detainees will be searched prior to being placed in an interview room. Detainees shall only be handcuffed to an immovable object intended for such use, such as a handcuff ring.

The CPD officer or SRT investigator is responsible for ensuring that detainees in PGPD facilities are supervised or appropriately monitored to ensure their safety. No one will be left unattended in an interview room without being personally observed at least every 30 minutes. SRT Investigators are responsible for the care and well-being of persons they are interviewing;

When using a CPD, PGPD, or any other law enforcement agency interview room for an interview or interrogation, CPD personnel shall not be armed: Weapons must be secured prior to entering the room in such a manner as to prevent access by unauthorized persons.

Under normal circumstances, the presence of two sworn members is usually sufficient to conduct an interrogation. Typically, interview rooms will be equipped with a table, chair, panic system, and

any equipment necessary for the interview or interrogation. In the absence of a functioning panic alarm system, sworn personnel will ensure that they have at least one other sworn member nearby or a portable radio, in the event they need to summon assistance.

Sworn members shall adhere to the current SOP of the interview/interrogation facility regarding interviews/interrogations, especially as it relates to using certain entrances or exits, and regarding the use of restraints.

Sworn members must initiate, update and complete any interview room log sheet, Detainee Processing Sheet, or investigator's notes to document and account for the detainee's activities. All such documentation shall be legible, accurate and complete, with all activity pertinent to the detainee properly noted and described.

Sworn members should be sensitive to a detainee's request to access restroom facilities or water, and make appropriate arrangements for such needs

In the event of a forced evacuation *See: VOL. II, CH. 4. ARREST, TRANSPORT & PROCESSING, Arrestee Processing Facilities.*

### *Juveniles*

The Interrogation of a juvenile maybe conducted at a CPD facility as long as the juvenile is charged with a crime allowing release to a parent or guardian within 3 hours, and the release takes place at the CPD facility. All other interrogations and full-custody arrests must be accomplished in the same manner as adults.

Juveniles have the same rights regarding statements and confessions as adults. Special effort will be made to ensure that juveniles understand their rights as well as juvenile justice procedures. Custodial interrogations of a juvenile shall not exceed six hours, absent exigent circumstances. No more than two officers shall engage in the interrogation of a juvenile.

Investigators may confer with parents or guardians to discuss the interview/interrogation process. The conference may be held before, during, or after the interview/interrogation, as

considered appropriate by the investigator.

#### 4. Charging Multiple Offenses

The Office of the State's Attorney will only prosecute a certain number of lesser offenses committed by the same individual. Investigators may charge suspects with multiple offenses with the approval of their supervisor. All charges will be screened with the Office of the State's Attorney. Those cases that the State declines to prosecute shall be closed Exceptionally.

Suspects shall be charged with every count of:

- Homicide
- Rape
- Robbery

When a juvenile is arrested for multiple crimes involving multiple complainants, the Juvenile Division of the OSA must screen the charges. All case numbers will be cross-referenced on the Arrest Report/J-1.

**See: VOL. II, CH. 33. JUVENILE PROCEDURES.**

#### 5. Presentation Before Judicial Officer & Exceptions (Maryland Court Rule 4-212)

Maryland Law requires the prompt presentment of a defendant before a judicial officer following arrest. Officers shall normally present arrestees to a District Court Commissioner promptly, but may delay presentment for the following reasons:

- Completion of charging documents
- Processing to determine identity

Delays to conduct interviews, interrogations, or lineups may render a confession inadmissible. The court may consider such delays when determining the voluntariness of the confession. A delay in presenting a defendant due to interview, interrogation, or lineups is acceptable if the defendant waives his or her right to prompt presentment using the Notice of Right to Presentment Form.

Presentment will not be delayed solely because the arrestee is unwilling or unable to provide

necessary information for booking procedures.

#### 6. Case Clearances

The FBI Uniform Crime Reporting (UCR) Program defines case clearances. Case clearance is not related to the case status of a particular investigation. All cases will remain Open until the case is cleared by Arrest, Exceptionally, or Unfounded.

#### 7. Media Access to Incident Scenes

Members of the media may photograph or report anything that they observe while legally at the scene of an incident. Officers shall not unnecessarily obstruct the media in the performance of their duties and may not interfere with the media's activities as long as their activities remain lawful. Members of the media are not exempt from County, State, or Federal laws.

Subject to the circumstances of the incident and the need to protect legitimate police operations, members of the media may be permitted to enter crime scenes. Only credentialed individuals who represent bona fide newsgathering agencies shall be permitted access to crime scenes. Members of the media will not be granted access to incident scenes that have been secured to protect evidence or to locations where their presence could jeopardize police operations. A supervisor, in consultation with the investigating officer or in accordance with the current MOU for police services between the CPD and PGPD, shall authorize media access to crime scenes.

#### 9. Investigative Funds

The Chief of Police maintains investigative funds and establishes audit procedures for their use. In addition, the Office of the Chief maintains all documentation regarding transactions and authorized expenditures. Any supervisor or investigator who needs investigative funds shall direct a memorandum to the Chief outlining the proposed use of the funds and any supporting facts or documentation.

## VI. GOVERNING LEGISLATION & REFERENCE

**Governing Legislation:**

- Maryland Courts & Judicial Proceedings 10-401, 10-402
- Maryland Public Safety Article 3-505

**Reference:**

- Memorandum of Understanding Between Prince George's County, Maryland and the Town of Cheverly For Jurisdictional Police Services (July 2008)

**CHAPTER 18: RESPONDING TO DEATH SCENES & TRANSPORT OF DECEASED PERSONS**

**I. POLICY**

All deaths are traumatic to family and friends of the deceased; sudden and violent deaths more so.

Officers responding to death scenes shall preserve the scene and determine whether or not the death is suspicious.

Officers should be conscious of the effect that these incidents have on others, present a professional demeanor to those who may be grieving, and be prepared to deal with individuals in emotional distress.

**II. CHECKLIST**

- Detain suspects
- Detain and separate any witnesses
- Secure the crime scene
- Protect physical evidence
- Request the appropriate investigator in accordance with the current MOU between the CPD and PGPD
- Complete an Incident Report which details actions taken and notifications made

**III. DEFINITIONS (N/A)**

**IV. FORMS**

- Incident Report (CPD Form #)
- Property Record (CPD Form #)
- Special Report (CPD Form #)

**V. PROCEDURES**

In all incidents involving death, the reporting officer must closely inspect the body and the scene to determine whether the death appears to be natural, or due to suspicious circumstances. Relatives and witnesses may be questioned as appropriate. In all cases, the reporting officer shall notify the PGPD Homicide Unit and document the notification on the Special Report. PGPD Homicide Investigators are responsible for determining which scenes they will respond to.

**1. Natural Death Scenes**

After determining that the cause of death appears to be natural, the officer shall:

- Contact a forensic investigator
- Ensure proper disposition of the deceased's property
- Ensure security of the deceased's home
- Notify next of kin
- Complete a Special Report
- Complete a Property Report as needed

**2. Suspicious Death Scenes**

Accidental deaths, suicides, and deaths involving unusual or unexplained circumstances must be referred to the Medical Examiner for autopsy. In these cases, the PGPD Homicide Unit must be notified immediately.

**3. Transport of Deceased Persons**

A relative of the decedent should arrange for transportation of the body in cases where it is not transported to the medical examiner for autopsy. Officers should help the family with contacting a funeral home or transport service, after the family has decided which funeral home they want to use. All arrangements and costs are the family's responsibility.

If a relative cannot be contacted to facilitate transport, or the family is indigent and unable to make arrangements, the Anatomy Board of Maryland may be requested to provide transportation.

**4. Coordination With the Fire Department**

The Prince George's County Fire Department provides emergency transportation for sick or injured persons to medical care facilities. The Fire Department is not responsible for the routine transportation of deceased individuals.

**5. Requesting Transport by the Anatomy Board**

The Anatomy Board will transport deceased persons if all of the following conditions are met:

- The body is donated or unclaimed
- The body is located where no morgue facility exists
- The attending physician has signed the death certificate, or the medical examiner has released the body

Officers shall notify a supervisor and obtain approval prior to requesting transport by the Anatomy Board. Supervisors should ensure that all reasonable attempts to obtain transportation services by a family member have been exhausted, and that the requisite criteria for Anatomy Board transportation have been satisfied.

#### ***Information Required by the Anatomy Board***

Subsequent to a request for transport, a funeral director from the Anatomy Board should arrive.

If the medical examiner has released the body, a death certificate should be left for the funeral director.

If an attending physician has been notified and will sign the death certificate, the funeral director will need the physician's name, address, and telephone number. If a physician will not sign the death certificate, the medical examiner will be contacted to obtain assistance.

#### **6. Emergency Transport by a Funeral Home**

The Anatomy Board has limited funds available to pay for the emergency transport of a deceased person by a local funeral home.

If a delay in transport of one hour is unreasonable due to the location and condition of the body, the Anatomy Board will pay the expense of providing an immediate transport by a local funeral home. To obtain expedited service, the Anatomy Board must be notified of the circumstances when the transport is requested.

The Anatomy Board will contact a local funeral home and arrange for an immediate transport. This procedure is only to be used in emergencies.

If the Anatomy Board cannot be contacted to

make the transport, Public Safety Communications may contact a local funeral home and arrange for transport to the local morgue or funeral home. In such cases, information concerning the death certificate or responsible physician must be given to the funeral director making the immediate removal. The Anatomy Board will pay for the transport, provided that exigent circumstances existed at a time of transport.

Whenever a local funeral home is used for an emergency transport, the circumstances and identity of the authorizing supervisor will be documented on an Incident Report.

#### **7. Transportation in Medical Examiner Cases**

In cases of suspicious death or homicide, all transportation arrangements will be made by the Medical Examiner.

### **VI. GOVERNING LEGISLATION & REFERENCE**

## CHAPTER 19: DEPARTMENTAL PROGRAMS

### I. POLICY

The Department is committed to the development of community crime prevention programs. Employees shall acquaint themselves with specific crime prevention techniques.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

### IV. FORMS

- Cheverly Watch Application (CPD Form #)
- Ride-Along Application and Waiver Form (CPD Form #)

### V. PROCEDURES

#### 1. Reducing Crime Through Community Partnerships

The CPD strongly adheres to the philosophy that crime deterrence and reduction can only be successful with strong citizen input and cooperation. To this end, the Department strongly encourages citizen participation in neighborhood problem identification and problem solving.

In addition, the Department strongly encourages the use of citizen volunteers and continually seeks way to make citizen/police partnerships a reality. In adherence to this policy, the CPD has created or participates in the following programs.

#### 2. Cheverly Police and Citizens Together (C-PACT), Cheverly's Neighborhood Watch Group

C-PACT, an acronym that stands for Cheverly - Police And Citizens Together, is a chartered local Neighborhood Watch Group partnership that was first founded in 2006. It was initiated by the CPD to act as an adjunct problem-solving group that could add inertia, credibility, and volunteer support to the Police Department's many crime prevention and deterrence programs in place around the Town.

In addition to volunteer services, C-PACT sponsors the annual Cheverly Public Safety Day, participates with the Department at Cheverly Day, and sponsors individual training and community programs through its Town- budgeted program monies.

In addition, C-PACT members create and televise crime prevention programs, participate to rallies to highlight pedestrian safety, produce various forms and publications related to home safety (target hardening), and C-PACT board members speak to the Mayor and Council in support of various Police Department programs and budget requests.

C-PACT resident members receive crime and crime prevention updates through a dedicated email listing, can participate in the Ride-Along Program with prior authorization, and generally provide volunteer support at all CPD functions. C-PACT has a President and Vice-President, and the group is supported directly by the Chief of Police.

#### 3. Cheverly Watch, Resident Police Radio Program

The "Cheverly Watch" Program puts portable Town police radios in the hands of Cheverly residents at strategic locations around the Town to enhance police response to emergencies, increase problem identification and intervention, and ultimately reduce crime. By allowing these residents to talk directly to patrol officers over the Town radio system, this program allows the police greater coverage, increases the likelihood of arresting offenders on-scene, and takes advantage of the community's intrinsic knowledge about crime and offenders.

The selection of residents for this program is predicated on a number of factors, to include interest in the program, positive attitude, sound character, and the time and attention necessary to produce positive results. In addition, consideration will be given to those residents whose home or workplace location puts them in a good position to observe entry and egress routes into/from the Town or whose central location makes the observation of heavy vehicle/pedestrian traffic probable.

All program applicants must:

- Be a resident of the Town of Cheverly
- Must be at least 18 years of age
- Must submit to a general background check
- Must sign a confidentiality agreement that ensures that the personal information of resident users in this program is protected
- Must participate in training and program meetings
- Must maintain an active interest in the program.

Membership in Cheverly Watch is by application, with a background check to be initiated by the Department. In addition to the application, all members must sign a confidentiality agreement.

This group is supported directly by the Chief of Police, and all records, applications, background checks, and associated documentation are maintained in confidential files.

#### 4. ElderWatch, Monthly Visitation Program

The Cheverly Police Department, in conjunction with C-PACT (Cheverly-Police And Citizens Together), created ElderWatch in 2006. The purpose of this program is to facilitate monthly visitations to the homes of elderly and infirmed residents by Cheverly police officers to ensure their safety, to share public safety news and crime prevention information, and to open doors of communication to directly discuss problems or concerns in a confidential manner.

Participation in this program is voluntary and visitations are documented in the ElderWatch Program Book by CPD officers who make visitations. Visitations should occur at least twice per month or as determined by circumstances determined by program

At these visitations, residents are presented with current crime information, offered tips on home safety and burglary prevention, and given all news and activities of C-PACT This program is not directly affiliated with any social service or religious organization, but can serve as a resource if such need should occur. This program is directly supported by the Patrol Commander.

#### 5. House Check

The Cheverly Police Department provides a daily exterior inspection of resident's homes that have notified the Department they are away from the Town. These checks are performed as a routine function of CPD patrol officers. Notifications and forms are stored in the House Check Book for this purpose. In addition to contact and address information, the resident is also asked to provide leave and return dates/times, the presence of an alarm or timed interior lights, vehicles in the driveway, and the name(s) and telephone number(s) of who might be visiting the house during the resident's absence.

This information and an officer's note of the daily condition of the residence are documented in the House Check Form (CPD Form # ). House check visits should also be noted on the Daily Duty Report (CPD Form # ). Once the house check has been completed, the form is returned to the Police Secretary.

#### 6. Public Nuisance Abatement

*(Real Property Article of Md. Code, Section 14- 120)*

Although there are common law crimes relating to public nuisances, for a property to be considered a nuisance under this statute, one of the following must occur inside:

- The property must be used by subjects who assemble for the specific purpose of selling CDS
- The property must be used for the manufacture or distribution of CDS or controlled paraphernalia
- The property must be used for the storage or concealment of CDS in sufficient quantity to reasonably indicate an intent to manufacture, distribute, or dispense CDS or controlled paraphernalia

The nuisance abatement statute applies to both residential and commercial properties. Although used primarily against rental properties, remedies may differ depending upon whether the property is rented or owned, residential, or commercial.

#### ***Reporting Procedures***

All nuisance abatement cases must be sent to the PGPD Narcotic Asset Forfeiture Unit (NAFU) of the Narcotics Enforcement Division (NED) for review.

Nuisance abatement cases do not require an Incident Report. However, officers shall document all complaint information in a memorandum and forward it through the chain of command to the NAFU. The memorandum shall include:

- The property address and the name of the complex
- The names and ages of the lessee and all occupants
- Witnesses' names, addresses, and telephone numbers, if available (complaints may be anonymous)
- Whether or not the housing is a Section 8 property

The officer should obtain and attach the following to the memorandum:

- A copy of the lease
- CHRI on the lessee and occupants
- Prior calls for service at the property
- Any written information from community associations that substantiate the complaint

NAFU will obtain case numbers if the case is approved for investigation, and then forward it to the Asset Forfeiture Unit (AFU) of the Office of the State's Attorney (OSA). Once approved, the case will be filed in District Court.

### ***Court Hearings***

Public nuisance abatement hearings are held in District Court. Officers should be prepared to testify at these hearings. They shall bring any additional information that may not have been forwarded to NAFU. The officer shall contact the State's Attorney if he or she is not going to be available for a hearing.

### **7. Fingerprinting Services**

The Department does not provide fingerprinting services. DPSCS' fingerprint office is located at Reisterstown Road Plaza, 6776 Reisterstown

Road Baltimore, MD 21215. A list of MVA locations and private providers is provided at the front desk.

### **8. Educational Intern Program**

The Intern Program provides learning opportunities for persons interested in law enforcement. Persons placed in this program do not have the authority of sworn law enforcement officers.

Interns must be associated with an accredited educational institution or other organization that sponsors internships as part of a course of instruction. Persons seeking volunteer positions or unpaid work experience should be directed to the Patrol Commander. All interns will receive training appropriate for their duties and responsibilities.

The Department may limit the number of interns accepted based upon the Department's needs and workload.

### **9. Volunteers in Policing**

Citizen volunteers provide support to the Department. They are not sworn officers. Depending on the need, volunteers may perform clerical work, data entry, or any other assigned duties that do not expose them to the hazards which sworn employees are exposed to.

Volunteers shall be appropriately attired. They are not permitted to wear the police uniform, or carry any unauthorized equipment or weapons. If a uniform is worn, it will clearly distinguish them from sworn officers. Supervisors shall exercise managerial authority over citizen volunteers. They may assign a Departmental employee to supervise the volunteer. The supervising employee shall determine the scope and duties of each individual volunteer and ensure that the citizen volunteers receive appropriate training to perform their assignments.

Supervisors may terminate a citizen volunteer's participation in the program. When doing so, they shall notify the Patrol Commander, detailing why participation was terminated.

**10. Ride-Along Program**

Individuals requesting to ride with an officer must complete a Ride-Along Application and Waiver Form. Juveniles must have a parent or guardian sign these forms, and may be required to be accompanied by an adult. Participation is limited to two sessions per year, except:

Ride-Along Program participants:

- May not be permitted to accompany officers during the response to some calls or incidents that are inherently dangerous
- Must have their own transportation to The CPD facility
- Shall never accompany a field-training officer with a recruit officer
- Must be hygienically acceptable and cannot wear jeans, shorts, sweat shirts, T-shirts, tennis shoes, or sandals
- Shall wear their seat belt and shoulder harness at all times while the police vehicle in which they are riding is being operated

***Supervisor's Duties***

A supervisor shall:

- Review applications for approval (CHRI or objectionable demeanor may justify rejection)
- Transmit a memorandum to the Patrol Commander for those rejected
- Ensure that the participant is properly attired and hygienically acceptable

The supervisor selects an officer to conduct the ride along and gives the officer a copy of the ride-along guidelines, follow-up form, and return envelope pre-addressed to the Patrol Commander. The application and waivers are retained by the Patrol Commander.

***Officer's Responsibilities***

When possible, officers shall not engage the participant in dangerous situations. An officer not permitting a Ride Along Program participant to accompany the officer to a dangerous call or incident shall drop the participant off at a safe location so that another officer can pick up the

Ride Along participant while the host officer responds to scene. In addition, officers:

- Shall not allow ride-along participants (including media representatives) to enter the home or residence of a suspect, complainant, or reporting person unless invited by the person authorized to do so
- Should encourage the Ride Along participant to ask questions about the law enforcement profession and police work in general
- Should advise the participant that he or she may be required to appear in court at a later date in the event that he or she observes an event during the ride along and his or her testimony is deemed necessary
- May end the ride-along for objectionable behavior or interference and shall return the participant to the location where the officer picked him or her up, documenting his or her actions on a memorandum to their supervisor
- Upon completing the ride-along, shall ensure that the participant is given the program's follow-up form and envelope

**11. Bicycle Patrol Program**

The Bicycle Patrol Program provides an alternative method of patrol while enhancing officer-community interaction. Use of the bicycles will be with supervisory approval only. Officers may be used to provide an enhanced police visibility in:

- Apartment complexes Shopping centers
- Area parks
- Jogging and bike paths
- Area schools

Bike patrol officers also provide support for traffic control during major community events. From a tactical perspective, bicycle patrol officers are able to operate in stealthlike fashion, which gives them an advantage over the criminal element. When patrolling at night, officers must ensure that their bicycle's front headlight is utilized.

Only officers that have attended and successfully completed a CPD-authorized training for bicycles may ride them.

Individual officers are responsible for the general maintenance and upkeep of the bicycle to which they are assigned. A bicycle requiring repairs beyond routine maintenance shall be taken to a Town-authorized service facility.

## 12. Language Assistance Programs

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient or "LEP." These individuals may be entitled language assistance with respect to a particular type or service, benefit, or encounter. The Department has established the Language Assistance Program as a means to provide that assistance.

### *Language Assistance Resources*

The Department has access to the following resources:

- Law Enforcement Interpreters
- Certified PGPD Interpreters
- Language Line Services
- Andrews Air Force Base Language Translation Service
- Catholic Charities

### *Law Enforcement and Other Interpreters*

The CPD does not provide certification for its officers in non-English language skills but regularly encourages the use of language interpreters among the law enforcement community. All officers are encouraged to develop additional contacts within the Town who have specific language skills.

Be using the services of any interpreter, the officer should discuss the specific interpreters language and speaking skills to ensure that information translated is accurate and reliable in its interpretation.

In addition, officers may look to other Town departments (i.e., Public Works) for help with translating services. Absent emergency circumstances, however, officers taken written victim, witness, or suspect statements should utilize an interpreter certified by a law

enforcement or court-based agency.

### *Certified PGPD Interpreters*

PGPD has departmentally certified interpreters that may be available for service. Absent emergencies, initial reporting of a crime, or general information sharing, a certified interpreter should be requested for victim/witness/suspect interviews and interrogations.

### *The Language Line*

The Language Line provides interpreters/translators for more than 150 languages. This service is available via telephone, 24 hours a day, 7 days a week.

Employees needing to use the services of the Language Line shall call **1-800-523-1786** and provide the Department's identification number (**530081**) and personal code (**officer's ID #**).

Conversations that occur via the Language Line are not recorded by the service. To aid in prosecutions, employees shall ensure that statements taken with the assistance of a Language Line interpreter/translator are recorded. Employees needing to record victim, witness, suspect, and/or defendant statements shall contact PSC prior to calling the Language Line to arrange for the call to be recorded. All parties involved in these calls must be informed that the call is being recorded.

### *Andrews AFB Language Translation Service*

Andrews AFB provides emergency, noncertified Spanish translation services to the Department. This is a voluntary community service offered by Andrews Air Force Base and is available Monday — Friday from 0730 to 1630 hours. The contact number is 301420-5170.

### *Catholic Charities*

Catholic Charities also provides noncertified Spanish translation services to the Department Monday through Friday from 0830 hours until 1630 hours. The services are provided by the Catholic Charities Outreach Center located at 7949 15<sup>th</sup> Avenue, Suite 100, Langley Park,

Maryland. If possible, PSC shall notify the program administrator prior to officers arriving at the Outreach Center.

### *Interpreting Services for the Deaf (TTY)*

When an auxiliary aid or service is required to ensure effective communication, a law enforcement agency must provide an opportunity for individuals who are deaf to request auxiliary aids and services. Auxiliary aids and services include certified interpreters, written materials, note pads, and other effective methods of communicating with deaf individuals.

All requests for these services shall be directed to the Prince George's County, Public Safety Communications, which is the Department official radio/MDT communications source. All requests for sign language interpretation shall be made through PSC.

The Americans with Disabilities Act requires use of the TTYs or an equally effective telecommunications system to communicate with individuals who use TTYs. The PSC maintains TTYs for citizens with hearing/speech impairments. If a TTY is not available, employees may use the Maryland Relay Service by calling 711. If the phone has a three-digit block on it, employees may call 1-800-735-2258 and wait 35-40 seconds after the TTY tones sound for an operator. Employees using the service will communicate with the system operator by voice and will carry on a conversation with the TTY user through the operator.

Notices about Departmental hearings or meetings should include a statement that sign language interpreters are available upon advance request.

## **VI. GOVERNING LEGISLATION & REFERENCE**

### Compensation Request Form.

Employees will not be compensated for off-duty appearances at preliminary hearings unless so requested by the Assistant State's Attorney conducting the screening conference. If an appearance is required, the screening attorney shall provide the employee with appropriate documentation, which the employee shall submit with the Compensation Request Form.

#### *Verification for Circuit Court*

Employees shall contact the OSA after 1700 hours on the night before a trial by calling the contact telephone number listed on the summons. A recorded message will advise of continuances and special instructions.

Employees are not paid for court appearances if the prerecorded message indicates their appearance is not required.

#### *Former Employees*

When former employees appear at a judicial proceeding arising directly from their duties as an employee, they shall be paid at their former hourly rate. Compensation is available for one calendar year following the date of employment separation.

To request compensation, the former employee shall send a memorandum to the Patrol Commander. The memorandum will contain:

- CCN
- Citation or court docket number
- Court location
- Date and time of appearance
- Type of case

A copy of the court summons and Compensation Request Form, signed by the Clerk of the Court or the prosecuting Assistant State's Attorney, shall be attached to the memorandum. The Patrol Commander then verifies court appearances.

Former employees are not compensated for court appearances resulting from actions taken during extra-duty employment.

### 8. Court Security

When an officer delivers a prisoner to any court, he or she shall notify a court official if the prisoner is a security hazard.

### 9. Court Hearings

Employees should be prepared to testify at hearing. They shall bring any additional information pertaining to the case, including drug analysis and photographs, to the hearing.

If after the initial report, additional witnesses are developed, the employee shall contact the OSA. He or she shall provide the witnesses' names, telephone numbers, and the reason(s) why the witnesses' appearances are necessary at the hearing.

Employees shall contact the Asset Forfeiture Unit at the OSA if they are not going to be available for a forfeiture hearing.

Information concerning warrant, screening, and extradition procedures can be found in **VOL. II, CH. 16. CRIMINAL ARREST WARRANTS, SEARCH WARRANTS, & RAIDS.**

### 10. Bond Review & Preliminary Hearings

#### *Bond Review*

Bond review hearings are held for prisoners who are unable to make bond and who would otherwise be incarcerated until their trial date.

These hearings are usually held at the PGCCC. Bond review hearings are usually held on the day following the arrest.

Employees do not need to appear at bond review hearings. To transmit additional information to the court, an employee may contact the summons control officer, who shall ensure that the information is made available to the court at the bond review hearing.

#### *Preliminary Hearings*

Preliminary hearings are held to determine if probable cause exists for a felony arrest and to

prevent dismissal of a felony charge when an indictment has not been returned within thirty days of the arrest.

Preliminary hearings are held each day that the District Court is in session.

### *Cases Approved for Grand Jury*

If an employee has screened a case and the case is approved for presentment to the Grand Jury, the employee need not appear at the preliminary hearing, unless the screening attorney requests his or her appearance.

### *Cases Not Approved for Grand Jury*

If an employee has screened a case and the screening attorney does not approve the case for presentment to the Grand Jury, the screening attorney will tell the employee whether to appear for the preliminary hearing.

Whenever a screening attorney requests employees to be present at a hearing, he or she shall give the employee a memorandum stating such a request.

## **11. Criminal Appeal Cases**

Criminal appeals are undertaken in two circumstances:

- The defendant charged with a jailable offense in the District Court requests a jury trial
- The defendant appeals to the Circuit Court following a guilty finding in District Court

When employees become aware that their case has been appealed to the Circuit Court, they may contact the OSA, Criminal Appeal Coordinator to ensure that employees are notified of future court dates and are afforded the opportunity to provide input into plea negotiations.

## **12. Requests for Information or Grand Jury Subpoenas**

Requests for information on cases pending before the Grand Jury or Circuit Court shall be directed to the Division Chief of the Division having jurisdiction over the case at the Office of the

State's Attorney.

Requests for Grand Jury summonses shall be directed to the Grand Jury/Screening Division's administrative aide. The Request for Grand Jury/State's Attorney Subpoena Form shall be completed for all requests. The form will be sent directly to the OSA either by fax or electronically.

## **VI. GOVERNING LEGISLATION & REFERENCE**

**CHAPTER 20: DOMESTIC VIOLENCE,  
STALKING &  
HARASSMENT**

**I. POLICY**

*(MD Criminal Procedure Article, Title 2)*

Officers will respond promptly to incidents of domestic violence, stalking, and harassment.

Being especially sensitive to the needs of victims of these crimes, the Department will assist these individuals, and if necessary their family members, in order to prevent further victimization.

**II. CHECKLIST (N/A)**

**III. FORMS**

- Incident Report (CPD Form #)
- Commander's Information Report (CPD Form #)
- Continuation Report (CPD Form #)

**IV. DEFINITIONS**

**Cohabitant:** An individual who has had a sexual relationship with the respondent or has resided with the respondent in the home for a period of at least 90 days within one year prior to filing for the petition

**Course of Conduct:** Pattern of separate acts occurring at different times, but appearing to have a common purpose or objective

**Defusion:** When disputants have stopped engaging in verbal or physical combat, and calmed down

**Domestic Violence:** Domestic violence occurs when an individual commits or attempts to commit one of the following offenses against a current or former spouse, or a person with whom the individual has, or had, an intimate relationship:

- An act that causes physical injury
- An act that places one in fear of physical injury to self or others
- A property crime
- Violation of a Protective Order

- An act of false imprisonment

**Harassment:** Maliciously engaging in a course of conduct that alarms or seriously annoys an individual, with the intent to harass, alarm or annoy that individual after receiving a warning or request to stop

**Petitioner:** An individual who files a petition

**Protective Order:** A court issued order, which provides protection to a victim of domestic abuse. There are three types of Protective Orders:

**Interim Protective Order:** This order is issued by a District Court Commissioner pending a hearing before a judge on a petition.

**Temporary Protection Order (TPO):** A judge may extend the duration of a TPO for up to six (6) months to effectuate service. The order may direct the respondent to do any of the following:

- Vacate the home immediately
- Stay away from places frequented by the petitioner, such as the petitioner's residence, temporary residence, residence of family members, workplace and or school
- At the discretion of the judge, order the surrender of all firearms

The Protective Order may also:

- Allow a respondent to retrieve personal effects
- Decide the custody of minor children
- Order mandatory counseling or mediation between the petitioner and respondent

**Final Protective Order (FPO):** The final protective may be effective for up to one year, with a provision for a six-month extension. Under certain circumstances, a FPO issued by a judge may extend to two years. In any case, it is mandatory in a FPO that all firearms be surrendered and that further use of a firearm is prohibited

**Respondent:** The individual alleged in the petition to have committed the abuse

**Stalking:** Malicious course of conduct including approaching or pursuing another individual with the intent to place that individual in fear of serious bodily injury or death

## V. PROCEDURES

### 1. Domestic Violence

Complaints of domestic violence or spousal abuse will be taken seriously, even when clear evidence of an assault is lacking. The complaint taker will record the following information from the caller:

- Whether any party is injured
- Location and description of the assailant
- Weapons and their location
- Whether children are present
- The nature of the disturbance
- Other persons on the scene
- Use of drugs or alcohol
- History of mental illness
- History of prior disturbances
- Existence of a temporary peace order or protective order against any party
- Sexual assault

If the victim has been sexually assaulted, Public Safety Communications (PSC) shall advise the victim not to use the bathroom, bathe or shower, or change clothes.

Two officers shall be assigned to the call. If the assailant is on the premises, officers should comply if a victim requests to meet them at an alternate location, such as a neighbor's home.

Response classification will be in **accordance with VOL. II, CH. 8. RESPONDING TO CALLS FOR SERVICE & ESCORTS.**

#### *Officer's Responsibilities*

There are five basic steps to effective intervention in domestic violence calls:

- Safety
- Defusion
- Communication
- Assistance and resolution
- Referral

Officers should await backup when responding to domestic violence calls. Upon arrival at the scene, officers will identify themselves and request permission to enter the home. Generally, officers should only enter homes when invited and opposition is not stated. If the officer's presence creates antagonism, the officer should employ non-confrontational methods to help the abused spouse, such as transporting the individual to another location or convincing one party to temporarily leave.

If, upon arrival, officers are confronted by an individual who denies there is a problem, officers should insist that the spouse come to the door in order to determine whether an assault has occurred.

Officers may make a forcible entry to end a violent altercation, remove children whom the officer believes to be in immediate danger, or for other exigent circumstances.

Officers shall use reasonable judgment to determine the propriety of making a forcible entry in these cases. Officers will not forcibly enter a home merely to obtain clothing or personal items. *See: Supervisor's Responsibilities in Domestic Standby* in this chapter.

After stabilizing the situation, officers should determine if there are injuries involved and if medical attention is required. Officers shall provide the victim protection against further injury. This protection may include the seizure of firearms or weapons. When on the scene of an alleged act of domestic violence, an officer may remove a firearm from the scene if:

- There is probable cause to believe that an act of domestic violence has occurred; and
- The firearm has been observed

A resident of the premises may lead an officer to the location of other firearms at the residence. A premise search may not be conducted without a search warrant.

Officers may transport victims away from the scene when no other means of travel is available.

Officers will not assist in removing children from a home in which one spouse opposes that removal unless the circumstances indicate that the children are in imminent danger.

### ***Crime Victims & Witnesses Pamphlet***

The State of Maryland has established guidelines for the treatment and assistance of crime victims and witnesses.

Officers are responsible for directing citizens to appropriate community resources. In all cases, officers will provide complainants or injured parties with a Crime Victims and Witnesses pamphlet and note the CCN on the front. This shall be documented in the Incident Report, or noted in the call clearance if no report is written.

### ***Reporting Procedures***

When an individual alleges to have been assaulted by a spouse or cohabitant, or there is evidence of physical injury, an Incident Report and a Domestic Violence Supplemental Report shall be completed. The reporting officer shall write "29" in the SPECIAL STUDIES block. Both reports shall be forwarded to the Special Response Team (SRT) prior to the end of shift.

The SRT shall forward a copy of the Incident Report and the Supplemental Report to the OSA and the Patrol Commander.

If the reporting officer feels that future violence may occur, the officer may request a premise history entry and directly notify the SRT.

When the necessary elements for an arrest are present, but an arrest is not made, the reporting officer will document this on the Incident Report noting why, and what actions were taken to ensure the safety of the victim.

### ***Optionally Reportable Situations***

If officers respond to a domestic violence call but a crime has not been committed, the call shall be coded appropriately. Officers shall advise the dispatcher of the following:

- Any Weapons present and their location

- Use of drugs or alcohol
- Any referrals made for assistance

The dispatcher will include this information in the CAD.

### ***Evidence Collection***

The following are examples of evidence that shall be collected in domestic violence cases:

- Photographs of injuries
- Photographs of the crime scene
- Photographs of injuries one to three days later
- Copies of 911 tapes
- Copy of Protective Order

### ***Supervisor's Responsibilities in Domestic Standby***

It is important that persons requesting domestic standby services be afforded these services as guaranteed by law. It is important that officers ensure that they are not assisting an individual in violating the "vacate or stay away" portion of a protective order. Conditions of most existing protective orders can be verified through MILES.

Supervisors shall determine the level of response to a request for a domestic standby. If available, the supervisor will respond to assist the officer. The supervisor shall ensure that assistance is limited to removing essential items, such as a change of clothing, personal effects or medicines for themselves or their children.

### ***Special Response Team (SRT)***

The SRT will review reports of domestic violence noting when multiple incidents or particularly violent behavior have occurred. Investigators shall:

- Contact the victim and refer them to available assistance
- Notify the County Department of Social Services and other agencies, as necessary
- Take appropriate steps to prevent future violence against victims or responding officers
- Ensure copies of Incident and Supplemental

Reports are forwarded to the Office of the State's Attorney and the Patrol Commander.

## **2. Domestic Incidents Involving Law Enforcement Personnel**

Employees are encouraged to seek confidential assistance through the Town's Employee Assistance Program (EAP) in order to prevent a problem from escalating into criminal misconduct.

Officers with knowledge of abuse or violence involving a fellow officer shall report such information to a supervisor in a timely manner. Failure to do so will subject the officer to an investigation, disciplinary action, and possible sanction or criminal charges.

All officers should be aware of the possibility of victim or witness intimidation. If an officer suspects that this is occurring, the officer will notify a supervisor immediately. The supervisor will prepare a CIR and immediately notify the Chief of Police.

Officers who attempt to interfere with cases against fellow officers by threatening, harassing, stalking, or otherwise engaging involved parties will be subject to investigation, disciplinary action and/or criminal charges.

### ***Domestic Disputes Involving Departmental Employees***

In order to ensure that the response to domestic disputes involving Departmental employees are appropriately documented, even if no allegation or evidence of a physical assault exists, officers responding to such domestic disputes shall:

- Request a supervisor's response to the scene
- Complete and submit an Incident Report by the conclusion of the shift

A supervisor will respond to the scene and shall:

Complete a confidential Commander's Information Report (CIR) to be forwarded to the Chief of Police.

### ***Domestic Disputes Involving Sworn Members of Other Law Enforcement Agencies***

Officers responding to a domestic dispute involving sworn members from other law enforcement agencies that does not involve an allegation or evidence of physical abuse shall:

- Request a supervisor's response to the scene
- Complete and submit an Incident Report by the conclusion of the shift.

A supervisor will respond to the scene. The supervisor shall notify the sworn member's Commander. A copy of the Incident Report shall be forwarded to the Chief of Police.

### ***Domestic Violence Involving Departmental Employees (Lautenberg Law)***

Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. Officers convicted of domestic violence shall have their police powers revoked.

Officers responding to a domestic violence call involving Departmental employees shall determine if there are allegations or evidence of physical assault. If so, the officer shall:

- Request the presence of a supervisor
- Secure any Departmental firearms
- Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- Complete an Incident Report by the conclusion of the shift

Upon arrival, a supervisor shall:

- Ensure that the officer's responsibilities have been completed
- Contact the commander of the accused employee
- Complete a confidential Commander's Information Report (CIR).

### ***Domestic Violence Involving Employees of Other Law Enforcement Agencies***

Officers responding for a report of domestic violence or a violation of a Protective Order involving Departmental employees of other law enforcement agencies shall determine if there are

allegations or evidence of physical assault. If so, the officer shall:

- Request the presence of a supervisor
- Make an arrest, if probable cause exists, and remove any privately owned firearms observed on the scene
- Complete an Incident Report by the conclusion of the shift

A supervisor will respond to the scene and do the following:

- The Supervisor will ensure that the officer's responsibilities have been completed
- The Supervisor will initiate a premise history through the communications supervisor for at least 90 days
- The Supervisor will notify the affected officer's on-duty Commander
- The Supervisor shall prepare a CIR, documenting the name of the Commander notified within the other agency, the other agency's response, and all notifications made within this Department.

#### ***Response to Violations of Protective Orders***

A CPD officer that is served with a Protective Order will notify a supervisor. The supervisor shall immediately notify the Patrol Commander so that a determination regarding the suspension of police powers, consistent applicable laws, can be made.

Officers responding for a report of a violation of a Protective Order involving employees of another law enforcement agency shall:

- Confirm that the employee is in violation of the Protective Order
- If the employee is in violation of the Protective Order the officer shall make a full custody arrest and notify a supervisor

For officer safety, officers shall pay particular attention to section 7, which may list firearms owned by the employee and the block in section 8, which reads, "To turn over firearms to a law enforcement agency."

Supervisors responding to the scene shall follow

the procedures detailed in the section titled ***Domestic Violence Involving Sworn Members of Other Law Enforcement Agencies*** above.

### **3. Stalking & Harassment**

*(MD Annotated Code, Criminal Law, Section 3-801 through 3-803) (County Code Sections 14-167, Et seq.)*

#### ***Stalking Reports***

Officers shall complete an Incident Report and CIR for all stalking complaints, or any situation where stalking appears to have occurred. Officers taking reports shall:

- Notify the SRT
- Transport the victim to the PGPD District I central processing area or stand by with the victim pending the arrival of the investigator
- Classify the type of incident as Stalking
- Write "33" in the SPECIAL STUDIES block
- Note the name of the investigator notified, if applicable
- Broadcast a lookout for the suspect

The state stalking law authorizes making a warrantless arrest for this crime.

#### ***Harassment Reports***

When an individual complains of harassment, the officer shall write an Incident Report documenting the nature of the harassment and specifying that no threats to personal safety were made. The officer shall instruct the victim to contact a commissioner to obtain a warrant if the complainant desires criminal prosecution. Harassment reports do not require follow-up attention.

### **4. Warrantless Arrests**

The Maryland Criminal Procedures Title 2, Subtitle 2 provides warrantless arrest authority when an officer has probable cause to believe:

- The victim is the perpetrator's spouse or cohabitant, and
- There is evidence of physical injury and, unless the perpetrator is immediately arrested, the perpetrator may:
  - Not be apprehended

- Cause further injury to the victim or others
- Cause further damage to the victim's property
- Tamper with, dispose of, or destroy evidence

These conditions justify a warrantless arrest so long as a police report was made within 48 hours of the alleged incident.

In such cases where the criteria of Title 2, Section 2-204 exist, the preferred response of the Department is to make an arrest unless there are clear reasons why an arrest would be counter-productive.

Officers will use professional judgment in deciding whether to arrest.

Upon making a warrantless arrest, victims shall be advised to contact the OSA, Domestic Violence Unit, to obtain information regarding the criminal justice system and identify available support services.

## 5. Protective Orders

The Annotated Code of Maryland mandatorily prohibits a respondent of a Final Protective Order (FPO) from possessing a regulated firearm, and this same non-possession regulation is optional at the discretion of a judge in a Temporary Protection Order (TPO) (See Box #7).

An individual that is named as a respondent in a Protective Order, if so ordered by the judge, must surrender all firearms owned or possessed by them, including rifles and shotguns. Law enforcement officers are not exempt from this restriction. Respondents are also prohibited from purchasing firearms while they are named as a respondent in a domestic violence proceeding or possessing them during the entirety of the Order.

The following violations of Protective Orders are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner
- Contacting or harassing the petitioner
- Refusing to vacate or stay away from the

petitioner's or family member's residence, school, place of employment, temporary residence, and all surrounding areas

### *Officer's Responsibilities — Protective Orders*

Officers may verify the existence of Protective Orders by contacting the Office of the Sheriff for Prince George's County (OSPG). If the order has been filed but not served, and the subject named in the order is present, the officer will serve the order. The petitioner's copy may be served on the respondent. Another copy of the order may be obtained from the courts.

If service is made, the officer can order the respondent to vacate the home, advising the respondent that to disregard the Protective Order is a misdemeanor, which lead to an arrest.

### *Arrests for Violation of Protective Order*

The following violations of a protective order are misdemeanors under Title 4, Subtitle 5, of the Family Law Article:

- Abusing or threatening the petitioner
- Contacting or harassing the petitioner
- Refusing to vacate or stay away from the petitioner's and/or family member's:
  - Residence
  - School
  - Place of employment
  - Temporary residence
  - All surrounding areas

Officers shall arrest, with or without a warrant, an individual whom the officer has probable cause to believe is in violation of an active Protective Order, even if the violation occurs with the petitioner's consent. A full custody arrest shall be made for such violations.

Violations of other conditions of a protective order that are not misdemeanors or felonies are not enforceable by an officer. The officer should refer the petitioner to the court for relief.

## 6. Protective Orders Issued by Another State

In 1994, Congress enacted the Violence Against

Women Act (VAWA) directing jurisdictions to give full faith and credit to valid orders of protection issued by other jurisdictions.

A Protective Order issued by a court of another state or Indian tribe will be accorded full faith and credit by a court of Maryland and enforced as an order of Maryland.

Under Maryland law, in order to enforce an out of state protective order:

- The order must be in effect at the time of the violation
- The petitioner must display or present a copy of the order that appears valid on its face
- The defendant must have violated an arrestable provision of the order

#### 7. Temporary Protective Orders

Persons that are eligible for relief include:

- The current or former spouse of the respondent
- A cohabitant of the respondent
- An individual related to the respondent by blood, marriage, or adoption
- A parent, stepparent, child, or stepchild of the respondent who resides or has resided with the respondent for at least 90 days within one year before filing for the petition
- A vulnerable adult
- An individual who has a child in common with the respondent

Temporary Protective Orders are issued through the District Court, Monday through Friday, 0830 to 1500 hours. A District Court Commissioner may issue the order when neither the Clerk of the District or Circuit Court is open for business.

If an officer serves an order issued by a commissioner, the return of service shall be returned to the commissioner or the District Court Clerk.

## VI. GOVERNING LEGISLATION & REFERENCE

### Governing Legislation:

- Maryland Criminal Procedures Title 2, Subtitle 2
- Title 4, Subtitle 5, of the Family Law Article
- Title 18 USC (G)(8)- Gun Control Act of 1968 Amended

This amendment makes it unlawful for any individual convicted of a misdemeanor crime of domestic violence to ship, transport, possess or receive firearms or ammunition.

It also makes it unlawful for any individual to sell or otherwise dispose of a firearm or ammunition to any person the individual knows or believes has been convicted of such a misdemeanor. This act also applies to all law enforcement officers.

This is true whether or not the state statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.