

CHAPTER 21: DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

I. POLICY

Identifying and stopping motorists that are operating or attempting to operate a motor vehicle while under the influence of alcohol or drugs (DUI) is a priority for officers.

Arrests for DUI shall be based on probable cause that, at the time of the offense, an arrestee was in actual physical control of a vehicle. Probable cause shall be developed by observation and/or witness account.

II. CHECKLIST (N/A)

III. DEFINITIONS

D.U.I.: Driving Under the Influence, a blood alcohol concentration of 0.08% or higher

D.W.I.: Driving While Impaired, a blood alcohol concentration of 0.07%, but less than 0.08%

IV. FORMS

- Commander's Information Report (CPD Form #)
- Maryland Uniform Complaint and Citation (MVA Form #DR-49)
- Alcohol/Drug Influence Form (PGC Form #3381)
- Advice of Rights (MVA #DR-15)
- Officer's Certification and Order of Suspension (MVA #DR-15A)
- Preliminary Breath Test Advice of Rights (MSP Form #102)
- Result of Test for Alcohol Concentration (MSP Form #33)
- Log of Tests for Alcohol Influence Arrests (MSP Form #36B)
- Statement of Probable Cause Arrest on Traffic Charges, (Form #DC/CR1)

V. PROCEDURES

When preparing to stop a motor vehicle, officers shall consider the following:

- A stop location that maximizes the safety of the officer and the violator
- Positioning the police vehicle in such a manner that alerts other motorists of the officer's presence
- A suitable area where roadside sobriety tests can be administered

1. DUI Traffic Checkpoints

A trained supervisor of the Department shall be the DUI Checkpoint Manager. He or she shall be responsible for ensuring that checkpoint operations are safe for the public and officers. The Patrol Commander shall be contacted to schedule any checkpoint.

Checkpoint Locations

The checkpoint supervisor shall select the checkpoint location. Site selection shall be based on:

- Public and officer safety
- Minimizing inconvenience to motorists and unnecessary delays to traffic
- Providing sufficient space to deploy officers and marked police vehicles in plain sight
- Allowing the placement of warning signs

Statistical data shall be used to determine a site location. Data may include, but is not limited to, calls for service, citizen complaints, and accident reports.

Before conducting a traffic checkpoint on private property such as apartment parking lots, shopping center parking lots and driveways, written permission will be obtained from the property owner or authorized agent.

Authorization to Initiate Checkpoints

Checkpoints may be initiated only upon the written approval of the Patrol Commander. Requests shall be made on an inter-office memorandum to the Patrol Commander and include the following information:

- Purpose of checkpoint
- Location of checkpoint
- Date and time of checkpoint

Notifications

Before initiating a checkpoint, the checkpoint supervisor shall notify the following of the date, time, and location site:

- PGPD District I Commander's Office
- Public Safety Communications
- MSP barrack servicing the area (for traffic-related checkpoints)

Legal Considerations

Traffic checkpoints must be conducted in strict compliance with legal guidelines. The checkpoint manager shall ensure the following:

- An official sign will be placed to give motorists adequate warning that a checkpoint is ahead and the opportunity to choose an alternate route
- All official signs used at checkpoints must have the prior approval of the Patrol Commander
- Officers manning checkpoints shall be in uniform
- At least one marked police cruiser will be used at each stop location
- All vehicles will be stopped
- If traffic becomes congested, the checkpoint supervisor may temporarily suspend the operation until the congestion is relieved
- Motorists who do not wish to stop shall be allowed to make a legal U-turn prior to the checkpoint and follow a different route
- Officers will not search vehicles, nor interrogate drivers or passengers unless probable cause exists to search the vehicle, or an arrest is made

Initial Stop & Contact

The initial stop and contact shall last approximately one minute or less. Officers conducting the initial stop and contact shall:

- Identify themselves
- State the reason for the stop
- Tell the motorist that all motorists are being stopped
- Thank the driver for his cooperation

If an officer develops probable cause to believe that the motorist is driving while under the influence of alcohol, the officer shall direct the motorist to a location designated for vehicles that are to be detained, and pursue the matter for a reasonable time. If the motorist refuses to cooperate, the motorist may be detained and the officer may investigate further.

If the officer does not develop probable cause during the initial contact, the motorist will be instructed to proceed.

Arrest Procedures

Persons arrested at checkpoints will be transported and processed in accordance with established procedures, ***See: VOL. II, CH. 4. ARREST, TRANSPORT, & PROCESSING.***

After Action Report

The checkpoint supervisor will ensure that a CIR is completed at the conclusion of the operation. Copies of the report will be forwarded to the Patrol Commander. The report shall include, but not be limited to the following:

- Purpose, date, time, and location of the checkpoint
- Number of vehicles stopped
- Number of arrests made
- Description of charges made

3. Preliminary Breath Test (PBT)

A PBT may be used to develop additional probable cause to detain an individual. The PBT does not replace conventional roadside sobriety tests or chemical tests.

Only officers that have been trained and approved by the State Toxicologist shall administer a PBT.

A PBT may be administered after an operator has been advised of the rights outlined in the Preliminary Breath Test Advice of Rights form. The operator does not have the right to speak with an attorney before deciding whether to submit to a PBT. PBT results may not be used as evidence, but the results should be included in the

reasonable grounds section of the DR-15A form.

The use of PBTs shall conform to the regulations of the State Toxicologist. PBT operators shall record PBT test results in the State of Maryland Preliminary Breath Test Log.

A PBT may be used to test any principal of a crime that is suspected to be under the influence of alcohol.

4. Advice of Rights, DR-15 (Transportation Article, Section 16-205.1)

Officers will ask arrestees to submit to a chemical test to detect alcohol concentration for the following offenses:

- DUI/Impaired Driving
- Driving in violation of an alcohol restriction (including the restriction of persons under the age of 21)
- Driving in violation of Maryland Traffic Law Section 16-813 (commercial motor vehicle)

Officers shall follow these procedures for violations not involving the death of another:

- Read the DR-15 Advice of Rights to the arrestee, comply with the instructions at the bottom of the form, and complete applicable blocks
 - Distribute copies to persons named at the bottom of the form's pages
- Complete the officer's Certification and Order of Suspension when appropriate
 - The grounds for stopping the vehicle must be comprehensive and observations such as vehicular actions, locations observed, and the condition of the operator must be included
 - "Alcoholic Beverage" is the only description permitted to describe the odor of a fermented liquid in the narrative of the reasonable grounds section. In addition, the fact that the person listed on the form was operating the vehicle and had an odor of an alcoholic beverage on their breath must be indicated.

- In the reasonable grounds section, describe the circumstances that led to the submission or refusal of a chemical test

For violations where death occurs, officers shall:

- Inform the arrestee that by law, they must submit to a chemical test and read the arrestee the DR-15 Advice of Rights form. Officers must be able to articulate that there is reasonable suspicion to believe that alcohol is present
- Not advise the arrestee of Miranda rights unless questioning the arrestee, or as instructed by the Office of the State's Attorney (OSA)

5. Documentation

The following documents are required for all DUI arrests:

- Alcohol/Drug Influence Form
- Advice Of Rights - required in all nonfatal accident cases
- Officer's Certification and Order of Suspension - required only when the test result is .08% or higher or the arrestee refuses to submit to a test - and is used to:
 - Confiscate a Maryland Driver's License
 - Issue a temporary license
 - Order a suspension
 - Request a driver's hearing
 - Record the officer's statement of reasonable grounds
 - Record results of a test for alcohol concentration
 - Provide evidence of refusal
- State of Maryland Preliminary Breath Test Log - required for all PBT tests
- State of Maryland Alcohol Program Testing Log - required for all alcohol or drugged-driving arrests

If an arrestee submits to a breath test, the Breath Testing Operator will log the arrest. If an arrestee is not given a breath test, the arresting officer shall compile copies of all citations, reports, and MVA Forms listed on the DWI checklist before clearing the incident. The arresting officer shall place the

copies in the designated place near the breath-testing instrument.

The Breath Testing operator will log the arrest, and the arresting officer shall submit copies of all results to the OSA, DWI coordinator.

6. Chemical Tests

The CPD does not have Breath Test Operators, because of agency size, as listed under the rules and regulations established by the State Toxicologist. As a result, CPD officers will respond to PGPD facilities primarily for breath testing services. If a PGPD Breath Test Operator is unavailable, another appropriate testing facility will be determined by the PSC.

Test Refusal or Test Result of .08% or Higher

The officer shall:

- Confiscate the Maryland driver's license
- Within 72 hours, send the confiscated driver's license, copies of MVA forms, and any Results of Test for Alcohol Concentration to the MVA
- Complete the Officer's Certification and give a copy to the arrestee
- Advise the arrestee that he or she has 10 days in which to mail the hearing request form to request a hearing to show cause why their license should not be suspended
- Give the arrestee the "Driver's Copy" of the Officer's Certification and Order of Suspension to use as a temporary driver's license, provided the arrestee has a valid Maryland Driver's License and signs the Officer's Certification and Order of Suspension

An arrestee already in possession of a temporary license is treated the same as if he or she had a regular license.

Blood Testing

Prior to having medical personnel draw blood utilizing the two test tubes found in the State Toxicologist-approved blood collection kit, the arresting officer should ensure that the kit's expiration date, usually found on the front of the

kit, is still current. The kit contains directions, which shall be followed.

A physician, nurse, or person who withdraws blood in the course of their duties in the emergency room shall utilize the contents of the kit.

The arresting officer (in their absence another officer) shall:

- Witness the withdrawal of blood
- Ensure the test tubes are filled completely
- Immediately, after the blood is collected, mix the blood with the anticoagulant powder by slowly and completely inverting the test tube five times (*Do not shake vigorously*)
- Complete the four evidence seals contained in the kit
- Seal each of the test tubes with an evidence seal
- Place the sealed test tubes in the original box and seal the ends of the box.

Officers shall not have blood samples drawn by military personnel.

Officers shall avoid having blood samples drawn within the District of Columbia, as these may be inadmissible as evidence.

As test results are not immediately available, officers will place the appropriate charges against arrestees based upon known facts.

Submitting Blood Tests

Blood specimens must be forwarded to MSP for analysis and must be accompanied by the Alcohol Analysis-Medical Personnel Payment Authorization. The arresting officer shall ensure that the form includes the signature and Social Security Number of the person withdrawing the blood, and the hospital address. They shall retain the arresting officer's copy, and immediately transmit the following to the Chemical Test for Alcohol Unit (CTAU), MSP, Pikesville, MD 21208:

- Copies #1 through #4 of the MSP Form #34
- Blood test kit. Do not place kit in an outdoor mailbox during freezing weather

Follow-Up Blood Test Procedures

Officers shall follow the following procedures, not those found on pages 5-7 of the Administrative Per Se in Maryland, A Police Officer's Guide to Forms and Procedures.

Following analysis of blood samples, MSP shall forward the copy of the Result of Test For Alcohol Concentration form and #34 to the Department.

For test results .07% or below, the arresting officer shall:

- Fill in the test result that was left blank on the Log of Tests for Alcohol Influence Arrests
- Complete the three copies of the Result of Test For Alcohol Concentration form, furnish salutation, citation number, and officer's signature
- Immediately forward defendant copy of Result of Test For Alcohol Concentration to the arrestee via Certified U.S. Mail, restricted delivery. U.S. Postal Service Form 3800 and 3811 shall be affixed to the mailer per instructions on these forms, available from the District/Division Property Supply Clerk
- On an arrestee's receipt of the Result of Test for Alcohol Concentration, the Postal Service returns PS Form #3811, bearing the arrestee's signature, to the arresting officer, the officer retains this form as evidence. If the Postal Service is unable to serve the certified letter, the form will be returned to the arresting officer stamped as such; the officer retains this form as evidence
- Immediately forward the OSA's copy of the Result of Test For Alcohol Concentration and other required documentation to the DWI Case Coordinator, OSA District Court Division Courthouse, Upper Marlboro

For test results .08% or higher, the arresting officer shall:

- Complete the DR-15A, except for the following:

- Order of Suspension-issue date
- Surrender of the Drivers License
- Drivers Certified Statement
- Temporary License Block

- Submit the DR-15A and the MVA copy of the Result of Test For Alcohol Concentration form to the MVA

7. Persons Incapable of Refusing a Chemical Test

If an officer has reasonable grounds to believe that an arrestee has been driving or attempting to drive while under the influence of alcohol or while impaired and determines the arrestee is unconscious or incapable of refusing to take a test, the officer shall:

- Arrange for the arrestee to be transported to a hospital
- If a test would not jeopardize the health of the arrestee, direct a qualified medical person to collect a blood sample with an authorized blood collection kit

If the arrestee regains consciousness, or otherwise becomes capable of refusing the administration of a chemical test before it is administered, officers will follow the established procedures for obtaining consent.

8. Processing Drug Suspects

Persons suspected of driving while under the influence of drugs are processed in the same manner as persons driving under the influence of alcohol.

If the arrestee submits to a chemical test, the test can be used to determine the extent of alcohol influence. A low test result, especially a result of 0.0%, together with the officer's observations, may support the probability of drug use.

An officer shall not confiscate an arrestee's driver's license for driving under the influence of drugs, unless the officer is a certified Drug Recognition Expert (DRE). DREs are officers specially trained to detect drivers under the influence of illegal drugs, prescription and over-the-counter medications, and inhaled products.

They may be contacted through PSC.

Drugs found on the arrestee or in their vehicle shall be submitted to a laboratory for analysis by the arresting officer. The results of the analysis may be used as corroborative evidence.

If the arrestee was injured and transported to a hospital, the arresting officer will contact PGPD CARU for assistance with requesting the OSA to subpoena the hospital's blood test results.

Taking prescription medication is no defense against a charge of driving while under the influence of drugs.

9. Disposition of Arrestee

The officer may release an arrestee, providing the arrestee signs all citations and MVA forms. Otherwise, they shall be presented, without unnecessary delay, before a District Court Commissioner. If the officer releases the arrestee, they shall take reasonable steps to ensure the arrestee has transportation away from the police facility.

Arresting officers shall consult with the OSA, Criminal Trials Division, before placing charges against an arrestee involved in a fatal accident.

10. Summoning Witnesses

Arresting officers shall subpoena essential witnesses by checking the witness block and completing the back of the #1 copy of the citation. If additional space is necessary, a Request for Witness Summons will be completed.

Essential witnesses include the following:

- Officers who had custody of the arrestee
- Witnesses who observed the arrestee driving
- Individual that withdrew blood from the arrestee

The OSA transmits subpoenas for breath testing operators and chemists analyzing blood samples.

11. Case Disposition

The arresting officer shall note the court

disposition of the case in the State of Maryland Alcohol Program Testing Log within 72 hours of adjudication.

Disposition of Alcohol Chemical Test

In cases where a blood test was given, the arresting officer shall complete the Disposition of Alcohol Chemical Test when the court case and appellate process are concluded to facilitate the disposal of blood samples. Officers shall mail the form to the CTAU.

12. License Restrictions

(Transportation Article, Section 16-113)

Persons suspected of driving in violation of an alcohol restriction are processed similarly to persons driving under the influence of alcohol. Instead of using the Officer's Certification and Order of Suspension, if a person consents to a breath test, officers shall use a:

- Certificate of Police Officer, Violation of Alcohol Restriction
- Certificate of Police Officer, Test Results of 0.04 or More, Commercial Motor Vehicle

Alcohol restrictions on a Maryland Drivers License may take the following forms:

- Licensees less than 21 years of age are prohibited from having a BAC of 0.02 or greater
- Licensees with a designated alcohol restriction are prohibited from having any alcohol in their blood

Arrests for either of these violations are handled in the same manner as a DWI violation including chemical testing and charging of the arrestee. Officers shall complete and submit the Certification of Police Officer, Violation of Alcohol Restriction, as the MVA documentation needed after an arrestee submits to a chemical test. Chemical test refusal shall be handled as a regular refusal to submit to a chemical test.

13. Commercial Driver's License

Commercial drivers (when exercising their privilege as commercial licensees) are prohibited from having any alcohol in their system. Officers

who encounter any commercial driver with the odor of an alcoholic beverage on their breath, shall request the driver to submit to a chemical breath test. DWI regulations concerning chemical testing and charging apply in these types of arrest. The officer shall complete and submit the Certification of Police Officer, Test Result of 0.04% or More, Commercial Motor Vehicle for MVA documentation.

A truck inspector shall place commercial drivers (when exercising their privilege as commercial licensees) who have any alcohol concentration in their system, or refuse the breath test, out of service. The truck inspector will advise them that they cannot drive a commercial vehicle for at least 24 hours.

14. All Other Traffic Violation Arrests

In addition to DUI arrests, all other traffic arrests will be made pursuant to the provisions of Section 26-202 of the Maryland Transportation Article. For example, an officer may arrest without a warrant a motorist operating a vehicle on a cancelled, suspended, refused or revoked license in violation of Section 16-303, due to a failure of the motorist to appear for court.

The Officer needs to complete the traffic citations and a Statement of Probable Cause Arrest on Traffic Charges, form DC/CR1, when the violator is to be presented before a District Court Commissioner.

When making a traffic arrest, officers will use only the force necessary to accomplish lawful objectives.

If an arrest is made with a citation, the issued CCN will be placed in the right margin of the citation. Witness information is placed on the reverse of the court copy.

Citations will be submitted to a supervisor for review within 24 hours of issuance.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- The Maryland Vehicle Law, Section 21902 and 26-202
- Transportation Article, Section 16-205.1
- Delaware v. Prouse (440 U.S. 648, 99 S.Ct.1391)
- Little v. Maryland & Odom v. Maryland (300 Md. 485, 479 A.2d 903)
- Michigan Department of State Police v. Sitz (496 U.S. 444, 110 S.Ct. 2481)
- Indianapolis v. Edmond (531 U.S. 32, 121 S.Ct. 447)

Reference:

- Administrative Per Se in Maryland, a Police Officer's Guide to Forms and Procedures
- "Checkpoint Strikeforce" Maryland State Police Sobriety Checkpoint Case Law, March 2004

CHAPTER 22: DRUG TAX LIABILITY**I. POLICY**

The Prince George's County Code permits a tax of 30% on the value of CDS sold, used, stored, or consumed within the County. The tax is payable for each separate violation, and every person who is a party to the event is jointly and severally liable for payment of the tax. The County's Office of Law and Office of Finance are responsible for litigation and tax collection.

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

- Vehicle/Asset Forfeiture Summary Report (PGC Form #4321)

V. PROCEDURES

The Department will evaluate CDS-related arrests to determine the eligibility for Prince George's tax liability based on the following criteria:

- The arrestee is an adult
- The arrestee is believed to possess identifiable property, personal and/or real, within the County

1. Reporting Procedures

Officers will complete a Vehicle/Asset Forfeiture Summary Report, describing the circumstances of the seizure of the CDS and identifying the assets of the arrestee. Officers will not attempt to compute the tax. CHRI-protected information or information that would be discoverable by a defense attorney will not be included. The officer may contact the PGPD Narcotic Enforcement Division (NED) or the Office of Law for assistance.

The completed report will be forwarded to NED prior to the end of the officer's shift.

2. NED Responsibilities

NED will:

- Assist officers during any phase of the process
- Review reports for accuracy and completeness
- Distribute the report to the Office of Law

For assets not readily identifiable, reports will be sent to PGPD NED for assignment to a financial investigator. The Commander, NED shall ensure that the financial investigation is completed and forwarded as appropriate.

VI. GOVERNING LEGISLATION & REFERENCE**Governing Legislation:**

- County Code Section 10-228

**CHAPTER 23: EMERGENCY PETITIONS
& RESPONSES TO
INDIVIDUALS WITH
MENTAL DISORDERS**

I. POLICY

Any individual may be affected by a mental disorder. Dealing with these individuals presents law enforcement officers with unique challenges.

The Department acknowledges that mental disorders are not the result of weakness, lack of character, or poor upbringing. Mental illness can disrupt a person's thinking, feeling, moods, and capacity for coping with the demands of life. They are generally treatable with medication and supportive counseling.

The Department's policy is to provide a comprehensive response to individuals who display symptoms of a mental disorder. Where the requirements of the law are met, the responding officer will file a request for an emergency evaluation petition for the individual.

II. CHECKLIST

In accordance with officer safety techniques, steps that can be taken to de-escalate a situation involving a person suspected of having a mental disorder include:

- When possible, turn off emergency lights and sirens
- Disperse crowds
- Assume a non-threatening manner when approaching the individual
- Communicate with the individual in a calm fashion and attempt to determine what is bothering them
- Always be truthful when dealing with an individual with a mental disorder, if he or she becomes aware of deception, he or she may withdraw in distrust or retaliate in anger

III. DEFINITIONS

(Health-General Article, Sec. 10-622)

Designated Hospital: A medical facility that is equipped to assist the mentally ill; CPD's preference shall be Prince George's Hospital

Center (PGHC). If PGHC cannot accept EPS service, alternative hospitals are:

- Doctor's Community Hospital
- Greater Laurel Beltsville Hospital

Emergency Evaluation Petition: A process by which an individual suspected of having a mental disorder is evaluated by a mental health professional in a clinical setting

Mental Disorder: A physical or psychological impairment manifested by behavioral symptoms that indicate a clear disturbance in mental functioning; mental retardation is not a mental disorder

Mobile Crisis Team: The primary outreach component for the Prince George's County Crisis Response System. Members of the team are trained mental health professionals who provide assistance to CPD officers in dealing with persons with mental disorders and others in crisis. Team members may provide immediate intervention for families in crisis, assistance in making referrals to hospitals or other psychiatric care, or, as appropriate, with filing an emergency evaluation petition.

Petitioner: Any of the following individuals who, after examination or observation, request an emergency evaluation of an individual:

- Mental health professionals (In this section, physicians, psychologists, licensed clinical social workers, licensed clinical professional counselors, health officers or designee's of health officers)
- Law enforcement officers
- Any other interested person

IV. FORMS

- Emergency Evaluation Petition Checklist (PGC Form #5,175)
- Commander's Information Report (CPD Form #)
- Incident Report (CPD Form #)
- Maryland District Court Form #DC 13
- Maryland District Court Form #DC 14

V. PROCEDURES

(Health-General Article 10-622)

1. Symptoms

Some symptoms of a mental disorder include, but are not limited to:

- Disorientation
- Loss of memory regarding their identity, time, or place
- Displaying inappropriate or impulsive behavior
- Hallucinations or feelings of persecution
- Paranoia
- Talking to themselves
- Describing unrealistic physical symptoms

Officers responding to calls involving subjects with these symptoms shall use extreme caution because their behavior may be unpredictable.

Maryland law recognizes that law enforcement officers are not trained in medicine or psychology. It merely requires that the officer have reason to believe that the individual:

- Has a mental disorder, and
- Presents a danger to the life or safety of himself or herself or others

Officers shall establish this belief based on observation of the subject, or on information they obtain that is pertinent to the circumstances giving rise to the petition such as the statements of witnesses. Officers may file petitions on individuals whose symptoms are only known via credible witness accounts. Officers may also consider the physical aftermath of the individual's behavior, such as wounds inflicted on himself or herself or others, or property damage.

2. Arrest Alternatives

Arrest is the least desirable alternative when dealing with an individual who is believed to be suffering from a mental disorder.

Based on the circumstances, officers should consider initiating an emergency evaluation petition instead of filing criminal charges. This consideration applies only when dealing with minor violations, and is not appropriate when the subject has committed a serious crime. If criminal

charges have been filed, and the officer believes that mental health treatment is necessary, he or she may initiate an emergency evaluation petition in addition to the criminal charges.

The determination whether or not to commit a subject is made by a physician.

Officers shall articulate the totality of the circumstances that led to the arrest or petition in their documentation.

3. Interrogations

An officer interrogating an individual may not know that the person has a mental disorder until after the interrogation has begun. If an officer suspects that a person to be interrogated has a mental disorder, special precautions must be taken to ensure that any statements made are volunteered and credible.

Efforts should be made to gather information about the person's mental condition from credible sources such as witnesses and family members, or reports of forensic analysis. Officers shall corroborate the individual's statements with information obtained from these sources.

4. Mental Health Professionals as Petitioner

A physician, psychologist, licensed clinical social worker, professional counselor, or a health officer or his or her designee may complete an emergency evaluation petition. The law obligates an officer to serve a petition when presented to him or her by a physician.

When providing assistance at a physician's office or health clinic, sufficient officers will be dispatched to restrain and transport the individual to the nearest designated hospital.

If a mental health professional completes a petition, the officer shall:

- Question the petitioner to ensure that the individual is a danger to the life or safety of himself or, herself or others
- Ensure that the petition is completed and signed
- Explain the content and meaning of the

- petition
- Advise the petitioner of the serious nature of the petition, and sign the document in the space provided
 - Attach a copy of the petition to the Incident Report and Commander's Information Report

Individual on the Scene

If the individual is present, the officer will take custody of him or her, and transport him or her to the closest designated hospital.

Individual Not on the Scene

If the individual is not present, the officer will obtain all available information concerning the situation, and the individual's likely location.

The officer will then notify a supervisor. Upon obtaining supervisory approval, the officer shall attempt to locate and take custody of the individual in the Town.

There is no expiration date when a mental health professional or law enforcement officer signs the petition.

5. Petition Unavailable to Physician

When a petition is not available to the mental health professional, he or she should be requested to accompany the officer and individual to the closest designated hospital to complete one.

If he or she is unable to do so, and circumstances indicate that the individual is a danger to the life or safety of himself or herself or others, the officer will take custody of the individual and transport him or her to the closest designated hospital.

6. Law Enforcement Officer as Petitioner

When an officer has reason to believe that an individual has a mental disorder, the officer shall immediately stabilize the situation and take steps to ensure his or her safety and that of the public.

An officer may be the petitioner when he or she has personally observed the individual or the individual's behavior, has reason to believe that the individual has a mental disorder, and presents

a danger to the his or her life or safety or that of others. If an officer does not have reason to believe this as required by Maryland law, the officer shall not initiate a petition.

In non-emergency situations, officers shall attempt to locate family members and ensure that they are aware of the services of Assessment Stabilization Center at Prince George's Hospital and the Mobile Crisis Team, and encourage them to contact either for assistance. Officers shall notify the Mobile Crisis Team through Public Safety Communications while on scene, and may telephone either for assistance with determining the best course of action.

If the officer must act as the petitioner, he or she shall notify the designated hospital prior to transport to ensure that the required facilities are available.

The following procedures shall be followed:

- Take custody of the individual in the same manner as a prisoner
- Obtain the assistance of a second officer to facilitate transport
- Transport the individual to PGHC, or as an alternative, the closest approved hospital
- Consult with the hospital staff and complete a petition for emergency evaluation using Maryland District Court Forms #DC 13 and #DC 14
- Remain with the individual until a physician has taken custody of him or her, unless the physician requests that the officer remain because of the violent nature of the individual
- Complete an Incident Report and Commander's Information Report
- Obtain a copy of the petition and attach it to the reports

It is necessary to obtain supervisory approval to remain with the individual. State law requires that if the individual is violent, the supervisor shall allow the officer to remain with him or her. State law further requires that physicians examine the individual as promptly as possible if the officer is required to remain.

When an individual is refused evaluation at any

facility, the officer shall request a supervisor to respond. The supervisor will speak with the hospital officials and attempt to have the individual admitted for evaluation. If the facility still refuses, the officer will transport the individual to the next closest designated hospital. The supervisor will document the refusal on a Commander's Information Report and forward the CIR to the Patrol Commander.

Admission Authorized

If the individual is admitted, the officer shall leave the individual and the original copy of the petition at the hospital. The officer will clearly articulate the behavior exhibited by the individual in the petition. A court appearance will not be required of the officer.

Admission Denied

Based on their evaluation, if the hospital staff denies admission of the individual, the officer may return him or her to the location of their initial contact.

The officer must complete an Incident Report and a Commander's Information Report including the:

- Name of the evaluating physician
- Name of the facility
- Circumstances of the contact, and
- The address the individual was returned to, if applicable

Arrest

When an arrest and processing are necessary, the officer shall:

- Advise a supervisor of the circumstances and obtain approval prior to transport
- Articulate his or her observations regarding the arrestee's mental condition in the probable cause section of the charging document
- Advise the District Court Commissioner regarding his or her observations of the arrestee's mental condition
- Advise correctional officers of the arrestee's mental condition prior to transferring custody

7. Transport by Police Officer

Police transports are authorized only when the officer is:

- The petitioner
- Serving a petition signed by a mental health professional
- Serving a court order

If the individual to be transported is non-compliant, the procedures detailed in **VOL. II, CH. 4. ARREST, TRANSPORT, & PROCESSING** shall be followed.

Officers shall not transport an individual that has been committed from a designated hospital to any other facility.

Individual Transported to a Non-Designated Hospital

If for medical reasons, an individual is transported to a medical facility other than a designated hospital, officers shall determine whether the individual will be treated and released within a reasonable amount of time. If so, the officer will await the individual's release, and then take him or her to the nearest designated hospital for evaluation. If the individual is admitted, the officer shall attempt to notify interested persons such as the complainant or family members.

The officer shall also notify the hospital staff that he or she believes the individual is in need of an emergency evaluation based on the circumstances known to the officer.

If the individual is transported to a hospital in another jurisdiction, the officer will contact the local law enforcement for assistance.

Officers shall note the name, address, and telephone number of each person notified on the Incident Report. This includes hospital staff members, and any law enforcement officers when in another jurisdiction.

Reporting

An Incident Report, and where force is used a Commander's Information Report, will be

completed whenever:

- The officer completes a petition
- An officer presents a civilian petitioner and a petition before a judge
- Hospital staff decline a petition after an officer has taken custody of a person

In each instance, a copy of the petition shall be attached to the Incident Report and Commander's Information Report.

Officers shall utilize the Emergency Evaluation Petition Checklist when preparing their reports to ensure that all of the required information is included in the reports:

When clearing a call involving a mentally disordered individual, the suffix "M" will be added to the clearance code.

8. Interested Parties as Petitioner

Citizens requesting information regarding emergency evaluation petitions will be referred to the Assessment Stabilization Center at Prince George's Hospital.

Unless a judge has referred an individual to the Assessment Stabilization Center for screening, interested parties requesting commitment of a family member must complete an emergency evaluation petition obtained from a District Court Commissioner, and present the petition to the court for review. It is not the officer's responsibility to do so.

The Office of the Sheriff for Prince George's County serves petitions signed by a judge, which are valid for five days from the date they are signed.

9. Suicide Attempts

Public Safety Communications is responsible for receiving and classifying calls for service. Calls for service will be prioritized based on the call taker's conversation with the complainant. Questions concerning the legitimacy of a suicide threat shall be resolved in favor of a higher priority response.

Upon arrival at the scene, officers shall locate and take custody of any firearms on the premises, and determine whether the individual intentionally ingested medication or foreign substances.

If any substance was intentionally ingested, officers shall:

- Locate and take custody of the container(s) of the substance(s)
- Follow the procedures for an emergency evaluation petition in this section
- Notify hospital staff regarding substances that may have been ingested by the individual

10. Escaped Mental Patients

A mental patient who has been criminally charged and committed by a court of competent jurisdiction that escapes from confinement may be arrested. The escaped mental patient will be charged with escape and brought before a District Court Commissioner.

11. Voluntary Admissions

If an individual wants to be voluntarily admitted, officers should attempt to arrange transportation to an appropriate medical facility for the individual. An officer will not transport an individual seeking voluntary admission.

If the mental condition of the individual is severely disturbed, transportation by ambulance may be appropriate.

In cases of suicide threats, officers should consider initiating an emergency evaluation petition for the individual's safety.

Civilly or voluntarily committed individuals who leave an institution without authorization are not subject to arrest but may be detained for criminal violations.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- Annotated Code of Maryland, Health General Article, Sections 10-620 through 10-626.
(*See also:* Digest of Criminal Laws, Revised August 1, 2003)

CHAPTER 24: EXTORTION**I. POLICY**

Extortion investigations originating in the Town and then confirmed by the CPD are the responsibility of the PGPD Robbery Section. This Department will assist with these investigations and Departmental members shall be cognizant of the structure of follow-up investigation in accordance with the current MOU between the CPD and PGPD.

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

Extortion: The receipt of property or money by force or threat of violence, property damage, or harm to reputation

IV. FORMS (N/A)**V. PROCEDURES****1. Receiving Extortion Complaints**

Any employee receiving a complaint of extortion shall attempt to obtain the following:

- Name, address, and telephone number of the complainant
- Name, address, and description of the victim
- Location of incident

Once the above information is obtained, the employee receiving the complaint will notify PSC. Once notified, PSC shall dispatch the most available plainclothes officer to the scene to verify the incident.

2. Officer's Responsibilities

Officers shall remain away from the incident scene unless specifically directed to respond by PSC or a supervisor.

3. Investigative Responsibilities

After confirming an extortion, a PGPD Robbery Section investigator will be respond to the scene and assume responsibility for the investigation.

The priority of investigative assignment shall be:

- Robbery Section Investigator
- Other CID Investigator

Primary responsibility for the supervision of an extortion investigation is assigned to the Commander, PGPD Robbery Section. They will coordinate investigative efforts regardless of the assignment of the investigator.

VI. GOVERNING LEGISLATION & REFERENCE**Governing Legislation:**

- Annotated Code of MD CR§ 3-701

Reference:

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

CHAPTER 25: FAILURE TO PAY COMPLAINTS

I. POLICY

Although the failure to pay for property or services is classified as theft under Maryland criminal law, not all complaints alleging a failure to pay are criminal in nature. When a legitimate disagreement arises regarding the amount of money owed, or when it is alleged that the contracted property or services have not been delivered as promised, responding officers will carefully evaluate the circumstances to determine if the incident may be a civil matter.

II. CHECKLIST (N/A)

III. DEFINITIONS

Property: Anything of value which includes, but is not limited to, real estate, money, a commercial instrument, an admission or transportation ticket, food or drink, electricity, gas or water (Maryland Criminal Code)

Services: Something accomplished for payment, such as labor or professional work; telecommunications, public utility, toll facility, or transportation; lodging, entertainment, or restaurant accommodations; use of computers, data processing, or other equipment (Maryland Criminal Code)

IV. FORMS

- Incident Report
- Arrest Report

V. PROCEDURES

Officers responding to a failure to pay complaint shall examine the circumstances for indications of criminal intent. If such intent is not apparent, and the failure to pay appears to result from a sincere disagreement, the officer shall attempt to mediate the dispute.

If a mutually satisfactory resolution cannot be worked out, the involved parties shall be advised to seek civil redress through the courts.

If criminal intent is apparent, the officer shall attempt to verify the suspect's identity. The officer shall provide the suspect's information to the complainant, and advise the complainant to apply for a charging document with a District Court Commissioner. When the officer cannot verify the suspect's identity and sufficient probable cause exists to indicate that a crime has been or is being committed; the officer may make a full custody arrest.

1. Disputes Involving a Licensed Vendor

Officers shall verify current license information for any vendor or service provider, such as taxi drivers or contractors, involved in a failure-to-pay complaint. In cases determined to be civil in nature, officers shall provide license information and the name of the licensing agency to the other party.

2. Reporting Procedures

An Incident Report shall be submitted when:

- An arrest is made
- Parties are advised to obtain charging documents
- Fraudulent intent is indicated, or
- Licensing violations are discovered

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- Maryland Criminal Code, Sections 7101 and 7-104

CHAPTER 26: FIELD INTERVIEWS

I. POLICY

Officers must understand the legal basis and authority for conducting field interviews. Legally conducted and properly documented field interviews can contribute greatly to crime analysis and solution. They also serve as sources of information, a means of developing suspects and witnesses, and a crime deterrent.

II. CHECKLIST (N/A)

III. DEFINITIONS

Articulate Suspicion: A collection of facts which, when considered together, would lead a reasonable police officer to believe that a temporary detention and/or frisk is legally justified. A suspicion is articulable if the facts supporting it can be spoken or written. Articulate suspicion is more than a hunch, but less than evidence amounting to probable cause.

Probable Cause: A collection of facts which, when considered together, would lead a reasonable person to conclude that a specific crime has occurred and the suspect was responsible

Temporary Detention: A brief stop of an individual; the length and extent of the stop is dictated by the facts known to the officer at the time of the stop

IV. FORMS

- Incident Report (CPD Form #)
- Warning/Field Observation Report/J-2 (CPD Form #)

V. PROCEDURES

There are three levels at which an officer may intrude upon an individual if there lacks probable cause to make an arrest or conduct a search:

- Conversation
- Temporary detention (Terry Stop)
- Stop and frisk (Terry Frisk)

1. Conversation

An officer can approach, talk to, and ask questions of an individual at any time. At this stage, an officer has no authority to detain the individual or otherwise make the individual respond to any inquiry. When the individual indicates, by speech or action, a desire not to talk to the officer or desires to leave, the officer must honor the individual's wish. Information derived from this contact can be used to create articulable suspicion or probable cause.

2. Temporary Detention (Terry Stop)

When an officer has articulable suspicion that leads him or her to believe an individual may have just committed, is committing, or is about to commit a crime, the officer can stop and temporarily detain the individual to inquire about that individual's conduct or get additional information. This allows the officer to make a brief inquiry of the individual, seek other information, or locate evidence to determine if their initial suspicions were accurate.

Information derived from this temporary detention can be used to establish articulable suspicion that the individual may be armed and dangerous or to establish probable cause of a crime. An officer must articulate sufficient facts to show that it was reasonable to believe that a crime was or is being committed. Hunches, training and experience, or officer safety issues do not suffice for specific facts that justify articulable suspicion.

Officers may consider the following circumstances in determining whether articulable suspicion exists to justify a stop (the list is not all-inclusive):

- The actions, appearance, or demeanor of the individual
- The time of day or night
- Clothing of the individual, including suspicious bulges appearing through the clothing or objects carried
- Inappropriateness of the presence of the individual in a given location
- The individual's proximity to a known crime scene
- The officer's prior knowledge of the

circumstances (for example, the individual's prior record, or information from an informant or third party)

3. **Stop and Frisk (Terry Frisk)**

A stop and frisk (Terry frisk) is lawful only when the officer has met the requirements of a temporary detention ("Terry stop") and has articulable suspicion that the individual may be armed and dangerous. Once both conditions are met, the officer may combine the temporary detention with a pat down of the suspect's outer garments to determine if that individual is carrying a weapon that may harm the officer. The officer may remove an item detected in this pat down if one of the following conditions exists:

- The officer reasonably believes that the item located is a weapon
- It is apparent, based upon feeling through the outer garments alone, that the item is contraband or evidence of a crime

If there is articulable suspicion that the individual is carrying a handgun, Section 4206 of the Maryland Criminal Law requires officers to ask preliminary questions (the individual's name, address, and, if the individual is in a vehicle, license, and registration) to determine whether that individual is in lawful possession of the weapon. The requirement for this questioning is not so great as to make officers place themselves at additional risk. Circumstances known to the officers may require immediate action prior to such questioning.

Stop and Frisk Report

When an officer conducts a pat down or frisk for a weapon, regardless of whether an arrest is made, the officer shall submit a Warning/Field Observation Report, or an Incident Report titled Stop and Frisk, prior to the end of the shift. This report shall include the officer's observations that led that officer to believe that the individual was armed and dangerous.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- Terry v. Ohio** —When officers observe unusual conduct and they reasonably conclude, in light of their experience, that criminal activity may be afoot and an individual may be armed and presently dangerous, the officers shall identify themselves and make inquiries of such individual.

If nothing in the inquiry dispels the reasonable fear for the safety of themselves and others, the officers 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.

CHAPTER 27: FINANCIAL CRIMES**I. POLICY**

The responsibility of the Department regarding financial crimes is to determine the criminal or civil status of cases and to conduct investigations into the passing of bad checks, the theft of money orders, forgery and uttering, credit card offenses, embezzlement, theft from deception, identity theft, and home improvement fraud.

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

Bad check: A check that is passed (uttered) and not honored by a financial institution

Credit card offense: Occurs when a person obtains services or merchandise by means of an illegally obtained credit card, as described in Section 8-203, 205 of the Criminal Law Articles

Embezzlement: The fraudulent misappropriation of financial instruments such as money, stocks, or securities by a person to whom they have been entrusted or into whose hands they have lawfully come; under Maryland law, it is a theft but classified separately for crime analysis purposes

Forgery: The false making, forging, alteration, or counterfeiting of deeds, currency, wills, written obligations, bonds, or other negotiable instruments

Identity Theft: A person may not knowingly, willfully, and with fraudulent intent obtain or aid another person in obtaining personal identifying information of an individual without the individual's consent, for the purpose of using, selling, or transferring that information to obtain any benefit, credit, goods, services, or other item of value in the name of that individual; furthermore, a person may not knowingly and willfully assume the identity of another with fraudulent intent to obtain any benefit or item of value, to avoid payment of a debt or other legal obligation, or to avoid prosecution for a crime

Uttering: The passing or presenting of a forged document

IV. FORMS

- Incident Report (CPD Form #)
- United States Postal Service Certified Letter, Return Receipt Requested (PS Forms #3811 & #3800)

V. PROCEDURES**1. Bad Check Cases**

Bad check cases can be resolved through the Prince George's County State's Attorney Bad Check Restitution Program or the Investigative Section.

Bad Check Restitution Program

When an officer responds to a report of a bad check, he shall determine if:

- The amount is \$2000 or less, or there are multiple checks written by the same person not exceeding \$2000
- The check is written on a closed account or written on an account with insufficient funds
- The check was received in Prince George's County in exchange for goods or services

If all three criteria are met, the officer shall inform the complainant the following:

- A certified letter demanding payment must be sent through the United States Postal Service (return receipt requested) to the writer of the check allowing 10 days to make the check good
- If payment is not received following 10 days from the post marked date on the return receipt, contact the Prince George's County State's Attorney, Bad Check Restitution Program for a crime report
- The Bad Check Restitution Program must receive the crime report within 90 days from the date on the check

Special Response Team (SRT)

If an officer responds to a report of a bad check, and it is determined that:

- The amount is over \$2000, there are multiple checks written by the same person that exceeds \$2000, or the check is written on a closed account or an account with insufficient funds totaling over \$2,000
- The check was received in the Town of Cheverly in exchange for goods or services

The officer shall inform the complainant of the following:

- A certified letter demanding payment must be sent through the United States Postal Service, return receipt requested, to the writer of the check allowing 10 days to make the check good
- If payment is not received following 10 days from the post marked date on the return receipt, the complainant shall be requested to contact the Investigative Section between the hours of 9:00 AM and 5:00 PM for a screening appointment

Officers will not make on-scene arrests, nor will they take custody of any evidence such as checks or postal receipts.

Normally, officers will not complete an Incident Report. However, if the suspect is present, the officer shall:

- Complete an Incident Report
- Write "FIELD OBSERVATION" in the TYPE OF INCIDENT block and forward to the Investigative Section

2. Stolen Checks, Credit Cards, ATM & Bank Card Cases

All allegations of stolen checks, credit cards, ATM and bank card cases shall be referred to the SRT. The complainant shall be requested to contact the SRT between the hours of 9:00 AM and 5:00 PM to set up a screening appointment.

The reporting officer shall also advise the complainant to contact his or her respective bank to report the incident.

3. Stolen Money Orders

In cases involving stolen money orders, the

reporting officer shall advise the complainant to:

- Contact the money order company and request a trace
- After the trace has been completed, and if the money order was cashed in the Town of Cheverly, contact the Investigative Section between the hours of 9:00 AM and 5:00 PM for a screening appointment

Officers will not complete an Incident Report, nor will they take custody of any evidence.

4. Forgery & Uttering Cases

In cases involving check forgery and uttering the reporting officer shall:

- Determine from what jurisdiction the check was stolen
- Determine in which jurisdiction the check was forged and uttered

If the check was stolen within the Town, but was forged and uttered in another jurisdiction, the reporting officer shall:

- Complete an Incident Report
- Write "Theft" in the TYPE OF INCIDENT block
- The officer will not take custody of the evidence but will advise the citizen to place the check in an envelope, handling the check as little as possible
- Advise complainant to contact his/her bank
- Provide the complainant with the CCN of the theft report

If the suspect is on the scene and the responding officer verifies the theft, they may make an arrest, seize evidence, and handle the incident.

If the check was stolen or lost in another jurisdiction, but was forged and uttered within the Town, the officer shall:

- Complete an Incident Report
- Write "THEFT," and in parenthesis "Forgery," in the TYPE OF INCIDENT block
- Advise the complainant to notify their bank of the incident

- If the complainant has further questions, advise them to contact the Investigative Section during normal business hours for a screening appointment

The officer will not take custody of any evidence.

If the suspect is on the scene and the responding officer verifies the forgery and uttering, the officer may make an arrest, seize evidence, and handle the incident.

In cases regarding the forgery and uttering of other documents, the officer shall direct the citizen to contact the SRT between the hours of 9:00 AM and 5:00 PM for a screening appointment.

5. Credit Card Offenses

Officers responding to this type of call shall:

- Complete an Incident Report
- Detail the theft of the credit card in the report
- Advise the complainant to contact his or her credit card company to report the incident and provide them with the CCN
- If the credit card company does not reimburse the complainant, advise the complainant to contact the SRT

The SRT does not investigate the theft of credit cards. In most cases, the credit card company will reimburse the victim's account. The credit card company will then pursue criminal charges through the SRT.

If the suspect is on the scene and the responding officer verifies the credit card theft, the officer may make an arrest, seize evidence, and handle the incident.

6. Counterfeit Currency

In cases involving counterfeit currency, the responding officer shall:

- Complete an Incident Report and place "USSS" in the COPY TO block before the end of watch
- Write "COUNTERFEIT CURRENCY" in the TYPE OF INCIDENT block

- Contact the U.S. Secret Service via telephone (Washington Field Office) and document the name of the agent in the narrative section of the Incident Report
- Take custody of the evidence and place "to be released to the U.S. Secret Service only" on the Property Record after the "Last Item" notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest. If an arrest is made, the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

7. Counterfeit Checks

In cases involving counterfeit checks, the responding officer shall determine if it is a personal check or a business check.

Personal Check(s)

If it is a counterfeit personal check, the SRT shall handle the incident. The responding officer shall:

- Complete an Incident Report
- Write "THEFT-COUNTERFEIT PERSONAL CHECK" in the TYPE OF INCIDENT block
- Advise the victim to contact the SRT by phone between the hours of 9:00 AM and 5:00 PM to make a screening appointment
- Take custody of the evidence

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

Business Check(s)

If it is a counterfeit business check, the United States Secret Service (USSS) shall handle the incident. The responding officer shall:

- Complete an Incident Report and place "USSS" in the COPY TO block before the end of watch
- Write "THEFT-COUNTERFEIT BUSINESS CHECK" in the TYPE OF INCIDENT block
- Contact the U.S. Secret Service via phone (Washington Field Office) and document the

name of the agent in the narrative section of the Incident Report

- Take custody of the evidence and place "to be released to the U.S. Secret Service only" on the Property Record after the "Last Item" notation

If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest.

If an arrest is made the officer shall notify the USSS and document the name of the agent in the narrative section of the Incident Report.

8. Theft by Deception, Home Improvement Fraud

In all theft by deception and home improvement fraud cases, the responding officer shall:

- Conduct a preliminary investigation to determine how the complainant knows an offense has occurred
- Complete an Incident Report with the following information:
 - Name, address and phone number of the person who conducted the transactions and whether the complainant can identify suspect
 - A complete description of the suspect
 - A description of any conversation between the suspect and complainant
- Advise the complainant to the contact SRT between 9:00 AM and 5:00 PM to arrange a screening appointment

The officer will not take custody of the evidence. If the suspect is on the scene and the responding officer verifies the theft, the officer may make an arrest and seize evidence.

9. Embezzlement

In cases when an officer responds for embezzlement, the officer shall:

- Complete an Incident Report
- Write "THEFT-EMBEZZLEMENT" in the TYPE OF INCIDENT block

- Advise the complainant to contact the SRT between 9AM & 5PM by phone to arrange a screening appointment

No on-scene arrest will be made, nor will the officer take custody of any evidence.

10. Identity Theft

In this section, an individual's personal information includes any of the following:

- Name
- Date of birth
- Address
- Telephone number
- Driver's license number
- Social security number
- Personal identification number
- Credit card number
- Employee identification number
- Mother's maiden name
- Bank or other financial institution account numbers

In all identity theft cases, the reporting officer shall:

- Complete an Incident Report and write "IDENTITY THEFT" in the TYPE OF INCIDENT block before the end of watch
- Not take custody of any evidence.
- If the suspect is on the scene and the responding officer verifies that one or more elements of the offense has occurred, the officer may make an arrest and seize evidence.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- Criminal Law Article, Section 8-203,205

CHAPTER 28: FORCED ENTRY, HAZARD, & NEXT-OF-KIN NOTIFICATIONS

I. POLICY

It is the policy of the Department to facilitate timely and accurate notifications to the public regarding sensitive matters that concern them.

II. CHECKLIST

Officers who must force entry shall:

- Notify a supervisor
- Attempt to notify the resident or owner of the property
- Leave a note or business card for the resident or owner in a conspicuous location to contact the CPD if resident or owner is not present
- Photograph any damage
- Ensure that the dwelling or property is properly secured if the resident or owner is not on the scene
- Complete a Commander's Information Report

III. DEFINITIONS

Next-of-Kin: Closest relative of an individual as determined by blood or marriage

IV. FORMS

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

V. PROCEDURES

1. Forced Entry & Damage to Property

Any officer who forces entry into a building, causes damage to property, or assists the Fire Department with a forced entry shall comply with the procedures detailed in this directive under

2. Hazards

Officers will promptly notify PSC of any condition that constitutes an immediate public

hazard, including damage to or malfunction of any public utility equipment. This includes roadway hazards, such as large potholes, missing or damaged traffic signs, and objects in the roadway.

Officers shall provide the location of the problem and, when available, identification number of malfunctioning equipment.

Officers will take necessary actions to protect the public until the condition has been corrected or other authority relieves them.

3. Next-of-Kin Notifications

Within the Town of Cheverly

Reporting officers will ensure that next-of kin notifications are made in person, promptly and considerately in the following cases:

- Death
- Gravely ill or injured persons
- Injured juveniles
- Missing persons

Chaplains are available to assist in making death notifications, and may be requested through Public Safety Communications (PSC).

Officers will not broadcast names or addresses of persons associated with notifications of death or for gravely ill or injured persons.

The officer making the notification will attempt to evaluate the health of the individual receiving the news prior to making the notification. Appropriate measures shall be taken to ensure the health of the recipient if they are determined to be frail or ill.

When unable to contact next-of-kin, a person responsible for the victim may be notified.

If the reporting officer is unable to make contact with the next-of-kin by the end of the tour of duty, a supervisor shall be notified. The supervisor shall arrange for another officer to make the appropriate notifications or follow-up.

If the supervisor is unable to locate the next-of-kin the supervisor shall:

- ❑ Check with the U.S. Postal Service for a current address
- ❑ Coordinate a neighborhood canvass in the area that the next-of-kin is believed to be residing

Outside the Town of Cheverly

When the next-of-kin resides outside the Town, the police agency providing services to the jurisdiction in which the next-of-kin resides shall be notified by telephone and requested to make the notification.

In addition to the notification by the outside agency, the reporting officer shall send a certified letter to the next-of-kin's address with a return receipt requested.

In cases where the Homicide Section assumes investigative responsibility according the current MOU the CPD and PGPD, that investigator shall be responsible for all notifications.

All notifications attempted or made by the reporting officer shall be documented in the report.

The provisions of this directive shall be complied with before any release of information to the news media.

Notifications for Outside Agencies

Following the above procedures, the Department may make next-of-kin notifications upon request from outside agencies. A supervisor will evaluate the propriety of the request.

The employee receiving the request will document all available information from the requestor, and then enter the request into the CAD system. The dispatcher will direct the assigned officer to contact the employee receiving the request by telephone to receive the details of the assignment.

If necessary, the officer assigned the notification may contact the original requestor to obtain additional information prior to making the notification. The officer may document the notification in a report, or code the call and provide a concise disposition to PSC.

VI. GOVERNING LEGISLATION & REFERENCE

CHAPTER 29: HATE INCIDENTS**I. POLICY**

The Department will respond to and aggressively investigate incidents that are motivated by race, religion, ethnicity, or sexual orientation.

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

Hate Crime: A criminal act motivated or perceived to be motivated by race, religion, ethnic background, or sexual orientation

IV. FORMS

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

V. PROCEDURES**1. Hate Crimes**

(Maryland Criminal Law Article, Section 10-301)

Upon arriving at and verifying a hate incident (exclusive of cross burnings) the officer shall:

- Request that a supervisor respond
- Conduct a preliminary investigation
- Complete an Incident Report, placing "HATE INCIDENT" in the TYPE OF INCIDENT block, "27" in the SPECIAL STUDIES block, and "PGPD NED" in the COPY TO block
- Complete a CIR and attach a copy to the original Incident Report

Supervisor's Responsibilities

The supervisor shall respond to the scene immediately and:

- Personally contact the victim(s)
- Contact the SRT
- Within one hour, contact the Human Relations Commission (HRC) and provide pertinent details of the incident to include the case number. If no answer, leave these details

on the voice mail system along with a contact name and phone number

Within 24 hours of the incident, the supervisor shall submit a case summary to the Chief of Police, including:

- Date, time, and manner of notification to the HRC
- Case status
- Name of investigator, if applicable

Special Response Team 's (SRT) Responsibilities

Hate incidents are the responsibility of the SRT. They are documented in a Report of Investigation (ROI), which shall be completed within 30 days of the incident. The Investigator shall submit copies of all investigative reports to the Patrol Commander. The Investigator shall ensure that an area check is continued for 60 days. They shall submit a status report every 30 days to the Patrol Commander.

2. Cross Burnings

CPD and Fire Department investigators will conduct concurrent investigations of cross burnings.

A CPD supervisor shall be responsible for all press releases.

Upon responding to the scene and verifying a cross burning, officers shall request that the following respond to the scene:

- A supervisor
- A SRT investigator
- PGPD NED Intelligence Unit investigator
- Fire Department investigator

Officers shall also:

- Preserve evidence
- Identify witnesses
- Brief the supervisor and Investigator(s)
- Complete an Incident Report, placing "HATE INCIDENT - CROSS BURNING" in the TYPE OF INCIDENT block, "27" in the SPECIAL STUDIES block, and "PGPD NED" in the COPY TO block

- Complete a CIR and attach a copy to the original Incident Report

Supervisor's Responsibilities

A supervisor shall respond to the scene immediately and:

- Inform the victim(s) that the police and fire departments will investigate the incident concurrently
- Notify the OIC, PGPD NED Intelligence Unit
- Initiate a 60 day area check

Within 24 hours of the incident, the supervisor shall submit a case summary to the Patrol Commander, including:

- Case status
- Name of NED Intelligence Unit investigator
- Name of Fire Department investigator, if known

The supervisor shall submit a status report, including comments from investigators, to the Patrol Commander every 30 days.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- Maryland Criminal Law Article, Section 10-301

CHAPTER 30: HAZARDOUS & RADIOACTIVE MATERIALS

I. POLICY

Incidents involving radioactive and hazardous materials present unique challenges for law enforcement personnel, especially first responders. The primary consideration on the approach to and at the scene of such incidents is the safety of first responders.

CPD personnel should refer all incidents involving radioactive and hazardous materials to PGPD under the Incident Command System (ICS).

II. CHECKLIST

- Emergency Response Guidebook

III. DEFINITIONS

Corrosive: Substances that cause visible destruction or permanent changes in living tissue at the site of contact

Hazardous Material: Materials in a solid, liquid, or gaseous state that may pose significant risks to human beings or the environment

Incident Command System: A tool for command and control of a response, which provides a means to coordinate the efforts of responders as they work toward the goal of stabilizing an incident, and protecting life, property, and the environment. *See: VOL. II, CH. 32. INCIDENT COMMAND SYSTEM.*

Oxidizer: A chemical which supplies its own oxygen and which helps other combustible material to burn more readily

Radiation: The excess energy emitted from an unstable atom until it stabilizes

Radioactive Material: The property of some substances to emit invisible and potentially harmful radiation

Radioactivity: The process by which an atom

changes from an unstable state to a more stable one by emitting radiation

Radiological Incident: An event that involves the release of potentially dangerous radioactive materials in the environment

II. FORMS (N/A)

III. PROCEDURES

1. Radioactive Materials

Radiation cannot be seen, tasted, smelled, or felt. The Department of Transportation (DOT) and the Nuclear Regulatory Commission (NRC) strictly regulate the transportation and storage of radioactive materials. Vehicles transporting large quantities must display a placard that indicates that radioactive materials are aboard.

Radioactive materials emit different types of radiation, each of which presents its own danger to the body. Some types of radiation can penetrate the skin and travel through the body. Other types of radiation are more dangerous when the radioactive materials are taken inside the body by inhaling contaminated air, getting the radioactive material in open wounds, or ingesting contaminated substances. Therefore, appropriately trained and equipped personnel must deal with radiological incidents

2. Radiation Hazard Assessment

CPD does not have trained assessment personnel, however, the County Office of Emergency Management (OEM) maintains a list of persons trained to use radiological monitoring equipment (RADEF).

Order of Escalation, Assessment Responsibility

- First arriving public safety officer trained in and equipped with radiological monitoring equipment
- OEM personnel trained in radiation hazard assessment
- State Department of the Environment, Center for Radiological Health

3. Hazardous Materials

Hazardous materials (HAZMAT) are classified as:

- Explosives
- Gases
- Flammable Liquids
- Flammable Solids
- Oxidizers
- Toxic Substances
- Radioactive Materials
- Corrosives
- Miscellaneous (products, substances, or organisms)

Officer's Responsibilities

All officers shall carry the Emergency Response Guidebook in their police vehicles. The guidebook, printed by the U.S. Department of Transportation, is a ready reference for initial actions to be taken to protect officers and the public immediately following an incident involving hazardous materials.

The guidebook lists the materials by the four-digit identification number displayed on placards or orange panels on the ends or sides of tanks, vehicles, and rail cars. Once the material is identified by number or name, the officer can turn to the appropriate guidebook page for information.

Some basic strategies for officers to consider on their approach to and at the scene of a radioactive or hazardous materials incident, include, and may not be limited to:

- Determine the availability (or lack thereof) of protective clothing and equipment
- Plan approaches to the scene from a position that is upwind/upstream and assume the area has been contaminated until otherwise directed
- Secure the scene and surrounding area by establishing inner and outer perimeters
- Carefully assess the situation, keeping in mind that any efforts to rescue persons, protect property or the environment, must be weighed against the possibility that the rescuer could become a victim or a carrier of the contaminant
- Do not assume that gases or vapors are

harmless because of a lack of smell, nor walk into or touch spilled materials

- Avoid and prevent contact with smoke, fumes, and dust emanating from the area
- Avoid eating, drinking, or smoking in the area
- Minimize personal contact with possible contaminated surfaces, objects, and clothing
- Avoid moving vehicles or wreckage directly involved with hazardous materials transport vehicles, except as necessary for rescue purposes
- If a contaminated vehicle or wreckage must be moved, it should be moved the shortest possible distance until monitored for contamination
- Coordinate their efforts with Fire Department HAZMAT personnel

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- OSHA, Code of Federal Regulations 29 CFR 1910.120

Reference:

- United States Department of Transportation Emergency Response Guidebook