CHAPTER 31: IMPOUNDS & VEHICLES

I. POLICY

The towing and impounding of vehicles shall be done in accordance with the provisions of Title 25 of the Maryland Transportation Article, and Chapter 27 of the Town Code.

II. CHECKLIST

When officers impound vehicles, they shall:

- ❑ Verify the VIN by visual inspection of the public VIN; employees shall not place VIN information obtained from a registration card, other document, or a computer check on any report in place of this physical inspection
- ❑ Remove tags not issued to the impounded vehicle and submit them in accordance with directives contained in **VOL. II, CH. 41. PROPERTY & EVIDENCE**
- ❑ Conduct a tri-state (MD/DC/VA) listing on the vehicle. If there is no record tri-state, document this information in the narrative of the Incident Report and at the bottom of the Vehicle Release.
- ❑ Include an inventory list and note the condition of the vehicle on the reverse of the report. Submit all money found in the vehicle on a Property Report in accordance with directives contained in **VOL. II, CH. 41. PROPERTY & EVIDENCE. <u>Exception</u>:** For vehicles impounded for evidence processing, officers shall not physically enter the vehicle. Only the items visible from the outside will be listed as inventory. The evidence technician shall submit all money and property found in the vehicle.
- ❑ Complete an Incident Report and explain in narrative why the vehicle was impounded
- ❑ Remain with the vehicle until its removal
- ❑ Notify the Telecommunications Unit within one hour of the impound with details of the impound
- ❑ Submit a completed Vehicle Release to the Administrative Assistant

III. DEFINITION

Abandoned vehicle: *Per Town Code*, any vehicle, trailer, or semi-trailer that is left on private property without permission of the owner; is inoperative on public or private property; and/or that is untitled and/or unregistered on public or private property, including expired tags or tags issued to another vehicle

Authorized Tow Company: The Company authorized by the Department for routine police impounds

County Contract Crane: The authorized tow company that is responsible for evidence impounds, narcotics impounds, and VIN violation impounds

Inoperable vehicle: Any vehicle that has one or more of its major components missing or broken; major components include, but are not limited to, the engine, transmission, drive train, steering wheel, windows, and/or wheels and tires

Impound: The removal and temporary storage of a vehicle by an authorized tow company

Private Property: Property that has been posted by the owner against unauthorized parking according to the provisions of the Town Code or property that is not a public right-of-way

Property Owner: Includes the owner of property or any person possessing an interest in the property

Public VIN: The vehicle identification number (VIN) plate located on the dashboard of the vehicle, visible through the windshield

IV. FORMS

- ❑ CPD Warning Sticker (Red)
- ❑ Abandoned Vehicle Notification Form
- ❑ Incident Report
- ❑ Vehicle/Asset Forfeiture Summary Report
- ❑ Vehicle Release

V. PROCEDURES

1. <u>Impounds of Vehicles Involved in Accidents</u>

A motor vehicle involved in an accident shall be impounded if it cannot be driven, and:

- ❑ The vehicle creates a hazard, or
- ❑ All persons having custodial interest in the vehicle have left the scene

A vehicle involved in a serious or fatal accident believed to have a mechanical defect that contributed to the accident shall be impounded and PGPD CARU notified. The officer shall:

- ❑ Place "DO NOT RELEASE" on the Incident Report
- ❑ Advise the PGPD Telecommunications Unit to indicate "DO NOT RELEASE"

2. Impounding Vehicles for Evidence Processing

Most vehicle-processing for evidence can be accomplished on the scene of an incident or recovery. Vehicles used in serious crimes investigated by this Department may be towed to a Town facility by the Department's authorized crane service if extensive processing is called for or if weather conditions call for processing with a garage that is available at Public Works. Normally such evidence collection is routine and timely, and the crane service can continue with the impound in a normal manner after examination.

In cases where a vehicle must be stored for several days at a Town facility, supervisory approval is necessary. A CIR must be forwarded from the Special Response Team (SRT) to the Patrol Commander explaining the necessity for such storage and to ensure arrangements of payment of any outstanding towing fees.

3. Impounding Vehicles for PGPD Evidence Processing

If the vehicle is part of a PGPD CID case, as described in the current MOU between the CPD and PGPD, the officer shall have the vehicle taken to the PGPD Evidence Bay unless otherwise directed with a PGPD-approved contracted crane service.

Officers shall not enter a vehicle that is being impounded for evidence processing to complete an impound inventory. They shall document items of value that are in plain view on the reverse of the Incident Report. The evidence technician that processes the vehicle will complete a thorough inventory.

For PGPD Evidence Bay impounds, the officer shall advise the dispatcher that the vehicle is an Evidence Bay impound to ensure that the County's contract crane is used. The officers shall also follow the vehicle to the Evidence Bay and:

- ❑ Obtain a key to the Evidence Bay from the Evidence Unit
- ❑ Complete an entry for the vehicle in the Evidence Bay Processing Log located in the Evidence Bay
- ❑ Secure the bay after the vehicle has been placed inside and return the key
- ❑ Advise an employee from the Evidence Unit that the vehicle that it is in the bay;, place the name and ID number of the employee notified on the Incident Report
- ❑ Deliver a copy of the Incident Report to the Evidence Unit; if no evidence technician is available, leave the copy with the processing log
- ❑ Notify the Telecommunications Unit within one hour of the impound and advise them to indicate "DO NOT RELEASE"

Once processing is complete, the evidence technician shall:

- ❑ Contact the County's contract crane to remove the vehicle
- ❑ Document the notification on the Evidence Bay Processing Log
- ❑ Contact the assigned investigator and inform him or her that the vehicle is now ready for release

The assigned investigator shall then contact the Telecommunications Unit and advise them to remove the "DO NOT RELEASE" notation in PGIM entry. The investigator shall also contact the vehicle owner and inform him or her that the vehicle is ready to be claimed.

The County normally pays tow service fees only in cases of crimes when the vehicle operator is a violent crime victim and the vehicle is processed. Payment is limited to the tow fee to the Evidence Bay and then to the storage facility, plus one day's

storage fee. Payment is not authorized when the vehicle is impounded for safekeeping.

4. Impounding Vehicles with Missing, Altered, or Questionable VIN

Vehicles with missing, altered, or questionable VINs, and those not displaying a public VIN shall be impounded for inspection by the PGPD Auto Theft Unit (ATU). The County's contract crane will be used to tow vehicles with VIN violations to the County impound lot. The officer shall:

- ❑ Notify the dispatcher that the impound is for a VIN violation to ensure that the County's contract crane is used
- ❑ Affix a CPD Warning Sticker to the driver's door window (or other window when the driver's door is missing) with the CCN, tow company, address from which the vehicle was towed, and the officer's name and ID number on the sticker
- ❑ Advise the crane driver to take the vehicle to the County impound lot (Dille Tract)
- ❑ Remain with the vehicle until its removal, the officer need not follow the vehicle to the impound lot
- ❑ Notify the PGPD Telecommunications Unit within one hour of the impound and advise them to indicate "DO NOT RELEASE"
- ❑ Before the end of watch, fax a copy of the report to PGPD ATU, who will complete the Impound Notification letter
- ❑ On the Incident Report, circle "N" in the MAY VEHICLE BE RELEASED block and write in "CONTACT PGPD ATU"
- ❑ Inventory the vehicle and include a list on the reverse of the Incident Report

The officer shall not remove VIN plates from the vehicle. If the license plates do not belong on the vehicle, they shall be removed and submitted in accordance with directives contained in **VOL. II, CH. 41. PROPERTY & EVIDENCE.**

5. Impounds of Illegally Parked Vehicles

Vehicles shall not be routinely impounded for parking violations. If practical, the officer will allow reasonable opportunity for the vehicle to be moved. Officers may immediately issue violation notices. Immediate impoundment is authorized for the following vehicles:

- ❑ Parked or standing, impeding the movement of traffic
- ❑ Parked or standing, blocking a driveway or entrance
- ❑ Parked or standing unattended on any road, highway, alley, or parking lot in a manner constituting a threat to public safety, such as a vehicle on cinder blocks or a vehicle with broken windows
- ❑ Parked in a fire lane, interfering with access to a fire hydrant or the passage of an emergency vehicle
- ❑ Parked on a snow emergency route during a snow emergency
- ❑ Vehicles parked in violation of Town Code Section 27-5 (c) (parked more than 72 hours) after stickered in a conspicuous manner 72 hours in advance of the impound
- ❑ Upon the approval of a supervisor

6. Impounds from Private Property

Generally, officers are not permitted to impound vehicles from private property. It is the responsibility of the property owner to have vehicles removed. One exception is vehicles that are abandoned. In this case, the registered owner, and property owner if different, must be notified via Certified Mail on an Abandoned Auto Notification Form 15 days in advance of an impound.

In addition, the vehicle and the front door of the property/residence where the vehicle is abandoned must also be posted with a copy of the original Abandoned Auto Notification Form. After this 15 day waiting period, a vehicle may be impounded using the Town's authorized crane service.

7. Impounds of Diplomatic Vehicles

Vehicles operated by persons with diplomatic immunity will not be impounded unless requested by the diplomat.

If the vehicle creates a safety or traffic hazard, the officer shall:

- ❑ Request that the dispatcher contact a crane to move the vehicle to the closest available

legal parking space
- ❑ Complete an Incident Report
- ❑ Forward a copy of the Incident Report to the Patrol Commander

If the vehicle is impounded, the officer shall notify the Telecommunications Unit within one hour of the impound.

8. Impounds of Vehicles with Defective Equipment

Vehicles with defective, deficient, or altered equipment may be impounded only if the continued operation of the vehicle poses a hazard to its operator or the public.

9. Narcotic-Related Impounds

A vehicle may be impounded subject to forfeiture if used during any of these narcotic-related violations:

- ❑ Any quantity of controlled dangerous substance is sold or attempted to be sold in violation of the Controlled Dangerous Substances law, or
- ❑ Any amount of controlled dangerous substance or paraphernalia is found that reasonably shows that the violator intended to sell the controlled dangerous substance in violation of the Controlled Dangerous Substance law, or
- ❑ Other circumstances to be considered in deciding whether seizure or forfeiture are justified include:
  - The possession of a controlled dangerous substance
  - An extensive criminal record of the violator
  - A previous conviction of the violator for a controlled dangerous substance crime
  - Evidence that a motor vehicle was acquired by use of proceeds from a transaction involving a controlled dangerous substance
  - Circumstances of the arrest; and
  - The way the motor vehicle was used

For narcotic-related impounds, the impounding officer shall:

- ❑ Obtain supervisory approval before seizing the vehicle
- ❑ Notify the Town's authorized crane service to tow the vehicle to the Public Works storage yard
- ❑ Remove all personal property from the vehicle prior to the impound
- ❑ Notify the PGPD Telecommunications Unit within one hour of the impound and advise them to indicate "FOR FORFEITURE" and "DO NOT RELEASE"

Supervisor's Responsibilities

- ❑ Ensure the seizure complies with the GOM
- ❑ Authorize the seizure
- ❑ Ensure the following documentation is completed by the end of the shift:
  - Vehicle/Asset Forfeiture Summary Report
  - Incident Report
  - Statement of Charges
  - CDS Chain of Custody Report
  - Any documents from the vehicle that assist is determining ownership
  - A copy of the registration print-out or tri-state area listing if no registered own can be determined

Notification to Asset Forfeiture Unit

Within 48 hours of the impound, the officer shall contact the Office of the State's Attorney (OSA), Asset Forfeiture Unit (AFU) to provide information regarding the impound. The OSA/AFU will then determine if forfeiture is to be pursued and will inform the officer of their decision

Forfeiture Pursued

After contacting the OSA/AFU and being informed that the OSA/AFU will be pursuing forfeiture of the vehicle, the officer shall transmit the Forfeiture Unit copy of a completed Vehicle/Asset Forfeiture Summary Report and a copy of the Incident Report to the OSA/AFU.

Forfeiture Declined

After contacting the OSA/AFU and being informed that the OSA/AFU will not be pursuing forfeiture of the vehicle, the officer shall transmit

the Forfeiture Unit copy of the completed Vehicle/Asset Forfeiture Summary Report to the OSA/AFU. The officer may either mail or fax copies to their office.

The officer shall transmit the remaining copies of the Vehicle/Asset Forfeiture Summary Report as indicated on the form.

Location of Vehicles Impounded for Forfeiture

Vehicle owners and agents shall not be told the storage location of an impounded vehicle that is subject to forfeiture. Instead, the officer shall provide the owner with the telephone number to the Patrol Commander who shall arrange for the disposition of the vehicle and any impound and storage fees.

The Patrol Commander shall also solicit the original impound bill and this amount shall be deducted from any final impound/storage payments and payment will subsequently be made to the Town's authorized crane service. This section does not prohibit the storage of the vehicle at the Town's authorized impound lot if, at the discretion of the Patrol Commander, the Department would be better served with this arrangement.

10. Holding Impounded Vehicles

A hold is placed on a vehicle when release is not immediately authorized. Officers holding vehicles shall advise the PGPD Telecommunications Unit to place "DO NOT RELEASE" status on the vehicle.

Vehicles shall only be held for the following reasons:

- ❑ Pending examination following involvement in a serious or fatal accident (PGPD CARU must authorize release)
- ❑ VIN violation (the PGPD Auto Theft Unit must authorize release)
- ❑ Pursuant to court order or forfeiture proceedings (the Department or County agency with custody must authorize release)
- ❑ Evidence processing (the assigned investigator must authorize release)
- ❑ Written request of another law enforcement agency (the impounding officer must authorize release)

Once the vehicle can be released, the appropriate unit/employee must immediately notify the PGPD Telecommunications Unit to release the hold. The employee shall notify the owner verbally and by mail that the vehicle may be released. The employee shall document these notifications on the Incident Report.

11. Arrival of Owner on Scene

Release Prior to Crane Hookup

When a crane has been requested for an impound and the owner arrives at the scene before crane hookup, the officer will release the vehicle to the owner without compensation to the crane operator. A vehicle release is not required in this situation.

Release After Crane Hookup

If the crane has hooked up to the vehicle, but has not departed the scene before the owner arrives, the owner may negotiate the fee with the crane operator. A Vehicle Release form shall be completed and given to the vehicle owner/driver, with no vehicle release fee generated.

Once a vehicle release has been issued, the payment issue becomes a civil matter.

12. Release of Vehicle

Employees are only authorized to release vehicles impounded by CPD officers and only upon receipt of payment for the Release or by waiver of same by a supervisor. Vehicles impounded by other agencies must be released by the impounding agency.

A Vehicle Release form shall be provided to any person providing documentation that entitles him or her to a vehicle, unless a hold has been placed on the vehicle.

Documentation verifying ownership shall be photocopied and attached to the original release form.

Prior to issuing a vehicle release, employees shall determine legal ownership through close examination the proof of ownership documents presented or computer inquiry. Only a vehicle's owner is authorized to receive a release form. When any other person seeks to obtain a release, that person must have a notarized authorization or power of attorney from the owner.

Documentation for Release

Examples of acceptable documentation are (non-inclusive list):

Certificate of Title — Certificates of Title with the owner's name and information machine-printed on the front. A title with owner information entered on reverse is not acceptable documentation. A release shall not be issued to any person presenting a title with only his or her or an alleged owner's name on the reverse. If the vehicle is to be titled in Maryland, the person shall be directed to the MVA to apply for title and return with a completed MVA form #VR277, receipt for title application showing fees paid and vehicle information including title number.

Current Registration —The computer-generated registration card issued by the registering state. Temporary registration cards may also be accepted. The bearer must produce photographic identification with signature along with the registration.

Notarized Power of Attorney or Notarized Authorization —The power of attorney or notarized authorization must contain the name of the owner and the name of the bearer. The bearer must produce photographic identification with signature along with the document. Most commonly, lien holders or insurance company agents will possess these types of documents.

When there is doubt concerning the adequacy or validity of documents, the employee may contact a District auto theft investigator, the Tow Coordination Unit, or a sector supervisor for assistance.

An owner will not be denied a vehicle release solely because he or she refuses to sign a citation.

13. <u>Vehicle Left on Scene After Incident or Arrest</u>

If an arrested individual's vehicle can be lawfully parked or the owner/operator can arrange for removal, it need not be impounded. The officer may impound the vehicle if he or she cannot reasonably establish authorized possession.

When a vehicle is left lawfully parked on public or private property after an incident, the officer shall advise the owner/operator of the provisions of the 72-hour parking ordinance. The officer shall ensure that the vehicle is secured.

14. <u>Recovered Stolen Vehicles</u>

All recovered stolen vehicles shall be processed for latent prints by the recovering officer. The results of the processing shall be documented in the Incident Report.

In rare instances, vehicles may not be processed for latent prints. The decision to not process a recovered stolen vehicle must be approved by a supervisor. If a vehicle is not processed, an explanation shall be included in the narrative of the Incident Report.

The officer shall attempt to contact the owner whenever a vehicle is recovered if possible, and request immediate response to the scene to take custody of the vehicle. Officer shall make note of the attempt to reach owner on the Incident Report. If the owner is unable or unwilling to respond to the recovery location within a reasonable period of time, the vehicle shall be impounded.

15. <u>Assisting Stranded Motorists</u>

Officers will provide timely help and protection to stranded motorists and roadway users. If a vehicle is disabled in the traveled portion of the roadway or in a hazardous location, the officer shall protect the vehicle and provide ample warning to other motorists using his or her cruiser, flares, or manual traffic control. If the officer cannot ensure public safety by these measures, he or she shall impound the vehicle. Any vehicle causing more than minor traffic congestion shall be moved or impounded.

16. Citizen's Request for Tow Service

When a stranded motorist requests towing assistance, the officer shall notify the dispatcher that the motorist is requesting a crane and provide:

- ❑ A description of the vehicle and tag number
- ❑ The nature of the trouble
- ❑ The location of the vehicle
- ❑ The name of the tow service requested

The citizen is responsible for compensating the tow company.

17. Unattended Vehicles on Public Property Other Than Roadway

When investigating unattended vehicles on public property, the officer shall check the vehicle's VIN and registration plates to see if the vehicle is stolen. If the vehicle is not stolen and the officer determines that the vehicle is not a public hazard, no further action is necessary by the officer.

If the vehicle is a public hazard, the officer shall protect it and provide ample warning to other motorists by use of the cruiser, flares, or manual traffic control. If public safety cannot be assured by these measures, the officer shall impound the vehicle.

18. Abandoned Vehicles

Public Property

If a vehicle is obviously inoperable and is unattended on public property for more than 48 hours, the officer may impound the vehicle. A motor vehicle is presumed to be abandoned if it is partially dismantled, wrecked, or junked.

If an abandoned vehicle presents a public hazard, the vehicle shall be impounded immediately. If the engine or transmission is missing from the vehicle, the officer shall advise the PGPD Telecommunications Unit to note that information in the entry.

Private Property

Vehicles abandoned in the Town on private property require a notification process as described by the Town Code, Chapter 27-4(h). In these cases, a certified letter will be sent to the last registered owner of the vehicle(s) and a copy of such letter posted on the residence or business where the vehicle is located as well as the vehicle itself. In the case of multiple vehicles, each vehicle must be posted separately although more than one vehicle can be identified on a certified letter. The certified letter shall notify the vehicle owner (and property owner, if different) that he or she has 15 calendar days to remove the vehicle or it shall be impounded by the CPD at the vehicle owner's cost.

If the Vehicle Identification Number (VIN) of the vehicle is not visible or the vehicle owner cannot be located, then the notice to the vehicle owner may be posted on the vehicle only. Subsequent to the impoundment, a certified impound notification letter must then be sent to the vehicle owner within 7 calendar days.

19. VIN Examination

When requested, officers shall examine vehicle VIN plates to verify information on transfer documents required by a motor vehicle licensing authority. Such situations often occur when military personnel move and must have a police officer certify their title and examine the VIN plate.

20. Reporting Stolen Vehicles

An officer shall complete an Incident Report for allegations of auto theft when the complainant has:

- ❑ No knowledge of who took the vehicle.
- ❑ Minimal acquaintance with the suspect.

Officers shall:

- ❑ Check with the PSC to verify that the vehicle has not been impounded or repossessed.
- ❑ Complete an Incident Report.
- ❑ Notify the PGPD Telecommunications Unit prior to clearing the call.

21. Unauthorized Use of Vehicle

No report is taken on initial receipt of an

allegation of UUV. The citizen wanting to report the vehicle stolen shall be directed to contact the appropriate judicial authority to obtain a charging document for the suspect. After a warrant or juvenile petition has been issued, the vehicle will be entered into the NCIC as stolen. When a summons has been issued, the vehicle will not be entered into NCIC.

Officers may contact the Office of the State's Attorney or standby State's Attorney for guidance.

Instructions to Complainant

The employee will provide the following information, as applicable, and inform the complainant that a report will not be completed until a charging document is issued.

Adult Suspect

In cases involving adults, the officer shall direct the complainant to respond to a District Court Commissioner to apply for a statement of charges. Once obtained, the complainant should contact the police to file the report. The information regarding the charging document including the tracking number must be included in the report.

Commissioners may issue an arrest warrant or summons for either misdemeanor UUV or felony theft.

Juvenile Suspect

In juvenile cases, the officer shall direct the complainant to contact the Department of Juvenile Services to complete a Juvenile Complaint Form and receive further instruction.

Responsibility of Officer Receiving Follow-Up Contact

An officer receiving follow-up contact shall:

- ❑ Verify that a warrant or petition has been issued
- ❑ Complete an Incident Report, including the tracking number of the charging document
- ❑ Contact the Telecommunications Unit and provide vehicle and warrant information for entry into NCIC

22. Repossessions

(Annotated Code of MD, Commercial Law Article, Section 12-624)

A secured party may repossess a motor vehicle when a buyer has defaulted on a security agreement. This may be done without legal process provided the secured party can take possession without breaching the peace or using force.

Officers called to mediate a dispute between a secured party or agent thereof and a buyer in default shall request a copy of the writ of replevin from the secured party. If a writ of replevin for the vehicle is produced and the vehicle is readily accessible, the secured party may take possession of the vehicle.

An officer shall not force entry into any garage or storage facility to allow the secured party to repossess a vehicle.

If the secured party or their agent is unable to provide a copy of the writ of replevin, he or she shall be advised to cease his or her attempts to repossess the vehicle, obtain a writ of replevin from the District Court of Maryland.

23. Government Vehicles

Officers impounding Town or other government vehicles shall first determine if the government entity has its own crane service or wrecker. If impractical, the Town contract tow service shall be requested from the dispatcher and an explanation included in the Incident Report.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Maryland Vehicle Law, Sections, 25-201, 25-202, 25-203, 25-204, 25-301
- ❑ Annotated Code of Maryland, Criminal Procedures Article 12, Subtitle 2, Seizure, Section 12-204
- ❑ Misdemeanor Unauthorized Removal of Property, Maryland Criminal Code, 7-203
- ❑ Felony Theft, Maryland Criminal Code, Sections 7-104 or 7-105

- ❑ Town Code, Chapter 18, Lot Maintenance
- ❑ Town Code, Chapter 27, Vehicles and Traffic
- ❑ Memorandum of Understanding (MOU) between the Town of Cheverly and Prince George's County for Jurisdictional Police Services (July 2008).

CHAPTER 32: INCIDENT COMMAND SYSTEM & GREATER METROPOLITAN WASHINGTON AREA POLICE & FIRE/RESCUE SERVICES MUTUAL AID OPERATION PLAN

I. POLICY

NOTE: While the CPD was not an original signatory to this Plan, PGPD and all of its resources are. Since this Department relies heavily upon the County for its communications, emergency response, and large-scale operations needs, each CPD officer should be familiar with this Plan in the event of a regional emergency or a local incident that would fall under the purview of the MOU between the CPD and PGPD for jurisdictional police services.

The expanding scope and sophistication of emergency operations, along with increased possibilities of acts of terrorism, require law enforcement agencies to act quickly to stabilize and take control of emergency situations.

Normal police services may still be necessary in one part of the County during a critical incident taking place in another part of the County. Immediate and decisive action is required to minimize loss of life, reduce property damage, and permit involved authorities to fulfill their responsibilities.

The Incident Command System (ICS) is designed to present a clear set of procedures to be followed by employees. The ICS is a part of the County's Emergency Operation Plan. It ensures that all County employees and participating municipalities operate under the same guidelines. When ensuring public safety becomes a joint effort, it is imperative that all agencies know and understand their roles in the plan.

II. CHECKLIST (N/A)

III. DEFINITIONS

Incident Action Plan: A plan, either written or verbal, that details the actions that have taken place during a given incident

Incident Command System: A management protocol that is a standardized, on-scene, all-hazard incident management system

Command Post: The physical location of the field headquarters from which the Incident Commander exercises command and control over the incident

Incident Commander: The person who is in charge of the incident; in a Unified Command situation, a team of "responsible agency" leaders will form the Unified Command, with the agency bearing primary responsibility as the lead Incident Command spokesperson

Incident Management Team: The group of personnel in direct control of the crisis, including the Incident Commander, Section Chiefs, Division and Group Supervisors, and other persons including those from assisting jurisdictions deemed appropriate and necessary by the Incident Commander

Mutual Aid: Assistance rendered in an emergency by one or more law enforcement agencies (provider agencies) to another law enforcement agency (requesting agency)

Section Chief: A person who is responsible for the management of multiple Divisions and/or Groups operating within one of the four functional Sections; Operations, Planning, Finance/Administration, and Logistics; this person would normally be from one of the lead agencies in the affected jurisdiction

Group Supervisor: A person who is responsible for the management of a specific task; this person is under the direction of a Section Chief or the Incident Commander and would normally be from one of the lead agencies in the affected jurisdiction

Division Supervisor: A person who is responsible for the management of a specific location or area; this person is under the direction of a Section Chief or the Incident Commander and would normally be from one of the lead agencies in the affected jurisdiction

Establishing Command: The first arriving officer determines the need to implement the ICS and establishes command (example: "Adam 10 out at Route 1 and the Beltway, with a large accident, establishing the Route 1 Command")

Passing Command: The first arriving officer determines that the ICS will be necessary, but that their immediate functional participation in the incident takes precedence - they PASS command (example: "Charlie 10 out at Route 1 and the Beltway with shots fired, I'm returning fire, passing command")

- ❑ Ensures that all responding officers are completely aware of what's going on and that the next arriving officer will need to establish command
- ❑ It is unacceptable for everyone to determine that their functional participation in the incident takes precedence, in that case no one will be in charge

Assuming Command: A higher-ranking individual arrives on the scene and may assume command from the Incident Commander; the decision to "assume or not assume" can be quickly determined by the higher-ranking individual considering the following:

- ❑ Is the situation "under control"?
- ❑ Are the right people, in the right places, doing the right things?

If yes, the incident and the ranking authority may be better served by allowing the lower ranking officer to maintain command, while the higher-ranking authority assumes an advisory role; the higher-ranking individual always maintains the authority and responsibility to assume command should the incident degrade or the Incident Commander not be in control.
Note: Assuming command may also be necessary based on the nature of the incident, i.e., PGPD SOD personnel assume command of barricades, PGFD Fire/EMS personnel assume command of hazardous materials incidents, etc.

IV. FORMS

V. PROCEDURES

1. Incident Command System

This directive:

- ❑ Identifies the types of incidents for which the ICS should be activated
- ❑ Identifies the procedures for activation
- ❑ Provide guidelines so that all personnel are familiar with the ICS structure and can function effectively within it

Criteria for Activation
(29 CFR 1910.120)

The incident command system may be activated for any event or incident that will commit resources for a significant period of time, for any incident that is unusual in scope and commitment, or for any incident deemed appropriate by the on scene officer in charge at the time. Additionally, the ICS shall be activated for the following:

- ❑ Barricades
- ❑ Active searches for critical missing persons
- ❑ Hazmat incidents
- ❑ Major incidents involving a mutual response by Departmental employees and other agencies

Operating Procedures

The same general incident command system principles are utilized for each call for service. In small-scale incidents, patrol officers respond to the scene and resolve the incident without the involvement of other Departmental components.

During the initial response to an incident, the first officer on the scene will establish command and act as the Incident Commander until relieved by an authorized authority who is assuming command.

A common and frequent example of this is a call for service that evolves into a barricade situation. The first officer on the scene establishes command and acts as the Incident Commander until relieved by a supervisor, who is assuming command. Upon their arrival at the barricade, PGPS SOD personnel assume command from whomever is acting as the Incident Commander at that time. For specific barricade guidelines, ***See:*** **VOL. II, CH. 5. BARRICADES.**

The first arriving officer will either establish or pass command, and if establishing command, shall remain in command until relieved by higher authority who assumes command.

For all incidents in which the Incident Command System is activated, an Incident Action Plan (IAP) will be developed. If the incident spans multiple operational periods, the IAP will be in writing and used to brief the incident commander and others arriving for the next operational period.

Unified Command

A unified command allows all agencies with responsibility for an incident, either geographic or functional, to manage an incident by establishing a common set of incident objectives and strategies. It does not mean that the agency gives up or loses any of its authority, responsibility, or accountability.

Unified command may be applied to incidents that:

- ❑ Affect jurisdictions that share or border the County
- ❑ Involve other County agencies such as Public Works, Fire/EMS, the Health Department, or DER
- ❑ Impact multiple geographic areas and agencies and that require a collaboration of Federal, State and County officials working together

When acting under a unified command system, employees shall cooperate fully in order effect a successful resolution of the incident. Employees are still accountable to Departmental policies and procedures.

During an ICS event, officers shall be cognizant of and adhere to the Department's chain of command and order of rank precedence. Nothing in this General Order relieves employees of following established procedures for other incidents outlined elsewhere in the GOM.

Training

At least annually, the County shall conduct a documented ICS training exercise that will involve as many personnel, including that of the CPD, as possible. The exercise may range from a tabletop to a full-scale exercise, and may be conducted in conjunction with outside agencies.

Employees shall familiarize themselves with the Incident Command System through this General Order. Additional training shall be conducted when new General Orders or Standard Operating Procedures are implemented that deal with the ICS.

Reporting Procedures

Following each activation of the Incident Command System, an Inter-Office Memorandum shall be used to prepare an After-Action Report that describes actions taken, results, and suggested improvements, if any.

2. <u>Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operation Plan</u>

PGPD is a party to the Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operation Plan. The purpose of this plan is to facilitate cooperation among law enforcement and fire/rescue agencies in the Metropolitan area, and to ensure the maintenance of order, enforcement of law, and public safety during a state of emergency beyond the capacity of any of the signatory jurisdictions. PGPD commanders will maintain copies of the plan.

Release of information regarding the disaster requiring implementation of the plan shall be the responsibility of the affected jurisdiction through their Public Affairs Office.

Criteria & Procedures for Requesting Assistance

A State of Emergency shall exist, and the Town and the County shall have committed or anticipate committing all available resources.

The Chief of Police of the PGPD is authorized to request assistance from designated officials in jurisdictions from which aid is sought. The Police Mutual Aid Radio System (PMARS) is the primary method of notification, alert, and means

by which requests for assistance are made. Such requests shall be verified by telex initiated by the appropriate official.

Command & Control

The jurisdiction in which the incident occurs shall have command and control.

When jurisdiction is uncertain, two or more jurisdictions are affected, or question exists as to responsibility for command, the first unit from the affected jurisdictions to arrive on the scene shall establish command and exercise command and control authority.

The commander whose units were first to arrive on the scene shall assume the role of Incident Commander, as necessary, and exercise command and control authority until relieved or replaced by authorized authority who is assuming command.

The Incident Commander heads the incident management team, and shall consult with team members in decision-making. In multi-jurisdictional incidents, senior officials from each affected jurisdiction shall be included in the incident management team.

Normally, a police agency will have command and control authority during law enforcement incidents and a fire department during fire/rescue operations. If issues related to command and control cannot be reconciled among the ranking public safety officials, the County Executive shall resolve them.

Use & Deployment of Personnel

All assisting personnel shall be under the control of the Incident Commander.

The nature of the emergency shall dictate how personnel will be deployed.

Whenever possible, assisting personnel shall be deployed as units under their own supervisor.

Identification of Functional Areas & Personnel

Locations Identified by Color-Coded Flags	
Command Post	Blue
Staging Area	Green
Triage Area	Orange
Public Affairs Office	White

Personnel Identification System	
Police	Armbands
Fire	Vests
Incident Commander	Blue
Staging officer	Green
Triage officer	Orange, 2 white stripes
Command Physician	Orange, 1 white stripe
Public Affairs Officer	White

Sets of flags and armbands will be maintained by:

- ❑ Police Commanders
- ❑ PGPD Special Operations Division
- ❑ Public Safety Communications
- ❑ A mobile command post

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Homeland Security Presidential Directive (HSPD) 5
- ❑ 29 Code of Federal Regulations (CFR), Section 1910.120

Reference:

- ❑ Prince George's County Police Department All Hazards Plan
- ❑ Memorandum of Understanding (MOU) between the Town of Cheverly and Prince George's County for Jurisdictional Police Services (July 2008).

CHAPTER 33: JUVENILE PROCEDURES

I. POLICY

The Department is committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. All components and personnel shall share responsibility for participating in and supporting the Department's juvenile operations function and delinquency prevention efforts. Officers dealing with juvenile offenders shall use the least coercive among reasonable alternatives.

II. CHECKLIST (N/A)

III. DEFINITIONS

Child: A person 17 years of age or younger who has not been emancipated. ***For purposes of enforcing curfew violations:*** A person 16 years of age or under who has not been emancipated

CINA: Child in need of assistance

CINS: Child in need of supervision

Custody: Legal or physical control of an individual in an area or facility or while in transit

Delinquent Offenders: Juveniles who commit violations of criminal law

Juvenile: As used in this directive, a child; the terms are interchangeable

Legal Guardian: Any adult person having temporary or permanent care, custody, or control of a juvenile

Non-Offender: A juvenile who is not charged with any offense, usually a child in need of assistance or supervision (CINS or CINA)

Operator: Individual or corporation operating a business open to the public

Place Open to the Public: Any privately owned place of business operated for profit to which the public is invited

Public Place: Any place to which the public has access, including, but not limited to streets, shopping centers and parking lots

Secure Custody: When an individual is physically detained or confined in a locked area or cell for the purpose of processing, questioning, or testing

Status Offenders: Any juvenile who has committed an offense for which an adult cannot be charged; examples include runaways, truants, and curfew violators

IV. FORMS

- ❑ Arrest Report (CPD Form #)
- ❑ Arrest Report Supplement (CPD Form #)
- ❑ Approval to Use Juvenile as Informant Form (CPD Form #)
- ❑ Detainee Processing Log Sheet (CPD Form #)
- ❑ Immediate Apprehension Affidavit of Probable Cause and Statement of Need (CPD Form #)
- ❑ Juvenile Recognizance Form (CPD Form #)
- ❑ Maryland Secure Juvenile Holding Log (CPD Form #)
- ❑ Order for Immediate Apprehension, Writ of Attachment (CPD Form #)
- ❑ Processing Information Sheet (CPD Form #)
- ❑ Warning/Field Observation/J-2 Report (CPD Form #)

V. PROCEDURES

1. Taking a Juvenile Into Custody

(§3-814, Courts and Judicial Proceedings Article)

Children in Need of Assistance (CINA)

A child may be taken into custody:

- ❑ In accordance with an order of the court
- ❑ If an officer has reasonable grounds to believe that the child is in immediate danger and that removal is necessary for that child's protection
- ❑ In accordance with §5-709, Family Law Article, regarding the temporary removal of a child from a home without court approval when an officer accompanies a representative from the County's Department of Social

Services (DSS) to a home and the representative believes that the child is in serious, immediate danger

Whenever an officer takes a child into custody in accordance with this section, the officer shall:

- ❑ Immediately notify the child's legal guardian
- ❑ Immediately notify the DSS
- ❑ Maintain custody of the child until the DSS either takes custody of the child or authorizes the child's release
- ❑ Return the child to the legal guardian if the officer determines that it is safe to do so

Children Other Than CINA

Pursuant to the provisions of §3-8A-14, Courts and Judicial Proceedings, an other-than-CINA-child may be taken into custody:

- ❑ Pursuant to an order of the court
- ❑ By a law enforcement officer pursuant to the law of arrest
- ❑ By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe the child is in immediate danger and removal is necessary for that child's protection
- ❑ By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the a legal guardian

If an officer takes a child into custody in accordance with this section, the officer shall:

- ❑ Immediately notify, or cause to be notified, the child's legal guardian
- ❑ Release the child to the a legal guardian, or to any other person designated by the court, upon their written promise to bring the child before the court when requested
- ❑ Deliver the child to the court or place of detention or shelter care designated by the court

2. Arrest & Processing of Juveniles

When arresting a juvenile, the same laws of arrest apply to juveniles as adults. On-view and hot pursuit criteria are also the same regardless of the age of the offender.

Arrestee Transport

Transporting officers shall search juveniles regardless of whether they had been previously searched. When possible, transporting officers will be the same sex as the juvenile. Officers shall not delay transport solely to comply with this provision. Supervisors shall balance the propriety of the above against staffing and workload considerations at the time of transport.

Juveniles shall be segregated from public contact. They shall be removed without unnecessary delay from the scene, and transported directly to the appropriate police, detention, or hospital facility. Officers shall examine their vehicle, both prior to, and following the transportation of juveniles.

Partially or fully disrobed juveniles shall be immediately removed from the public's view and covered before transport. Under no circumstances will disrobed juveniles be transported with the opposite sex.

Officers shall not transport adults with juveniles or male juveniles with female juveniles unless:

- ❑ No other transport vehicle is available
- ❑ The arrests stem from the same incident

Officers shall transport juvenile status offenders and non-offenders separately from juvenile delinquent offenders and adult arrestees.

Detention & Separation

While at a PGPD central processing facility, officers will to the extent possible ensure that juvenile status offenders and non-offenders are housed in non-secure status offender/non-offender processing areas. The custody officer shall maintain constant supervision of status and non-offenders until their release to a legal guardian, or other authority.

Juvenile delinquent offenders shall be completely separated by sight and sound from adult offenders. Juvenile offenders charged as adults shall be processed and detained as adult offenders.

Male and female detainees shall be separated by sight and sound. The period of time that a detainee may be held without direct, continuous supervision will not exceed two hours.

After taking a juvenile into custody, the arresting officer shall notify the juvenile's legal guardian. If a legal guardian cannot be located, the officer shall make notification to the Department of Juvenile Services (DJS). All notifications shall be documented on the appropriate report.

Accused juvenile offenders shall not be held in secure custody longer than six hours. This time period begins when the juvenile enters a secure facility and ends with the juvenile's release or transfer to another authority. If the six-hour limit is exceeded for any reason, the officer shall notify a supervisor, who shall forward a memorandum, documenting the juvenile's identity and the reason(s) why the time limit was exceeded, to the Patrol Commander. A copy of the Detainee Processing Log Sheet shall be attached to the memorandum.

The arresting officer shall also complete the Maryland Secure Juvenile Holding Log for juveniles placed in secure custody.

3. Charging Juveniles

Officers shall complete an Arrest Report when a juvenile is arrested. An officer will request charges against a juvenile by checking "YES" in the shaded petition block of the Arrest Report in the following instances:

- ❑ Felonies
- ❑ Delinquent acts that involve weapons, are gang-related, or involve serious assaults
- ❑ Destruction of Property
- ❑ Thefts

Officers shall also request charges when the juvenile:

- ❑ Is a repeat offender
- ❑ Is on parole or probation
- ❑ Has cases pending

In other instances, officers may seek guidance from their supervisors if they feel that charges are warranted.

The Arrest Report narrative must establish probable cause for each offense for which a charge is requested. An Arrest Report Supplement shall be used as necessary.

Arrestee's Age Undetermined

When the officer cannot establish the arrestee's age, the arrestee shall be processed as an adult. If a juvenile is charged as an adult, and later determined to be a juvenile, the reporting officer will document this on a Continuation Report. Once the offender's age has been determined, the regional processing facility is responsible for ensuring compliance with the core protections of the Juvenile Justice and Delinquency Prevention Act (JJDP).

Screening Requirements

The Juvenile Section of the Office of the State's Attorney (OSA) screens felony cases, serious misdemeanor cases and minor misdemeanor cases involving multiple offenses.

The arresting officer shall contact the Juvenile Section, OSA within 72 hours of arrest for a screening appointment. The officer must provide copies of all reports and written statements at the time of screening.

For cases that are not screened, officers must forward a packet containing copies of all reports and written statements to the Victim/Witness Coordinator for the Juvenile Section, OSA, within 72 hours of arrest.

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

Identification Numbers

A PGID number shall be assigned to all juveniles for whom an Arrest Report is completed. Officers will initiate a PGID number check through the "Arrest by Name Index System" in the CJIS

terminal (PIX3). If the juvenile already has a PGID number, officers shall use that number. If no PGID number has previously been assigned, officers shall obtain a number from the PGPD Criminal Records Unit. When the Unit is closed, officers shall obtain a PGID number from a pre-numbered PGPD juvenile fingerprint card.

If the juvenile is charged as an adult, the officer shall ensure that an adult PGID number is assigned.

Obtaining Arrest Numbers

Arrest numbers are issued for all arrestees charged as adults. They are obtained from the PGPD Criminal Records Unit. When the Records Section is closed, officers shall obtain an arrest number from a pre-numbered PGPD fingerprint card. Arrestees charged as juveniles are not assigned arrest numbers.

4. Charging Juveniles as Adults
(Criminal Law Article 4-203)
(Criminal Law Article 4-204)

When a juvenile is charged as an adult, the juvenile shall be processed in the same manner as an adult. All charges will be heard in adult court.

Juveniles shall be charged as adults if any one of the following criteria is met:

- ❑ 14 years or older charged with any offense for which the maximum penalty is either death or life imprisonment
- ❑ 16 years or older charged with robbery with a deadly weapon, or attempt thereof
- ❑ 16 years or older charged with wearing, carrying, or transporting a handgun; or, unlawful use of a handgun in commission of a crime

When a juvenile is charged as an adult, the adult block of the Arrest Report will be checked. Shaded juvenile areas of the Arrest Report will be left blank.

In certain circumstances, officers may petition to have a juvenile case waived up to adult court. Officers shall contact the OSA for assistance in these cases, and must appear at all waiver hearings. Juveniles whose cases have been waived to adult court must be charged and taken before the commissioner within 24 hours of the court granting the waiver. A copy of the waiver must be presented to the commissioner.

The core protections of the JJDP continue to apply until a juvenile offender is officially waived to criminal (adult) court, unless the juvenile offender meets the listed criteria.

5. Juvenile Interviews

Juveniles have the same rights as adults regarding statements and confessions. Special efforts should always be made to ensure that juveniles understand their rights.

Custodial interrogations of juveniles 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 a legal guardian to discuss the interview and interrogation process. The conference may be held before, during, or after the interview or interrogation, as considered appropriate by the investigator. ***See:*** **VOL. II, CH 17. CRIMINAL INVESTIGATIONS.**

6. Fingerprinting Juveniles

Juveniles charged with criminal offenses shall be printed on the PGPD and State Fingerprint Cards. Juveniles charged as adults will be fingerprinted on PGPD, Maryland State, and FBI cards.

Juveniles charged with status offenses will only be printed on the PGPD Fingerprint Card. This shall only be done to verify identity. Whenever a juvenile is fingerprinted without being charged, the legal guardian will be notified that the fingerprinting does not constitute a criminal record.

Officers shall submit fingerprint cards and the Processing Information Sheet prior to the end of their tour of duty. If the fingerprinting is conducted at a regional processing facility, officers shall submit the fingerprint cards and Processing Information Sheet as soon as they become available.

Officers shall fingerprint juveniles charged with:

- ❑ Any CDS Offense
- ❑ Any Felony
- ❑ Any Sex Offense
- ❑ Auto Theft or attempted Auto Theft
- ❑ Breaking and Entering
- ❑ Concealed Deadly Weapon or Handgun Violations
- ❑ Driving Under the Influence or Driving While Impaired
- ❑ Hit and Run
- ❑ Tampering
- ❑ Unauthorized Use of a Motor Vehicle (UUV)

Juveniles who are charged with criminal offenses not listed above, and juveniles who commit status offenses with a request for charges (petition) being filed, may be fingerprinted at the officer's discretion.

7. Arrest Reports

For juveniles charged with the above listed offenses, the portion of the Arrest Report titled "PETITION" should be marked "YES." The name, address, and telephone number of legal guardians, spouses, relatives, accomplices, associates, complainants, or witnesses must be placed in Box 24. If the witness is a juvenile, the juvenile's legal guardian shall also be summoned. In this case, W/P shall be placed in the code area of Box 24, followed by the legal guardian's name, address, and telephone number.

When an officer completes an Arrest Report but does not request charges, the portion of the Arrest Report titled Petition should be marked "NO."

Restitution For Crimes

DJS and the courts handle restitution. If requested, it should be indicated on the Arrest Report. Inquiries by the complainant should be referred to DJS.

8. Disposition of Juveniles Taken Into Custody

Officers will process the juvenile and without delay:

- ❑ Release the juvenile
- ❑ Deliver the juvenile to a court
- ❑ Deliver the juvenile to a detention or shelter care facility

Prior to the release of any juvenile, a records check shall be done for outstanding writs.

Release of Juvenile

Juveniles shall only be released to a legal guardian. The legal guardian accepting custody must present valid photo identification and must print their name and sign the Arrest Report in Box #28, JUVENILE RELEASED TO. The form of identification presented will be noted on the Arrest Report, and a photocopy attached.

If a legal guardian cannot provide valid photo identification, but is able to establish their identity to the officer's satisfaction, the juvenile may be released. If the officer is not satisfied with the identification, DJS shall be contacted and the procedures detailed in ***Legal Guardian Unable To Be Located*** below shall be followed.

The Juvenile Recognizance Form must be sign by a legal guardian when picking up a juvenile that has been charged with a crime. If a juvenile is not charged with a crime, the Juvenile Recognizance Form is not necessary.

Legal guardians that sign a Juvenile Recognizance Form will be given the goldenrod copy. The CCN shall be placed in the upper right corner of the form. The remaining copies of the Juvenile Recognizance Form shall be stapled to the Arrest Report.

Recognizance forms must be sent to Youth and Family Services Division (YFS) along with the arrest report, fingerprint cards, and the Processing Information slip.

Legal Guardian Unable to be Located

If the legal guardian cannot be located, DJS shall be contacted. The officer will deliver the juvenile to DJS at the courthouse in Upper Marlboro on weekdays between 0800-1500 hours. On weekends, State holidays, and between 1500 hours and 0800 hours on weekdays, the officer will telephone DJS night intake worker at the

Cheltenham Youth Facility.

Approval for detention will be obtained from the night intake worker before transporting the juvenile. The officer shall print the name of the DJS official who accepted custody of the juvenile in Box #28 of the Arrest Report.

Once a juvenile is placed with DJS, responsibility for locating a legal guardian rests with DJS. Copies of all reports will accompany the juvenile when custody is relinquished.

9. Detention of Juveniles

When seeking detention of a juvenile, the Arrest Report must contain sufficient probable cause for the arrest. The following statement, endorsed with the officer's signature, will be placed on the reverse side of the canary copy of the Arrest Report:

- ❑ "I do affirm under the penalty of perjury and upon personal knowledge that the contents of the attached complaint are true."

This eliminates the necessity to affirm the probable cause statement before a district court commissioner.

Criteria

Juveniles held for detention must meet one of the following criteria:

- ❑ Currently on probation for the offense charged
- ❑ Non-Maryland resident 12 years of age or older charged with any offense
- ❑ Non-Maryland resident under 12 years of age charged with a felony
- ❑ Legal guardian refuses custody or cannot be located
- ❑ Reasonable belief that the juvenile will leave the court's jurisdiction

10. Charging Juvenile Without Custodial Arrest

If an officer charges a juvenile with a misdemeanor crime and a custodial arrest is not warranted, the officer shall:

- ❑ Complete an Incident Report noting, "For more information, see Arrest Report, same CCN," in the suspect section
- ❑ Complete an Arrest Report noting, "JUVENILE CHARGES REQUESTED" across the top of the form in bold letters and forward the original to YFS along with a copy of the Incident Report

The juvenile need not be contacted. Do not list the names of juvenile suspects. Recording the names of juvenile victims or witnesses is acceptable.

11. Juvenile Court-Ordered Writ of Attachment

A court-ordered writ must be obtained when:

- ❑ Investigation identifies a juvenile to be the perpetrator of a crime
- ❑ A wanted juvenile has fled the area
- ❑ A legal guardian refuses to surrender a juvenile
- ❑ Removing a juvenile from a temporary detention facility to place additional criminal charges

Obtaining Writ When Court Is In Session

Officers shall:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Respond to the Department of Juvenile Services' office at the Upper Marlboro Courthouse (0900-1530) with these documents for review and authorization

State law gives DJS authority over cases brought before the Juvenile Court. If authorization for the writ is obtained, the officer shall respond to the OSA. The OSA shall provide the officer with a writ number obtained from the Office of the Clerk for the Circuit Court, Juvenile Division. The officer shall then take the approved documents to a sitting judge for signature.

Obtaining Writ After Hours (Emergencies)

The following procedures shall be used after hours or when court is closed and obtaining a writ cannot be delayed:

- ❑ Complete an Incident Report
- ❑ Prepare an Immediate Apprehension
- ❑ Affidavit of Probable Cause and Statement of Need
- ❑ Prepare an Order for Immediate Apprehension, Writ of Attachment
- ❑ Contact the on-call intake counselor at the Cheltenham Youth Facility for authorization

If authorized, the intake counselor will contact the on-call Assistant State's Attorney for review and approval, and to obtain a writ number. The intake worker will then contact the duty judge. The officer shall respond to the duty judge's location for signature.

12. <u>Youth Field Report (J-2)</u>

The Warning/Field Observation/J-2 Report is used to:

- ❑ Document juvenile contacts when no arrest is made
- ❑ Document suspected juvenile involvement in unlawful activities when probable cause for an on-scene arrest is lacking
- ❑ Cite juveniles 15 years of age and younger for minor traffic violations such as bicycle or mini-bike offenses
- ❑ Document transport of a juvenile
- ❑ Document juvenile curfew violations, ("Curfew Violation") shall be written across the top of the narrative section.

13. <u>Curfew Law</u>
(County Code Sections 14-101 through 14106.01)

It is unlawful for any juvenile to be or remain in or upon a public place in the County:

- ❑ Between the hours of 2200-0500 hours Sunday through Thursday
- ❑ Between the hours of 2400-0500 on Friday and Saturday nights

When an officer believes a juvenile is violating the curfew law, the officer shall complete a Warning/Field Observation/J-2 Report and order the juvenile to go directly home. Completion of a J-2 is appropriate when:

- ❑ The officer is unaware of prior curfew violations
- ❑ The officer does not have reasonable grounds to believe the juvenile is engaged in delinquent conduct
- ❑ The juvenile's identity is satisfactorily proven to the officer
- ❑ The juvenile is not involved in another act requiring further investigation
- ❑ The juvenile signs the Warning/Field Observation/J-2 Report and receives a copy
- ❑ The juvenile has not caused injury to persons or damage to property
- ❑ The juvenile goes home as directed

The officer shall inform the juvenile that subsequent violations will result in detention at a police facility, and a fine will be assessed against their legal guardian.

If the officer has probable cause to believe the juvenile has not provided a correct name and address, the officer may take the juvenile into custody and charge the juvenile with "Failing to obey the lawful order of a police officer."

Exceptions

When a juvenile is:

- ❑ Legally employed
- ❑ Accompanied by a legal guardian or another adult who is authorized by the legal guardian to supervise the juvenile
- ❑ On an errand as directed by a legal guardian until 0030 hours
- ❑ Returning home by a direct route within one (1) hour of the end of a school or religious activity, or a place of public entertainment such as a movie or sporting event
- ❑ Exercising their First Amendment rights and a letter, signed by the juvenile and a legal guardian, has been received by the appropriate District Commander's designee, which includes the legal guardian's home address and telephone number, and the specific place, time, and purpose the juvenile will be in a public place during curfew hours

- ❑ Married or has been married
- ❑ Engaged in normal interstate travel with legal guardian consent
- ❑ On the property where the juvenile resides (common areas such as parking lots or play areas of apartment complexes are not considered property where the juvenile resides, unless the area has been specifically posted by the property owner as a juvenile area and adult supervision is evident)

If a juvenile claims an exception to the curfew law, but the officer cannot verify it, the officer shall proceed as though no exception exists.

Offenses During Curfew Hours

Officers contacting juveniles during curfew hours shall establish if the juvenile is violating the curfew law.

Example: An officer responds to a T/A at 0300 hours for a call of a juvenile shoplifter. Upon the officer's arrival, the T/A owner tells the officer that the juvenile is suspected of stealing candy. Although the officer cannot establish probable cause to arrest the juvenile for theft, the officer must still verify the juvenile's curfew status and document the contact.

Legal Guardian Responsibility & Liability

It is unlawful for a legal guardian having custody of a juvenile to knowingly permit, or by negligence allow the juvenile to remain in any public place under circumstances not constituting an exception to the curfew law.

In this section, the term "knowledge," as used above, includes knowledge a legal guardian would reasonably be expected to have concerning the whereabouts of a juvenile. This requirement of the law is intended to hold neglectful legal guardians to a reasonable standard of responsibility. It is no defense that a legal guardian did not know of the activities, conduct, or whereabouts of such juvenile.

The first violation of the curfew law will result in a warning being issued to the juvenile's legal guardian. County Code requires that the Department send letters to the legal guardians of juveniles who have received written curfew violation warnings. A second violation by a juvenile shall be treated as a first offense by the legal guardian, and a citation shall be issued. DC Form #28 shall be used by officers to charge guardians when:

- ❑ The officer has firsthand knowledge that the juvenile has been detained for a prior curfew violation
- ❑ The juvenile's legal guardians have been warned
- ❑ The legal guardian is immediately available to take custody of the juvenile

When a legal guardian responds to retrieve the juvenile, the custody officer shall issue the DC Form #28, and give the guardian the goldenrod copy. Fines are assessed as follows:

- ❑ First offense, $50.00
- ❑ Second offense, $100.00
- ❑ Third and subsequent offenses, $250.00

Curfew violations are civil offenses for which legal guardians are cited. Juveniles violating the curfew law are regarded as status offenders, and shall not be issued a DC Form #28.

Business Owner or Operator Liability

Business owners or operators may not knowingly permit juveniles to remain at a place open to the public after curfew.

When a juvenile is cited for violation of the curfew law using the Warning/Field Observation/J-2 Report, and the violation involves a business establishment, the officer shall also complete an Incident Report. The officer shall document the circumstances, which led to the belief that the business was in violation of the law. The manager responsible for the business at the time of the offense, as well as the owner or operator of the business, shall be listed in the report. The Warning/Field Observation/J-2 Report and a copy of the Incident Report shall be submitted to YFS, who will then charge the owner or operator as appropriate.

Business owners shall be cited on a DC Form #28. The schedule of fines is as follows:

- ❑ First offense, $100.00
- ❑ Second offense, $250.00
- ❑ Third and subsequent offenses, $500.00

An owner or operator is exempted from the above provisions when:

- ❑ The juvenile is advised that they are in violation of the curfew law, and
- ❑ The owner notifies the Department that a juvenile is on the premises refusing to leave

This notification may be made in person or by telephone, and should contain sufficient information to identify the juvenile.

Taking Juveniles Into Custody for Curfew Violations

Officers shall take juveniles into custody and transport them to a police facility when:

- ❑ The officer has knowledge that the juvenile has, previously violated the curfew law
- ❑ The officer has knowledge that a juvenile has received a written warning for a curfew violation
- ❑ The officer has reasonable grounds to believe the juvenile has engaged in delinquent conduct

Officers shall handcuff juveniles during transport.

If the juvenile is also charged with a crime, the officer shall complete an Arrest Report.

The officer shall ensure that the juvenile's guardian is notified and instructed to pick up the juvenile within one hour.

Juveniles cited for curfew violations will be released to their legal guardian upon completion of a Juvenile Recognizance Form. The custody officer shall stamp the reverse of the pink and goldenrod copies of the DC Form #28 with a Parental Notification Stamp and give the legal guardian the goldenrod copy.

If the guardian cannot be contacted, or fails to take custody of the juvenile within one hour of notification, the officer shall regard the juvenile as being in need of supervision (CINS). The officer shall notify the Department of Social Services (DSS) for placement of the juvenile. Juveniles charged with only a status offense, such as a curfew violation, shall not be held in secure detention.

14. <u>Taking Juveniles Into Custody Without Formal Charges</u>

Juveniles may be taken into custody without formal charges for any violation of the law specifically applicable to children.

Non-offenses are:

- ❑ Child in Need of Supervision (CINS)
- ❑ Child in Need of Assistance (CINA)

Status offenses are:

- ❑ Curfew violations
- ❑ Runaways
- ❑ Truancy
- ❑ Underage possession and/or consumption of tobacco products
- ❑ Underage alcohol offenses
- ❑ Incorrigibles

In CINA cases (for example, child abuse and neglect), notification shall be made to the DSS. In CINS cases, notification shall be made to the DJS. Officers with questions about these types of cases may contact either DSS or DJS for assistance.

15. <u>Traffic Law Enforcement</u>

Juveniles 16 or 17 years of age shall be charged on a Maryland Uniform Complaint and Citation for all non jailable traffic offenses. When a juvenile is also charged with criminal or jailable traffic offenses, all charges (to include the non jailable traffic charges) shall be documented on an Arrest Report.

A juvenile may be given a written warning and released to self-custody when they commit a minor traffic offense and:

- ❑ Proves their identity to the satisfaction of the officer

- ❑ Is not involved in another act requiring further investigation
- ❑ Their actions have not caused injury to persons or damage to property

The juvenile will be given the appropriate copy of the warning; other copies will be forwarded to Records.

Request for Juvenile Traffic Charges

Arrest Reports will be used to charge juveniles 15 years of age or younger with committing serious *(driving without a license)* and jailable traffic offenses.

A Warning/Field Observation/J-2 Report may be used to document minor traffic violations, such as bicycle or mini-bike offenses, for juveniles 15 years of age or younger. The J-2 should contain the specific charge and the youth's signature in the narrative section. The juvenile will be given the appropriate copy; two copies will be forwarded to the Records Section. The Records Section will forward a copy to the DJS for disposition.

16. <u>Confidential Source</u>

Juveniles may only be used as confidential sources with approval of a legal guardian documented on an Approval to Use Juvenile as Informant Form.

No promise of prosecutorial consideration for cooperation is permitted without OSA approval. ***See:* VOL. II, CH. 17 CRIMINAL INVESTIGATIONS**

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Juvenile Justice and Delinquency Prevention Act (JJDP)

CHAPTER 34: ABDUCTION & AMBER ALERT

I. POLICY

Kidnappings and abductions are serious crimes that the Department will commit its available resources to solving, to include the AMBER Alert System.

II. CHECKLIST (N/A)

III. FORMS

- ❑ State of Maryland Missing Persons Report Form (MMPRF)
- ❑ Continuation Report (CPD Form #)

IV. DEFINITIONS

Abduction: The kidnapping of a minor for reasons of prostitution, sexual abuse, or child stealing

Abducted Juvenile: An individual under 16 years of age who has been taken or carried away by an individual who is not the juvenile's lawful custodian

V. PROCEDURE

1. Abduction

When responding to abductions, officers shall:

- ❑ Verify the abduction
- ❑ Obtain a detailed description of the victim, suspect, and any vehicles involved and broadcast a lookout
- ❑ Obtain photographs when available
- ❑ Interview the reporting person to determine when, where, and by whom the victim was last seen, and the circumstances of the disappearance
- ❑ Treat the location as a crime scene
- ❑ Conduct a thorough check of the victim's residence
- ❑ Verify custody of the victim
- ❑ Consider broadcasting an AMBER Alert if the victim is a juvenile

2. Reporting

In all cases, the assigned investigator must complete the MMPRF. In all Amber Alert cases, the officer shall indicate the Amber Alert in block #96 ("Additional Information") on the MMPRF. If additional space is needed beyond block #96 for reporting, the officer should use the Continuation Report.

3. AMBER Alert System

All of the following criteria must exist in order for the AMBER Alert system to be activated:

- ❑ A verified child abduction
- ❑ Circumstance's that indicate the child is in imminent danger of bodily harm or death
- ❑ A description of the child
- ❑ A description of the suspect or vehicle involved
- ❑ Likelihood that the child or suspect is in the broadcast area

A juvenile abduction by a non-custodial parent does not usually meet the criteria for an AMBER alert to be issued. There must be reasonable suspicion that the parent intends to harm the child.

Initiating an AMBER Alert

A supervisor shall:

- ❑ Verify that the circumstances meet the criteria for an AMBER Alert
- ❑ Request that an AMBER alert be issued through the MSP duty officer in Pikesville, and document their name and ID number
- ❑ If PSC makes the request, the supervisor shall note the name and ID number of the PSC employee
- ❑ Notify the Patrol Commander

VI. GOVERNING LEGISLATION & REFERENCE

- ❑ Maryland Criminal Law, 3-502
- ❑ Maryland Criminal Law, 3-503
- ❑ Maryland Code, Public Safety Article, Sections 3-601 and 3-362.

CHAPTER 35: LOITERING

I. POLICY

As defined below, loitering is illegal in Prince George's County.

This section does not prohibit picketing or orderly demonstrations by labor unions or members of the public.

II. CHECKLIST (N/A)

III. DEFINITIONS

Loitering: Loitering occurs when an individual:

- ❑ Remains (either on foot or in a vehicle) on a public or privately owned street, sidewalk, or pathway, obstructing the free passage of a pedestrian or vehicle after a police officer has notified the individual the action is unlawful and has requested that the individual move
- ❑ Refuses or fails to leave a private business, commercial establishment, or parking lot posted with "No Loitering" signs; applies if the business or establishment is closed for business and the owner, their agent, or a police officer has requested that the individual leave *Exception:* When the individual has written permission from the owner, lessee, or operator to be present, or is window-shopping at a time of the day or night considered reasonable for such activity
- ❑ Refuses or fails to leave a private business or commercial establishment that is open for business, or a parking lot of the business or establishment, after having been requested to do so by the owner or their agent
- ❑ Refuses or fails to leave a public building, public grounds, or a public recreational area (or parking lots of same) after being requested to do so by a police officer or a regularly employed guard, watchman, or other authorized employee of the agency responsible for the building, grounds, or recreational area (or parking lots of same) if the individual has no apparent lawful business or purpose to pursue at that place
- ❑ Returns, for no apparent lawful business or purpose, to the same public or private property from which the individual was asked to leave within the previous 24 hours (County Code, Section 14-139.03)

IV. FORMS

- ❑ Maryland Uniform Criminal Citation
- ❑ Arrest Report/J-1

V. PROCEDURS

1. Enforcement

(Prince George's County Code Section/4-139.03)

No individual shall be charged with loitering unless the arresting officer has first warned the individual of the violation and the individual failed or refused to stop loitering.

The Loitering Ordinance is enforceable any time of day or night, subject to the restrictions in this section. Individuals may be charged with loitering via a Criminal Citation or a full-custody arrest.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ County Code, Section 14-139.03

CHAPTER 36: MISSING PERSONS

I. POLICY

Patrol officers are responsible for conducting preliminary investigations when individuals are reported missing. Reports of missing persons shall be taken immediately using the Maryland Missing Persons Report Form (MMPRF)

II. CHECKLIST (N/A)

III. DEFINITIONS

Critical Missing Person: An individual missing under circumstances that indicate that he or she may be in danger

Lawful Custodian: An individual who is authorized to have custody of and exercise control over a child who is under 16 years of age; this includes an individual who is authorized by a court order *(Maryland Family Law)*

Missing Adult: *Per 42 USC 5779,* an individual who is 21 years of age or older ***FOR MISSING PERSONS CASES ONLY***

Missing Child: *Per 42 USC 5779,* an individual under the age of 21, including runaways, who is the subject of a missing person report filed with a law enforcement agency and whose whereabouts are unknown
FOR MISSING PERSONS CASES ONLY

Unidentified Child: *Family Law 9-401,* an individual under the age of 18, generally a smaller child, whose identity is unknown or cannot be determined with certainty; often located or found by someone before they are officially reported missing to police

IV. FORMS

- ❑ Commander's Information Report
- ❑ State of Maryland Missing Persons Report Form (MMPRF)
- ❑ Continuation Report

V. PROCEDURES

An employee receiving a missing person complaint shall interview the complainant to determine whether an officer should be dispatched to take a report. An officer shall be immediately dispatched to allegations of a critical missing person and juvenile abductions. When any doubt exists regarding police response, the employee shall contact a supervisor.

Officers shall take missing person reports in person. There is no specific age limit or time period that an individual must have been missing before initiating a report.

1. Officer's Responsibilities – All Missing Persons

A missing person report shall be taken for any:

- ❑ Individual missing from or last seen in the Town
- ❑ Resident of another jurisdiction that is missing from a location in this Town

The reporting officer shall:

- ❑ Personally contact the complainant and conduct a preliminary investigation
- ❑ Upon confirmation, notify a supervisor to obtain a critical or non-critical classification
- ❑ Transmit an initial lookout for the individual and provide the dispatcher with additional information as it becomes available
- ❑ Obtain a photograph of all missing persons; place the CCN, name, and date of birth of the missing person on the back of the photograph and attach it to the MMPRF; if a photograph is not available, note "NOT AVAILABLE" on the front of the MMPRF where appropriate
- ❑ Contact the Teletype Unit via telephone within one hour to have the missing person entered into NCIC.
- ❑ Complete a MMPRF prior to the end of the watch; ensure that all notifications are recorded to include the notification to the Teletype Unit

If the missing person is classified as critical, the officer shall:

- ❑ Place "PGPD HOMICIDE" in the COPY TO block of the MMPRF
- ❑ Fax a copy of the report to the PGPD

Homicide Section prior to the end of his or her tour of duty
- ❑ Complete a Commander's Information Report prior to the end of the watch

Additional Duties — Missing Child Cases
(Maryland Family Law, Section 9-402)

In all missing child cases, officers shall determine if the child:

- ❑ Participated in a Child Fingerprint Program. If so, obtain the fingerprint card from the legal guardian and submit it, along with a copy of the MMPRF, to RAFIS
- ❑ Has been the subject of a prior missing person report or a child abuse report
- ❑ Suffers from a mental or physical disability or illness
- ❑ Disappeared under suspicious circumstances
- ❑ May have been abducted
- ❑ Is less than 14 years of age

If any of the above conditions exist, the officer shall notify a supervisor. If none of the above conditions exist, the officer shall transmit a copy of the MMPRF to the Special Response Team (SRT) prior to the end of the watch.

In missing child cases, the officer shall indicate whether the case is critical or non-critical in block #96 "Additional Information", and shall have the reporting person sign block #64 "Complainant/ Reporting Person" on the MMPRF. If additional space is needed beyond block #96 for reporting, the officer shall use the Continuation Report.

If the missing child is missing from foster care of a group home, the officer shall list the foster care or placement agency, including phone, address and/or caseworker name if available on the MMPRF.

PGPD Teletype Unit Responsibilities — Missing Child Cases
(42 USC 5779)
(Public Law 108-21 Sec.204 — Suzanne's Law)

The PGPD Teletype Unit shall immediately enter information regarding each reported missing child under the age of 21 into NCIC.

Additional Duties — Missing Adult Cases

In all adult missing person cases, the officer shall indicate whether the case is critical or non-critical in block #96 ("Additional Information"), and shall have the reporting person sign block #64 "Complainant/Reporting Person" on the MMPRF. If additional space is needed beyond block #96 for reporting, the officer shall use the Continuation Report.

If the missing adult is missing from a facility (example: nursing home, care center, group home), the officer shall list the contact/family/ guardian's information, including phone, address and/or relationship to the missing person if available on the MMPRF.

Supervisor's Responsibilities

A supervisor shall classify all cases as critical or non-critical by evaluating the following factors:

- ❑ Age of the missing person
- ❑ Physical and mental health of the missing person
- ❑ Repeated prior instances or absences by the missing person
- ❑ Unusual circumstances surrounding the absence of the missing person

Supervisors shall notify the Patrol Commander when a missing person case is classified as critical. The Patrol Commander shall assess the situation to determine the scope of the investigation and search.

Reporting Procedures

A supervisor shall review and approve the MMPRF and, if applicable, the CIR. If the missing person is classified as critical, the supervisor shall ensure that the MMPRF is faxed to the PGPD Homicide Section prior to the end of watch. A photocopy of the missing person's photograph shall be faxed along with the MMPRF.

When fax equipment is not operational, the supervisor shall ensure that the PGPD Homicide Section is notified via telephone. The supervisor shall ensure that a copy of the MMPRF is forwarded to the PGPD Homicide Section prior to the end of watch.

2. Critical Missing Person — Field Procedures

On the scene of a critical missing person, the supervisor shall:

- ❑ Notify the Patrol Commander
- ❑ Establish a command post and advise the dispatcher of its location
- ❑ Request additional personnel and equipment if needed
- ❑ Ensure that a thorough search is conducted, including the missing person's home
- ❑ Ensure that friends and relatives of the missing person are contacted to establish when the missing person was last seen or heard from
- ❑ Request an SRT Investigator
- ❑ For juvenile abductions or custody disputes, ensure that the PGPD Child and Vulnerable Adult Abuse Unit is notified in accordance with the current MOU between the CPD and PGPD for jurisdictional police services
- ❑ For cases involving ransom demands, ensure that the PGPD Robbery Unit is notified in accordance with the current MOU between the CPD and PGPD for jurisdictional police services
- ❑ For possible homicide cases, ensure that the PGPD Homicide Unit is contacted in accordance with the current MOU between the CPD and PGPD for jurisdictional police services

The decision to end the search for a critical missing person will be made by the Patrol Commander or in his/her absence, the Chief of Police.

3. Follow-Up & Additional Information — All Missing Persons

If additional information regarding the missing person is obtained after the initial report is submitted, the reporting officer shall:

- ❑ Complete a Continuation Report prior to the end of watch
- ❑ Contact the Teletype Unit via phone within one hour of receiving the information

This notification shall be documented on the Continuation Report with the date, time, and name and ID# of the Telecommunications operator notified. The reporting officer shall refer to the original MMPRF on the Continuation Report.

Special Response Team Responsibilities

Since each missing person case is unique, follow - up contacts with reporting *persons or* others who might have information about the missing person will be made as dictated by the nature and complexity of the missing person case:

The National Child Search Assistance Act of 1990 requires that all juvenile missing person reports be updated. This update, regardless of whether or not new information is obtained, must take place within 60 days of the original date of entry. It will include any additional information and medical and dental records when available.

This update shall be documented on a Continuation Report and forwarded to the PGPD Records Section. Contact will also be made to the PGPD Teletype Unit, regardless of whether or not new information is obtained.

See: **VOLUME II, CHAPTER 17. CRIMINAL INVESTIGATIONS**

Follow-up Investigations

Any follow-up investigation conducted by a patrol officer will be coordinated with the SRT investigator assigned to the case.

Searches for missing persons beyond the checking of neighborhoods, congregating areas, etc., will be conducted as the circumstances warrant and based on available information. If it is believed that air support or canine would aid in the search for a missing person (regardless of age), it should be requested via Public Safety Communications upon supervisor approval.

When a search is conducted, a command post should be established and all persons participating in the search should be briefed and provided with a photograph (if available). Searches shall be methodical and all participants shall be equipped with an appropriate means of communications.

Maps of the area to be searched should be present at the command post.

Return of Missing Persons

Upon the return of a missing person, the reporting officer shall:

- ❑ Complete a Continuation Report, documenting the missing person's return and the circumstances surrounding it, prior to the end of watch
- ❑ Contact the PGPD Teletype Unit within one hour of receiving this information to have any computer entries cancelled

This notification shall be documented on the Continuation Report with the date, time, and name and ID# of the Teletype operator notified.

4. Unidentified Children

The most frequent type of found juvenile call that officers will respond to involve children that have become separated from their parents. Most of the time, these children are very young. Officers shall be especially sensitive and compassionate when dealing with these children.

Unless removal of the child from the area is necessary for his or her protection, every effort should be made by officers to resolve the situation and reunite the child with his or her parents, guardian, or custodian at the location where the child was found.

An officer may take an unidentified juvenile into custody if the juvenile is in danger due to his or her surroundings, ***See:*** **VOL. II, CH. 33. JUVENILE PROCEDURES.**

In addition, the juvenile may be taken into custody for the purpose of an emergency evaluation, ***See:*** **VOL. II, CH. 23. EMERGENCY PETITIONS & RESPONSES TO INDIVIDUALS WITH MENTAL DISORDERS**.

When attempting to determine the juvenile's identity, NCIC should be checked using the "MPN" function (a non-unique inquiry since the person's name is unknown). This function requires physical descriptors only and is generally useful when attempting to identify recovered bodies, a person unable to communicate, or an uncooperative person.

The types of data included in this file are non-unique or uncommon, and include blood type, estimated year of birth, approximate height and weight, jewelry (if worn), medical conditions, and dental characteristics.

There are three different categories for records entered into NCIC's Unidentified Person File:

- ❑ Unidentified deceased persons, including victims of a catastrophe
- ❑ Unidentified living persons who are unaware of their identities, such as amnesia victims, small children, persons with Alzheimer's disease, etc.
- ❑ Body parts

The web site for the *National Center for Missing and Exploited Children* www.missingkids.com can also be checked.

If the officer is unsuccessful in establishing the juvenile's identity, the officer should contact the Prince George's County Department of Social Services for assistance.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Maryland Code, Health Article, Section 10-622
- ❑ Maryland Family Law, Section 9-301
- ❑ Maryland Family Law, Section 9-401
- ❑ Maryland Family Law, Section 9-402
- ❑ 42 USC 5779 — National Child Search Assistance Act of 1990
- ❑ Public Law 108-21 Sec.204 — Suzanne's Law
- ❑ Maryland Code, Public Safety Article, Title 6, Sections 3-601 and 3-362

CHAPTER 37: NARCOTIC, VICE, GANG, & TERRORISM-RELATED INFORMATION

I. POLICY

The Department is committed to suppressing narcotic, vice, and organized-crime violations.

II. CHECKLIST (N/A)

III. DEFINITIONS

Criminal Gang: A group or any association of three or more persons that forms to engage in criminal activity, including acts by juveniles that would be crimes if committed by adults, for the purposes of financial gain or to create an atmosphere of fear and intimidation either collectively or with knowledge of the acts of the members of the group, and whose members have a common identifying sign, symbol, or name

Gang Related: Any crime where the suspect, offender, or, victim is a gang member, and the motive for the crime is related to the above definition, should be classified as a gang related incident

Gang Motivated: A crime should be considered gang motivated if the underlying reason is to further the interests, reputation and activities of the gang; acts include: inter-gang violence, gang retaliation, turf protection, intimidation, robbery, recruitment, or other criminal activity that affects the gang's reputation or interests as a whole

R.A.G.E.: "Regional Area Gang Enforcement" task force; operates out of PGPD District I

IV. FORMS

- ❑ Report of Narcotic and Vice Law Violations
- ❑ Incident Report

V. PROCEDURES

Any employee receiving information concerning narcotic, vice law violations, including gang and terrorism-related activity, shall submit it to the Investigative Section. The Investigative Section will routinely share this information with the PGPD Narcotic Enforcement Division (NED) and other area agencies using the Report of Narcotic and Vice Law Violations form. The original is kept in the Investigative Section, with a copy forwarded to the Commander, PGPD NED. An Incident Report does not need to accompany this report.

When an officer suspects that a crime involves gang related activity, he or she shall:

- ❑ Complete an Incident Report detailing in the narrative why the incident is gang related
- ❑ Write the type of incident and in parenthesis "GANG-RELATED" in the TYPE OF INCIDENT block
- ❑ Place a "36" in the SPECIAL STUDIES code block
- ❑ Write "PGPD NED" and "RAGE" in the COPY TO block

1. Report Status & Assignment

Officers may ask about the status of any information they have supplied to the Special Response Team (SRT) or any related agency component.

Arrest Reports and Incident Reports detailing narcotic, vice, or gang related arrests will be forwarded to the SRT.

CCNs are required for all assigned vice and organized crime investigations.

2. General Enforcement Procedures

Sworn officers who view a vice violation shall take appropriate police action.

It is not the Department's intention to prohibit or restrict officers from enforcing vice laws when violations are committed in their presence. However, the necessary knowledge, experience and expertise must be considered in determining the appropriate enforcement effort.

When an officer conducts a vice-related investigation, he or she will contact an officer in the SRT for assistance. Any officer needing assistance with vice-related matters should contact

the SRT, or in the absence of a departmental investigator, a supervisor.

When an officer not assigned to the SRT makes a vice arrest of an unusual or significant nature, he or she shall notify an officer from the SRT.

Any member of the SRT is free to contact PGPD NED or a similar local law enforcement agency component as needed for assistance or expertise. This is especially imperative as it relates to undercover narcotic purchases, drug raids, and/or search warrant applications regarding narcotics or vice crimes.

VI. GOVERNING LEGISLATION & REFERENCE

CHAPTER 38: OBSCENE MATTER

I. POLICY

Town Code 20-16 and County Code 14-147 prohibits any person from knowingly selling, displaying, loaning, or allowing the perusal by juveniles of any picture, photograph, drawing, or other graphic, pictorial, or visual representation or image of a person or portion of the human body that depicts nudity, sexual excitement, or sadomasochistic abuse, and that is predominately harmful or potentially harmful to juveniles.

II. CHECKLIST (N/A)

III. DEFINITIONS (N/A)

IV. FORMS

- ❑ Incident Report

V. PROCEDURES

Upon receiving a call regarding obscene matter, the officer shall respond to the scene and verify the complaint.

If verified, the officer shall complete an Incident Report. The officer shall place "STATE'S ATTORNEY'S OFFICE" and "PRINCE GEORGE'S COUNTY OFFICE OF LAW" in the COPY TO block of the Incident Report.

If appropriate, the officer shall advise the owner/manager of the establishment of the law, the complaint, and the violation.

As a general rule, officers should not make on-scene arrests or charge individuals with violations of Town Code 20-16 or County Code 14-147. Obscene matter cases must be reviewed for legal sufficiency prior to individuals being charged.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Town Code 20-16, Obscene Acts
- ❑ County Code 14-147

CHAPTER 39: OBTAINING PRESCRIPTION MEDICATION BY FRAUD

I. POLICY

Officers shall respond to and investigate incidents where individuals obtain or attempt to obtain prescription medication by fraud.

II. CHECKLIST (N/A)

III. DEFINITIONS

Forged Prescription: When a person illegally obtains or attempts to obtain prescription drugs using:

- ❑ A fraudulent prescription
- ❑ A fraudulently called-in prescription
- ❑ An altered prescription
- ❑ A forged prescription

Uttered Prescription: Occurs when an individual presents a false or altered prescription form

IV. FORMS

- ❑ Incident Report

V. PROCEDURES

This section applies to any of the following offenses:

- ❑ Forged prescriptions
- ❑ Uttered prescriptions
- ❑ Theft of prescription forms
- ❑ Theft of pharmaceutical drugs

1. Officer's Responsibilities

In medical prescription cases, the responding officer shall:

- ❑ Interview the pharmacy employee who received
- ❑ the prescription
- ❑ Contact the issuing physician's office to determine the validity of the prescription
- ❑ Seize the original prescription form(s) for evidence. The officer shall photocopy the prescription and write their name and ID#, the CCN, and date on the copy. They shall give this copy to the pharmacist as a receipt
- ❑ Complete an Incident Report prior to the end of their watch and forward a copy to the Special Response Team (SRT). In addition, officers should write "FRAUD (PRESCRIPTION)" in the TYPE OF INCIDENT block, "26" in the SPECIAL STUDIES block, and "PGPD NED/DIVERSION UNIT" in the COPY TO block. Any remarks the suspect made to the complainant shall be included in the narrative

In prescription cases, the doctor is usually the victim, not the pharmacy. If the doctor's DEA number is printed on the prescription form, it should be listed in the Incident Report. The common name and the scientific name of the prescription drug (i.e., Percocet/Oxycodone) should be listed on the Incident Report and, if an arrest is made, the charging document.

If the suspect is on the scene and the responding officer verifies the prescription fraud, they shall seize the evidence and make an arrest. Officers may contact the SRT for assistance.

Officers shall seize all evidence related to the prescription violation. Examples include: other doctors' DEA numbers or addresses; pharmacy names and phone numbers; prescription bottles; and Medicaid, Medicare, or insurance cards not in the suspect's name. All evidence shall be processed and submitted in accordance with the directives in **VOL II, CH. 41. PROPERTY AND EVIDENCE.**

Officers shall determine if a security video is available from the pharmacy. If a video is available, the officer shall seize it for evidence or request that the videotape be set aside to ensure that it is not taped over. The officer shall contact the SRT for follow-up investigation.

Copies of all reports, including a copy of the prescription order form, shall be sent to the SRT. An officer from the SRT may contact PGPD, NED Diversion Unit at anytime for assistance or expertise. In addition, upon approval of a supervisor, an officer may refer the original case and all follow-up investigation to the PGPD, NED Diversion Unit.

A PGPD, NED Diversion Unit investigator shall be contacted when circumstances indicate that the suspect has engaged in multiple forgery or uttering offenses. The officer shall document the name of the investigator and the date and time contacted on the Incident Report.

VI. GOVERNING LEGISLATION & REFERENCE

Governing Legislation:

- ❑ Maryland Code, Criminal Law, Sections 5-501, 5-601, 5-606

CHAPTER 40: PRODUCT TAMPERING

I. POLICY

When an officer responds to a product tampering complaint, they shall conduct a thorough preliminary investigation to determine the complaint's validity. Crime scenes shall be preserved until the scene is relinquished to the proper investigative authority.

II. CHECKLIST (N/A)

III. DEFINITIONS

Product Tampering: Act of intentionally altering a consumer product to cause or threaten harm

IV. FORMS

V. PROCEDURES

1. Officer's Responsibilities

Officers responding to complaints of product tampering shall notify the Office of Prince George's County Environmental Health through Public Safety Communications in all cases involving suspected or verified food or drug tampering. This notification shall be made as soon as possible to facilitate notification of other agencies having concurrent investigative authority.

In most cases, environmental health investigators respond, determine which public health agencies have jurisdiction, and make the appropriate notifications.

Officers shall immediately notify the FBI when they determine tampering involves any of the following:

- ❑ Death
- ❑ Serious threat to human life
- ❑ Extortion demands
- ❑ Threatened tampering

The reporting officer shall complete an Incident Report detailing the circumstances of the complaint. The following shall be included in the narrative of the report:

- ❑ Names of environmental health organizations contacted including the name of the individual notified and their response
- ❑ Other agencies contacted as well as their response

Officers conducting preliminary investigations of product tampering complaints should bear in mind that they might not be dealing with an isolated incident. Reports shall be detailed and thorough in order to aid in linking similar incidents. Officers may use the below list to assist them with preparing the report:

- ❑ Caller's identity
- ❑ Caller's message
- ❑ Description of the caller's voice
- ❑ Location of the product tampered with
- ❑ Threats or demands made
- ❑ Background noise

2. Special Response Team (SRT) Responsibilities

SRT Investigators shall respond to all complaints of product tampering that evoke an Environmental Health response whether they are verified or not, and complaints that do not fall under the jurisdiction of the:

- ❑ FBI
- ❑ Food and Drug Administration
- ❑ Office of Environmental Health
- ❑ U.S. Department of Agriculture

The SRT will aid environmental health officers. SRT Investigators are also responsible for investigating incidents that do not fall under the jurisdiction of another agency.

3. CID Investigator's Responsibilities

CID investigators, in accordance with the current MOU between the CPD and PGPD for jurisdictional police services, shall handle cases of product tampering that involve:

- ❑ Extortion
- ❑ Homicide

VI. GOVERNING LEGISLATION