

**CHAPTER 41: PROPERTY & EVIDENCE****I. POLICY**

It is the policy of the Department to collect, process, and preserve physical evidence in the field. The circumstances under which evidence or property comes into the Department's possession shall be documented on an Incident Report and itemized on a Property Record.

Whenever available, materials and substances will be collected from a known source for submission to a laboratory for comparison with physical evidence collected.

Evidence collection shall be handled in accordance with practices taught in a training academy and written directives.

**CHAPTER 42: PURSUITS****I. POLICY**

When officers operate vehicles in pursuits, their primary concern shall be the preservation of life. Officers must not disregard safety with the single-minded goal of apprehension.

Officers must maintain a balance between the need to apprehend the violator and the risks of potential danger to themselves and citizens. The identification and apprehension of the violator are secondary concerns during a vehicle pursuit.

Officers are granted special privileges under State law while operating emergency vehicles with their emergency equipment activated. They are not relieved of the responsibility of driving with due regard for the safety of all persons, and are not protected from the consequences of failing to exercise reasonable care under these circumstances.

The driver of an emergency vehicle, with emergency lights and siren activated, may proceed through a red or stop signal, a stop sign or yield sign, but only after slowing down or stopping to ensure that the intersection may be safely entered.

**CHAPTER 43: RADIO PROCEDURES****I. POLICY**

Employees will adhere to Federal Communications Commission (FCC) regulations. False calls or distress signals, superfluous or unidentified communications, obscene or profane language, or the transmission of unassigned radio unit numbers are prohibited.

Transmissions on police radios shall be restricted to official Departmental business.

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

**A Zone:** Primary zone controlled by PSC and used to dispatch calls for service. The main zone used by PGPD district stations and municipalities

**B Zone:** Zone used by district stations and municipalities for tactical communication

**C Zone:** Used by district stations and municipalities for coordinated operations with an OIC

**Major Incident (MI) Zone:** Zone used for major incidents and controlled by PSC

**Special Events Zone:** Zone used for special events and controlled by PSC

**Talkgroup:** A virtual radio channel that is the primary means of communications (formerly known as a channel)

**Zone:** Organized collection of talkgroups

**IV. FORMS (N/A)****V. PROCEDURES**

Communications response shall be verbally acknowledged.

When transmitting, employees shall:

- Be clear and concise
- Minimize background noise

- Use unit names or ID numbers instead of names.

Confidential or sensitive information shall not be transmitted unless immediate communication is essential for the successful resolution of a situation.

Employees will secure permission from the dispatcher to transmit on SE Zone or MI Zone.

Rules for alternative talkgroup use are the same as normal transmissions. Transmissions will be limited to those necessary to accomplish the assignment.

Unless authorized by the PSC through a CPD supervisor, officers must remain on the A Zone talkgroup. Any on-duty officer shall notify PSC prior to leaving A Zone.

**B Zone**

B Zone shall be used for car-to-car operational communications. B Zone may be used for short-term tactical operations. Officers will notify PSC before using B Zone.

**C Zone**

C Zone will be used for extended tactical operations. PSC through an on-duty CPD supervisor will coordinate extended operations on the C Zone.

C Zone for PGPD specialty units, such as SOD, will be their unit zone.

**Other Zones**

Officers will not use other zones unless:

- They are assigned to an operation the zone is assigned to
- It is an operational necessity

**1. Entering Line-Ups**

Prior to field units beginning the watch, the unit rosters will be logged into a CAD terminal.

The following minimum information will be

entered for each squad:

- Call sign
- Officer ID number
- Cruiser number
- Beat assignments, if different from call sign
- Court or special assignments
- Leave

### 2. **Cancellation of Units Responding to an Incident**

Only supervisors may delay or cancel an assignment, change a response code, or reassign units under their command. Calls for service that have been delayed by a supervisor must be reassigned by him or her. In doing so, the supervisor assumes responsibility for the decision.

Officers may cancel backup units after arriving on the scene.

### 3. **Clearing Calls for Service**

When an officer clears a call, he or she shall give the appropriate CAD clearance code followed by his or her ID number. If a report is written, the ID number of the officer responsible for writing the report shall be given.

### 4. **Communications with Other Jurisdictions and Agencies**

When an officer communicates with another jurisdiction, he or she shall:

- Use plain English (no 10- or signal codes)
- Identify themselves as Cheverly Police and then their ID or car number
- Keep communications brief and clear

#### ***Off-Duty***

Off-duty officers traveling outside the Town shall communicate with other jurisdictions or agencies only when they come upon an incident that would require a 911 call.

#### ***On-Duty***

On-duty officers shall not communicate with other

jurisdictions or agencies unless operationally necessary or supervisor permission has been obtained.

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

This General Order addresses:

- Commission on Accreditation for Law Enforcement Agencies, Standards 26.1.1, 81.1.2, 81.2.5, 81.2.6, 81.3.1

#### **Reference:**

- Prince George's County Police Department Radio Call Sign Assignment List

## CHAPTER 44: RESPONDING TO ROBBERIES

### I. POLICY

Employees shall be particularly cautious when responding to the scene of a robbery due to the heightened threat of violence to the public or themselves. They shall work in concert with the Investigative Section and/or PGPD Robbery Unit to investigate these incidents.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**One-on-one identification:** When an officer transports a victim or witness to the location of the detained suspect for identification.

**Robbery:** The felonious taking and carrying away of the personal property of another, from his person or in his presence, by violence or by putting him in fear.

### IV. FORMS

- Incident Report (CPD Form #)

### V. PROCEDURES

#### 1. Commercial, Residential, & Courier Armed Robberies

Officers responding to the scene of these robberies shall:

- Cautiously respond, considering that suspects may still be on scene
- Verify the incident
- Broadcast a lookout
- Secure the T/A or residence
- Detain victims and witnesses and separate them from each other
- Preserve evidence
- Notify the PGPD Robbery Section in accordance with the current MOU between the CPD and PGPD for Jurisdictional Police Services
- If directed by PGPD Robbery, interview victims or witnesses
- Complete an Incident Report

If an immediate response by the PGPD Robbery Section is not possible, officers shall call the PGPD Robbery Section and provide a summary of the incident to an investigator. This notification shall be documented on the Incident Report.

#### *Taking Suspect to Scene for Identification*

Officers should not take suspects back to the crime scene. If a suspect is apprehended, the officer may take the victim to the location for a one-on-one identification. This must be done within a reasonable amount of time, generally not exceeding one hour following the incident.

A one-on-one identification can provide investigative information, but the inherent suggestiveness of a one-on-one identification requires careful use of the following safeguards. When conducting a one-on-one, officers shall:

- Determine and document, prior to the one-on-one, a description of the suspect
- Caution the witness that the person he or she is looking at may or may not be the suspect

When multiple witnesses are involved:

- If positive identification is obtained from one witness and there are other witnesses (consider using other identification procedures for remaining witnesses)
- Obtain and document a statement of certainty for both identification and non-identifications of suspects

Include in the report the time and location of the one-on-one identification, noting the results by using the witness' own words regarding how certain he or she is.

If officers have doubts regarding the reasonableness of returning a suspect to the crime scene, they should obtain a photograph of the suspect for use in a photographic lineup.

#### *Other Robberies*

The Special Response Team (SRT) shall handle all robberies not handled by PGPD CID.

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

- Annotated Code of MD CR§ 3-404
- Maryland Public Safety Article 3-505

**Reference:**

- Memorandum of Understanding (MOU) between the CPD and PGPD Regarding Jurisdictional Police Services
- For additional details concerning these investigations, **See: VOL.II, CH. 17, CRIMINAL INVESTIGATIONS, Robbery Section.**

**CHAPTER 45: STAFF MEETINGS****I. POLICY**

Staff meetings shall be held periodically, but no less than bi-monthly. Aside from inter-office memoranda and individual officer or small group counseling, staff meetings serve to enhance departmental communication and foster an understanding of departmental policies and programs.

**II. CHECKLIST (N/A)****III. DEFINITIONS (N/A)****IV. FORMS (N/A)****V. PROCEDURES****1. Supervisor's Duties**

Supervisors shall ensure appropriate materials are readied for staff meetings and that research on operational questions has been conducted and the resultant information approved by the Patrol Commander.

During staff meetings, supervisors shall:

- Notify officers of current crime statistics, trends, and accumulative lookout information
- Discuss specific problems within the CPD and identify issues that need clearer understanding
- Announce upcoming enforcement priorities or personnel distributions
- Distribute relevant information, such as:
  - Departmental policy decisions or revisions to previous information
  - Information regarding other law enforcement operations in the area
  - Legal updates and court rulings of consequence

Provide continued training through:

- Review of General Orders
- Critique of specific police incidents
- Provide other county, state, and federal law enforcement representatives with the

opportunity to speak

- Conduct training on different topics, such as Department procedures, officer safety, legal and liability issues, or view videotapes or other recordings relevant to training

Supervisors should use staff meetings to conduct required personnel, equipment, and vehicles inspections to ensure compliance with Departmental regulations. *See: VOL. I, CH. 22. PERSONNEL INSPECTIONS*

**VI. GOVERNING LEGISLATION & REFERENCE**

## CHAPTER 46: RESPONDING TO SCHOOL INCIDENTS

### I. POLICY

Officers shall respond to school property to suppress crime or disorder and take reports. This Department shares concurrent jurisdiction with the PGPD for public schools and school properties within Town boundaries and primary jurisdiction for non-public schools within the Town .

### II. CHECKLIST (N/A)

### III. DEFINITIONS (N/A)

### IV. FORMS (N/A)

### V. PROCEDURES

General patrol activities of school properties are the responsibility of the patrol officer. Officers should periodically patrol school properties and the communities in which the school is located for truants, gangs, disorderly subjects and unusual traffic.

School security officials have jurisdiction on school grounds and school buses. All other complaints will be handled by a law enforcement agency with jurisdiction.

In accordance with Prince George's County Public Schools policy, school officials will report the following crimes to the Department:

- All felonies
- Narcotics violations
- Serious assaults
- Property crimes with losses in excess of \$50.00
- Searches disclosing contraband or the fruits or implements of a crime

#### 1. School Security Responsibilities

Prince George's County, School Security is responsible for the following:

- Investigation of misdemeanors occurring on school property, unless such a case results in an extensive investigation in the general

community

- Assisting the Department in developing leads and identifying suspects associated with the school community

#### 2. Responsibility for Criminal Investigation

The CPD is jointly responsible with the PGPD for the investigation and clearance of all felonies. The CPD investigator will coordinate activities with any School Security personnel who may have either responded to the scene or possess information pertinent to the case.

CPD will provide assistance with or assume responsibility for misdemeanor investigations that lead into the Town. Resolution of investigative responsibility in such cases will be determined through the cooperative efforts of the School Security and the affected police unit.

Whenever the school is the complainant or the incident occurs on school property, final case disposition will be forwarded to the School Security. However, such dispositions will not include the identity of arrested or accused juveniles, nor the identity of witnesses or other persons contacted.

#### 3. Questioning on School Premises

Investigative questioning of students on school premises shall only be conducted in cases involving:

- A crime committed on the premises
- An investigation in which the safety of students or other persons would be unduly endangered if questioning is delayed

A school official shall be present during such interviews, and shall prohibit routine questioning of a student not under arrest.

Students shall not be removed from school premises merely for the purposes of conducting an investigative interview.

#### 4. Search & Seizure on School Property

Officers possessing a search warrant may search that part of the school premises described in the

search warrant.

Investigative searches of school premises by officers shall only be conducted pursuant to a search warrant or when a search is essential to prevent imminent danger to the safety and welfare of a student, another person or school property.

Officers shall make reasonable efforts to conduct searches that minimize embarrassment to students and limit disruption to the school routine.

Officers will only search a student who is under arrest, or if the officer has a reasonable suspicion that the student is concealing a weapon. Officers shall not direct a school official to conduct a search of a student. Students' personal possessions, including lockers, will only be searched:

- After regular class hours
- During regular class hours with the student present
- Pursuant to a search warrant
- To prevent imminent danger to students or others
- Whenever school officials have substantial proof that a serious offense has been or is being committed

#### **5. Arrests on School Property**

When possible, arrests shall be made off school property.

Arrests on school property shall be made in a manner that avoids embarrassment for students, while maximizing officer and student safety.

When an arrest is made on school property during school hours, the officer shall provide a school official with information that will allow the official to notify the parent or guardian regarding the nature of the arrest. The officer shall provide the official with his name, ID number, and the location to which the student was taken.

#### **6. School Disorders**

No person other than the principal, his or her assistant; the Director of School Security, his or her designee; or the Superintendent of Schools or

his or her designee may request a major deployment of officers to a school.

The ranking officer on the scene, working jointly with the principal and Director, School Security, shall determine the number of officers that respond to the school.

During any crisis, the ranking officers of School Security and the Department will communicate with the principal, and allow him or her to review all actions in advance. Any action taken by School Security or the Department, except during a crisis, should have prior approval of the principal or his or her designee. Once the principal's approval has been given, he or she will not interfere with the operation.

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

**CHAPTER 47: RESPONDING TO SEX OFFENSES****I. POLICY**

Officers shall respond to all sex offense incidents and deal with victims while balancing the need to secure evidence against the distress the victim may be experiencing.

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

- Incident Report

**V. PROCEDURES****1. Officer's Responsibilities**

Officers responding to these incidents shall:

- Verify the incident
- Provide medical aid to injured persons
- Broadcast a lookout, if appropriate
- Secure the crime scene
- Notify the PGPD Sexual Assault Unit (SAU) for crimes enumerated in the current MOU between the CPD and PGPD for jurisdictional police services and or the Special Response Team (SRT)
- Complete an Incident Report, the narrative need not be comprehensive

Officers shall not take investigative action, such as responding to the suspect's home, without prior authorization from the PGPD Sexual Assault Unit investigator or a SRT investigator.

Unless the victim sustains physical injuries requiring immediate medical attention, do not have victim transported to the Sexual Assault Center, Prince George's Hospital Center until authorized by SAU. (The victim may, at their discretion, report to the Prince George's Hospital Center for a sexual assault examination without the prior approval of SAU or involvement of the PGPD or CPD).

In no case shall an officer instruct the victim to

contact the Sexual Assault Unit to report the assault.

**2. Victim at Hospital**

If the CPD has jurisdiction in the initial report, the reporting officer shall notify the PGPD Sexual Assault Unit. If no PGPD investigator is available, the officer will have PSC contact a PGPD investigator via pager. A PGPD investigator shall respond to the hospital. The PGPD investigator shall not request removal of the victim to another location for interviewing.

The reporting officer shall write a statement and complete an Incident Report and shall document the notifications made to SAU on both documents.

**3. Police Authorization Not Mandatory for Sexual Assault Exam**

A sexual assault victim is not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided a sexual assault exam.

The victim of a sexual assault may request that a sexual assault exam be performed by the Sexual Assault Center, Prince George's Hospital Center, with either CPD or PGPD authorization. The victim is not required to provide their personal information and may remain anonymous. When a victim remains anonymous, his or her sexual assault exam will be referenced by a hospital case number and a CCN. An SAU investigator will provide the hospital with a CCN and take an initial report by telephone or in person.

Evidence collected from anonymous sexual forensic examination will be sent to the PGPD DNA Laboratory and stored for one year for potential forensic analysis in the future.

The victim can request an investigation be pursued at any later date, even if the one year time frame has passed and evidence collected during the sexual assault examination has been destroyed.

**VI. GOVERNING LEGISLATION & REFERENCE****Reference:**

- Sexual Offenses Matrix (next page)
- The Violence Against Women and the Department of Justice Reauthorization Act of 2005, 42 U.S.C., Subsection 3796gg-4(d).
- For additional details, *See: VOL. II, CHP. 17. CRIMINAL INVESTIGATIONS, Special Crimes Section.*

**SEXUAL OFFENSES MATRIX** (*Annotated Code of MD. Criminal Law Articles Sec. 3-303-308*)

ELEMENTS OF RAPE	1. Vaginal intercourse    2. With another person    3. By force or threat of force    4. Against the will 5. Without the consent of the other person
ELEMENTS OF SEXUAL ACT	Cunnilingus, fellatio, anilingus, or anal intercourse. Also include placing of any object into the genital or anal opening of another person's body if the penetration can be construed as being for the purpose of sexual arousal or gratification. (EXCLUDES DIGITAL PENETRATION)
ELEMENTS OF SEXUAL CONTACT	The intentional touching of any part of the victim's or actor's anal, genital, or other intimate areas for the purpose of sexual arousal or gratification, or for the abuse of either party, or the insertion of any body part other than the penis, mouth, or tongue into the vaginal or anal opening.
<b>RAPE – 1<sup>st</sup> Degree</b> FELONY – Life CR 3-303  Investigated by CID	Vaginal intercourse with another person by force or threat of force against the will and without the consent of the other person, and ONE OF THE FOLLOWING: 1. Employs or displays a dangerous and deadly weapon or an item that the victim reasonably believes to be such a weapon; 2. Inflicts suffocation, strangulation, disfigurement, or serious physical injury upon the victim or upon any other person in the course of committing the offense; 3. Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; 4. Is added and abetted by one of more other persons; 5. Commits the offense in connection with a burglary in the first, second, or third degree.
<b>RAPE – 2<sup>nd</sup> Degree</b> FELONY – 20 years CR 3-304  Investigated by CID	Vaginal intercourse with another person ONE OF THE FOLLOWING: 1. By force or threat of force against the will and without the consent of the other person; 2. Who is mentally defective or mentally incapacitated, or physically helpless, and the suspect knows or should reasonably know the victim is mentally defective or mentally defective or mentally incapacitated, or physically helpless; 3. Who is under 14 years of age and the defendant is 4 or more years older than the victim.
<b>SEX OFFENSE – 1<sup>st</sup> Degree</b> FELONY – Life CR 3-305  Investigated by CID	Sexual act with another person by force or threat of force against the will and without the consent of the other; and ONE OF THE FOLLOWING: 1. Employs or displays a dangerous and deadly weapon or an item that the victim reasonably believes to be such a weapon; 2. Inflicts suffocation, strangulation, disfigurement, or serious physical injury upon the victim or upon any other person in the course of committing the offense; 3. Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; 4. Is added and abetted by one of more other persons; 5. Commits the offense in connection with a burglary in the first, second, or third degree.
<b>SEX OFFENSE – 2<sup>nd</sup> Degree</b> FELONY – 20 years CR 3-306  Investigated by CID	Sexual act with another person ONE OF THE FOLLOWING: 1. By force or threat of force against the will and without the consent of the other person; 2. Who is mentally defective or mentally incapacitated, or physically helpless, and the suspect knows or should reasonably know the victim is mentally defective or mentally defective or mentally incapacitated, or physically helpless; 3. Who is under 14 years of age and the defendant is 4 or more years older than the victim.
<b>SEX OFFENSE – 3<sup>rd</sup> Degree</b> FELONY – 10 years CR 3-307  Investigated by Special Response Team (SRT)	Sexual contact with another person; and, ONE OF THE FOLLOWING: 1. Against the will and without the consent of the other person, and ONE OF THE FOLLOWING: a. Employs or displays a dangerous and deadly weapon or an item that the victim reasonably believes to be such a weapon; b. Inflicts suffocation, strangulation, disfigurement, or serious physical injury upon the victim or upon any other person in the course of committing the offense; c. Threatens or places the victim in fear that the victim or any person known to the victim will be imminently subjected to death, suffocation, strangulation, disfigurement, serious physical injury, or kidnapping; d. Is aided and abetted by one or more other persons; 2. Who is mentally defective or mentally incapacitated, or physically helpless, and the suspect know or should reasonably know the victim is mentally defective or mentally defective or mentally incapacitated, or physically helpless; 3. Who is under 14 years of age and the defendant is 4 or more years older than the victim; 4. Sexual act or vaginal intercourse with another person who is 14 or 15 years of age and the actor is a least 21 years of age.
<b>SEX OFFENSE – 4<sup>th</sup> Degree</b> MISDEMEANOR – 1 year CR 3-308  Investigated by SRT	1. Sexual contact with another person against the will and without the consent of the other person; OR 2. Sexual act or vaginal intercourse with a person who is 14 or 15 years of age and the actor is 4 or more years older (but not 21 years of age or older) than the victim.

**CHAPTER 48: SICK, INJURED, OR INTOXICATED INDIVIDUALS & SHELTERS**

**I. POLICY**

Employees shall render appropriate assistance to individuals in need according to the provisions of this directive.

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

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

**IV. FORMS (N/A)**

**V. PROCEDURES**

**1. Sick, Injured, or Intoxicated Individuals**

An officer encountering an unconscious or unresponsive individual shall attempt to wake them and determine whether the person is sick, injured, or intoxicated. Officers shall use extreme caution when doing so, in case the individual is injured.

If the individual is sick or injured and wishes to be transported to a hospital, the officer will request an ambulance through Public Safety Communications (PSC). If the individual refuses transport to a hospital, and the officer determines that the individual is capable of making a rational decision, no ambulance will be called.

If the person is merely intoxicated, the officer may attempt to transport or send the individual home, or to a medical or detoxification facility. This can only be done with the individual's permission.

If the individual is sent to their home or a medical or detoxification facility via commercial or public transportation, the officer will take reasonable steps to ensure that the cost of transportation is paid in advance.

If the person is unresponsive, they will be transported by ambulance to a hospital.

***Medic Alert Warnings***

When assisting, taking into custody, or transporting a person believed to be sick or intoxicated, officers will check for a MedicAlert necklace, bracelet, or other device that describes a medical condition. Officers discovering such devices shall take appropriate steps to aid the person according to the information provided. When the officer transfers custody of an individual wearing a Medic-Alert device, the officer shall notify those receiving custody regarding the device.

**2. Shelters**

The Prince George's County Department of Social Services (DSS) can render assistance to officers that are handling:

- Child abuse cases
- Evictions
- Incidents involving destitute or stranded individuals

Officers may contact DSS during normal business hours, Monday through Friday (0900-1700 hours). During non-business hours, weekends, and holidays, officers may contact DSS through the Crisis Hotline, or PSC. Citizens may be referred to the Department of Social Services for routine matters.

DSS coordinates emergency shelters for the homeless. Some cold season shelters operate from religious institutions on a rotating basis. A coordinating center authorizes the placement of individuals at shelters. Officers should contact PSC for telephone numbers and shelter locations.

***Calls for Service at Shelters***

The Department shall maintain order and remove individuals from shelters when requested.

**VI. GOVERNING LEGISLATION & REFERENCE**

**Governing Legislation:**

**CHAPTER 49: STRIKES, PICKETING & DEMONSTRATIONS****I. POLICY**

Negotiation and collective bargaining are legally recognized methods of peacefully settling labor disputes. In such disputes, it is not the function of the Department to deal with the issues involved, but to protect the rights of the public and the disputants by enforcing the law and maintaining order.

Strikes and picketing are not violations of the law. It is the illegal acts that sometimes arise from these activities about which the Department is concerned. The Department's effectiveness is maintained by remaining impartial.

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

**Strike:** A job action during which workers refuse to work as a means to improve their working conditions or benefits

**Picketing:** An action that involves one or more persons gathering to demonstrate their disagreement with an issue

**IV. FORMS (N/A)****V. PROCEDURES****1. Strikes & Picketing**

Officers will not usually be deployed at strike scenes. When such deployment becomes necessary, the Patrol Commander will be responsible for deterring crime and keeping the peace.

***Enforcement of Laws***

The Department seeks to minimize criminal violations connected with labor disputes by providing guidelines for the conduct of the parties. These guidelines shall be discussed with management and labor officials. These officials shall be advised that the use of public sidewalks and roadways, the free access to public places,

and the rights of persons to enter and leave private premises shall be preserved.

In cases where there is a violation of these rights, the Department will take prompt action.

Violations of court orders and injunctions do not ordinarily constitute criminal offenses for which the Department will take enforcement action.

**2. Demonstrations**

Upon arrival at the scene of a demonstration, the officer(s) shall attempt to identify the leader or leaders of the group and immediately request a supervisor. If the leader is located, a supervisor shall communicate with the demonstrators through them. The demonstrators shall be advised regarding the laws governing the free movement of pedestrians and vehicular traffic.

The supervisor shall direct that all violations cease immediately. If they do, no further police action shall be taken.

If the demonstrators do not comply and the supervisor determines that arrests are appropriate, the supervisor shall estimate the number of persons likely to be arrested and notify the Patrol Commander. When the on-scene supervisor or Patrol Commander determine arrests are likely imminent, the supervisor/Patrol Commander shall request the appropriate assistance, if necessary, through Public Safety Communications (PSC). PSC shall notify the Department of Corrections of the situation so additional detention facilities can be made available.

Once these notifications have been made, the supervisor/Patrol Commander shall use a voice amplification system to announce to the crowd the following order:

**"I (state your name) of the Cheverly Police Department hereby inform all persons assembled that you are violating (state ordinance or law violated). I order all of you here assembled to disperse. Failure to do so shall subject each of you to arrest and prosecution."**

The supervisor/Patrol Commander shall wait a reasonable length of time for compliance and

repeat the order. If the crowd does not disperse after the second announcement, the supervisor/ Patrol Commander shall order the arrest of all remaining persons.

All officers reporting to the scene of a demonstration shall be deployed under the direction of a supervisor. Each supervisor shall be responsible for dividing his or her personnel into appropriate teams. Teams may be rotated or relieved, as necessary, to avoid fatigue.

For processing mass arrests, *See: VOL. II, CH. 4. ARRESTS, TRANSPORT, AND PROCESSING.*

## VI. GOVERNING LEGISLATION & REFERENCE

### Governing Legislation:

- Maryland Criminal Law Article 3-904

## CHAPTER 50: TRAFFIC LAW ENFORCEMENT

### I. POLICY

The Department is committed to making roadways throughout the Town safer through traffic enforcement. Conspicuous patrol in marked cruisers by uniformed officers is the principal means of promoting good driving by deterring traffic violations.

The Department uses both marked and unmarked vehicles to enforce violations of the Maryland Vehicle Law.

When necessary, enforcement efforts will be targeted at specific times and locations, such as certain stretches of roadways or intersections, which experience a large number of accidents or traffic violations.

Officers shall be alert for traffic violations and traffic complaints that come to their attention and have the discretion to issue verbal or written warnings, citations, and to make arrests. Enforcement action shall be based entirely on the violation, not the personality, race, sex, or ethnicity of the violator.

### II. CHECKLIST (N/A)

### III. DEFINITIONS

**Authorized Departmental Vehicle:** A vehicle equipped with functioning emergency lights and siren

### IV. FORMS

- Commander's Information Report
- Warning/Field Observation Notice/J2
- Maryland Safety Equipment Repair Order (SERO) (MSP Form #157)
- Request for Re-Examination of Driver (MVA Form #AJ-39)
- Police Summons Notice

### V. PROCEDURES

Officers may use any of the following methods to enforce the vehicle law:

- Moving patrol**
- Overt** (high visibility patrol intended to discourage violations)
- Covert** (to identify and apprehend violators)

#### 1. Uniformity of Enforcement

Officers are prohibited from stopping individuals to issue additional citations after the conclusion of the original traffic stop unless:

- The officer becomes aware of violations that were unknown at the time of the original stop
- The investigation has not been completed

Examples include, but are not limited to, DUI, fatal or hit-and-run accidents, and cases where the individual provides false information.

Officers shall not threaten to issue additional citations to a citizen in order to persuade him or her not to challenge citations that he or she has already been issued.

#### 2. Multiple Violations

Officers are not limited as to the number of citations, Safety Equipment Repair Orders, or warnings that may be issued to a violator.

Officers will ensure that all citations issued to a single violator are linked using the space at the top of the traffic citation.

#### *Traffic Citations & Criminal Arrests*

To establish probable cause in court, officers that make traffic stops that lead to arrests should ensure that the individual is cited for the violation that led to the traffic stop. For example, a driver who commits an unsafe lane change and is subsequently arrested for DUI should be cited for the unsafe lane change. In these situations, officers are encouraged to complete both the arrest paperwork and the traffic citations themselves in order to facilitate the consolidation of charges.

Officers shall ensure that they provide a photocopy of the signed citation(s) to the District Court Commissioner and record the citation number(s) in the top margins of both the Statement of Probable

Cause and the Statement of Charges. This will allow the commissioner to request that the criminal and traffic charges be consolidated into one court date.

### 3. Legislators

Legislators, including those of the US Congress, Maryland House of Delegates, and elected politicians of Maryland counties and municipalities, are subject to compliance with the Maryland Vehicle Law. No legal or appellate provisions exempt them from prosecution.

### 4. Diplomats

**See: VOL. II, CH. 13. CONTACT WITH DIPLOMATS & ARREST OR DETENTION OF FOREIGN NATIONALS.**

### 5. Speed Measuring Devices

An authorized Departmental vehicle's speedometer may be used to pace vehicles in order to establish a speed violation. Officers who pace a motorist and cite him or her for speeding shall ensure that the speedometer has a current calibration. Speedometer calibrations are valid for 6 months.

The Department also uses a combination of non-moving and moving radar devices in both permanent on non-permanent or hand-held applications. Certifications for all of these devices are maintained by the Department with a copy given to each individual operator.

### 6. Public Carrier & Commercial Vehicle Code Violations

Officers may seek guidance regarding public carrier and commercial vehicle code violations from the PGPD Collision Analysis and Reconstruction Unit (CARU). CARU has primary responsibility for the enforcement of public carrier and commercial vehicle violations in the County.

### 7. Traffic Stops

All uniformed officers operating marked Departmental vehicles are responsible for visible traffic patrol to enforce vehicle laws. Plainclothes on-duty officers or off-duty officers operating

unmarked Departmental vehicles should refrain from making traffic stops unless the violation creates a significant hazard. Officers should only make traffic stops when operating Departmental vehicles equipped with functioning emergency lights and siren.

Routine traffic stops outside the Town are prohibited.

#### ***Making Traffic Stops***

Officers shall ensure that a violation has occurred, unless the stop is investigatory in nature.

Officers shall select a safe location for the stop, such as a parking lot or road shoulder, where violators may wait while being issued citations or warnings. The cruiser shall be positioned behind the violator to provide protection from other motorists. When stopped behind motorists, the officer shall activate his or her vehicle's emergency lights or hazard flashers.

When notifying the dispatcher of the stop, officers shall provide the following information in the below order:

- Location
- License plate number and state
- Make and model of vehicle
- Color of vehicle
- Number of occupants

When providing the location, officers shall avoid using common identifiers such as "MD 202 at the CVS." When giving locations on ramps, spurs, or alleyways, officers shall provide a "from-to" location, such as "ramp from Southbound Landover Road onto Eastbound U.S. 50."

Upon contact, the officer shall:

- Identify himself or herself and greet the violator courteously, using the appropriate title
- Advise the violator of the reason for the stop
- Request the violator's driver's license and vehicle registration
- Avoid debating the merits of the violation, but answer procedural questions concerning the violation

- Return the violator's license and registration at the conclusion of the stop, unless required as evidence

**8. Inspecting Vehicle Interior Due to Window Tinting**  
(*US v. Stanfield*)

A police officer who lawfully stops a vehicle with windows so heavily tinted that the vehicle's interior is not visible, may open one of the vehicle doors to visually determine if:

- The driver is armed
- There are weapons inside
- Other occupants may pose a danger to the officer

Officers may seize any contraband or evidence they observe in plain view through a lawfully opened door.

**9. Maryland Uniform Complaint & Citation**

***Distribution & Accountability of Citations***

Citation books shall be stored in the Squad Room or other secure location. Officers shall sign the Uniform Citation Receipt Log for each Citation Book received.

Officers shall not lend, borrow, or share citation books.

***Advice to Violator***

When issuing citations, officers shall inform the violator whether or not a court appearance is mandatory, the amount of the pre-payable fine indicated on the citation, and the procedures for obtaining a court date. They shall inform the violator that complete information and instructions are printed on the reverse of the defendant's copy of the citation.

When charged with an offense for which the violator is issued a traffic citation, the officer shall advise the violator that:

- The Maryland vehicle law requires the violator to acknowledge receipt of the citation by signing it

- Signing the citation is not an admission of guilt, but the violator's promise to fulfill the requirements listed on the reverse side of the violator's copy of the citation by either paying the fine or appearing in court
- Failure to appear in court or pay the fine may result in the suspension of driving privileges

When the violator is not presented before a District Court Commissioner, the distribution of copies is as follows:

*Forwarded to Records Section:*

- Court copy (white)
- Law enforcement copy (yellow)

*Retained by Officer:*

- Officer's copy (pink)

*Given to Violator:*

- Defendant's copies (white & blue w/envelope)

If the charges require the violator to appear in court, the violator will only receive the blue copy.

When the violator is presented before a commissioner, the commissioner places the court copy in the criminal file folder. The rest of the distribution is as above.

***Voiding Citations***

A citation that the violator has not signed may be voided administratively.

If officers make an error while writing a citation, they shall complete a memorandum directed to the Patrol Commander with the reason for the void. If the Patrol Commander concurs, the citation will be forwarded to the Chief of Police for disposition.

A citation signed by a violator must be disposed of in Court either through dismissal by a judge or a declaration of nolle prosequi by an Assistant State's Attorney.

**10. Warning Notice**

The Warning/Field Observation Notice/J-2 may be issued to any vehicle or violator in lieu of or in conjunction with the issuance of citations.

**11. Safety Equipment Repair Orders (SERO)**

SEROs shall be issued for equipment violations on motor vehicles or trailers assigned permanent Maryland registrations. In cases involving unsafe vehicles, a Maryland Uniform Complaint and Citation may be issued to the operator of any motor vehicle or trailer. A citation may be issued in conjunction with an SERO.

SEROs shall be disseminated according to the directions on the form.

**12. Pedestrian & Bicycle Law Enforcement**

Maryland's traffic laws apply to pedestrians and bicyclists alike. Officers shall be alert for violations of the traffic laws that jeopardize the safety of the pedestrian, bicyclist, or motorists.

Commanders may authorize selective enforcement efforts in response to Maryland Automated Accident Reporting System (MAARS) data or community requests.

**13. Driver Re-Examination**

Officers shall be alert for motorists that appear to be unfit, unsafe, or otherwise not qualified to be licensed. Utilizing a Request for Re-Examination of Driver form, officers can request the Motor Vehicle Administration (MVA) to test these motorists. The Physical Defects and Summary sections of the form must provide specific information to assist the MVA, and prevent officers from having to appear at MVA hearings.

The completed form shall be submitted to the Patrol Commander for approval. The Patrol Commander will forward approved requests to the PGPD Records Section.

**14. Use of Reflective Safety Vest**

The reflective safety vest shall be worn as the outermost garment whenever an employee is engaged in traffic direction or stationary enforcement, except during emergencies or circumstances requiring brief intervention.

**15. Parking Enforcement**

*(Town Code, Chapter 25)*

All parking violations shall be cited using the Police Summons. Officers are accountable for Police Summons issued to them and shall not lend, borrow, or share them.

When issuing a Police Summons, the hard copy will be placed in a prominent location on the subject vehicle. Completing the owner's information section before placing the Police Summons on the vehicle is not necessary.

Before submitting the Police Summons to a supervisor, the officer shall complete the owner's information section on the remaining copies only for vehicles:

- That are unregistered
- With out-of-state registration
- With expired Maryland registration
- With Maryland dealer or transporter registration

The officer will retain his or her copy, and submit the remaining original and copy to his or her supervisor for review within 48 hours.

The supervisor shall review the Police Summons to ensure that it has been completed correctly. Copies will not be sent to the PGPD Records Section. All original copies shall be maintained at the CPD.

***Voiding Parking Violation Notices***

This procedure will only be used when notices are issued in error. It is the only voiding procedure.

The issuing officer shall complete a memorandum explaining why the Police Summons should be voided and attach it to the Police Summons. The officer shall then forward the memorandum and the Police Summons in question to the Patrol Commander.

***Owner Information Not Available***

When a Police Summons is issued that requires owner information but such information is not available, an MVA printout will be attached to the copies for regular reports submission. No further explanation is required.

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

- Maryland Vehicle Law, Title 21, SubTitle 501
- Maryland Vehicle Law, Title 21, SubTitle 1202
- Maryland Vehicle Law, Title 23, SubTitle 105
- Town Code, Chapter 25
- US v. Stanfield