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|-----------------------------|----------------------|---------------------------|--------------|
| Title: | Social Media | Order # | 4-001 |
| New / Amends / Resc: | New Amended | Page: | 01 of 04 |
| Approved by: | Chief Ken K. Antolik | Officer Signature: | |
| Effective Date: | February 1, 2016 | | |
| Review Date: | | | |

I. PURPOSE

The BHPD endorses the secure use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes this department's position on the utility and management of social media and provides guidance on its management, administration, and oversight. This policy is not meant to address one particular form of social media, rather social media in general, as advances in technology will occur and new tools will emerge.

II. POLICY

Social media provides a new and potentially valuable means of assisting the department and its personnel in meeting community outreach, problem-solving, investigative, crime prevention, and related objectives. This policy identifies potential uses that may be explored or expanded upon as deemed reasonable by administrative and supervisory personnel. The department also recognizes the role that these tools play in the personal lives of some department personnel. The personal use of social media can have bearing on departmental personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by department personnel.

III. DEFINITIONS

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. The term is short for "Web log."

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights. Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), microblogging sites (Twitter, Nixle), photo- and video sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit) and any other resources as defined as social media.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeably with social media.

Wiki: Web page(s) that can be edited collaboratively.

IV. ON-THE-JOB USE

A. Department-Sanctioned Presence

1. Determine strategy

- a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
- b. Where possible, the page(s) should link to the department's official website.
- c. Social media page(s) shall be designed for potential police recruits.

2. Procedures

- a. All BHPD social media sites or pages shall be approved by the chief executive or his or her designee and shall be administered by the departmental information / Investigative services section or as otherwise determined.
- b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.
- c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.
 - (1)Content is subject to public records laws. Relevant records retention schedules apply to social media content.
 - (2)Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

d. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the department.

(1)Pages shall clearly indicate that posted comments will be monitored and that the department reserves the right to remove obscenities, off-topic comments, and personal attacks.

(2)Pages shall clearly indicate that any content posted or submitted for posting is subject to public disclosure.

3. Department-Sanctioned Use

a. Department personnel representing the department via social media outlets shall do the following:

(1)Conduct themselves at all times as representatives of the department and, accordingly, shall adhere to all department standards of conduct and observe conventionally accepted protocols and proper decorum.

(2)Identify themselves as a member of the department.

(3)Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.

(4)Not conduct political activities or private business.

b. The use of department computers by department personnel to access social media is prohibited without authorization.

c. Department personnel use of personally owned devices to manage the department's social media activities or in the course of official duties is prohibited without express written permission.

d. Employees shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

1. Social media is a valuable investigative tool when seeking evidence or information about

- a. missing persons;
- b. wanted persons;
- c. gang participation;
- d. crimes perpetrated online (i.e., cyberbullying, cyberstalking); and
- e. photos or videos of a crime posted by a participant or observer.

2. Social media can be used for community outreach and engagement by

- a. providing crime prevention tips;
- b. offering online-reporting opportunities;
- c. sharing crime maps and data; and
- d. soliciting tips about unsolved crimes (i.e., Crimestoppers, text-a-tip).

3. Social media can be used to make time-sensitive notifications related to

- a. road closures,
- b. special events,
- c. weather emergencies, and
- d. missing or endangered persons.

4. Persons seeking employment and volunteer positions use the Internet to search for opportunities, and social media can be a valuable recruitment mechanism.

5. This department has an obligation to include Internet-based content when conducting background investigations of job candidates.

6. Searches should be conducted by a non-decision maker. Information pertaining to protected classes shall be filtered out prior to sharing any information found online with decision makers.

7. Persons authorized to search Internet-based content should be deemed as holding a sensitive position.

8. Search methods shall not involve techniques that are a violation of existing law.

9. Vetting techniques shall be applied uniformly to all candidates.

10. Every effort must be made to validate Internet-based information considered during the hiring process.

V. PERSONAL USE

A. Precautions and Prohibitions

Barring state law or binding employment contracts to the contrary, department personnel shall abide by the following when using social media.

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.

2. As public employees, BHPD personnel are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the department. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

3. Department personnel shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the chief executive or his or her designee.

4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall they post information pertaining to any other member of the department without their permission. As

such, department personnel are cautioned NOT to do the following:

a. Display department logos, uniforms, or similar identifying items on personal web pages.

b. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer of this department. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

5. When using social media, department personnel should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the department's code of conduct is required in the personal use of social media. In particular, department personnel are prohibited from the following:

a. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.

b. Speech involving themselves or other department personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

6. Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an officer's testimony in criminal proceedings. Department personnel thus sanctioned are subject to discipline up to and including termination of office.

7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that

could reasonably be considered to represent the views or positions of this department without express authorization.

8. Department personnel should be aware that they may be subject to civil litigation for

a. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);

b. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;

c. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or

d. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

9. Department personnel should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

10. Department personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the department at any time without prior notice.

11. Reporting violations. Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up actions.

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|-------------------------|---|---------------------------|--------------|
| Title: | Mutual Aide Agreement Greenbelt City Police -Edmonston Police - Prince George's County Police Maryland | Order # | 3-001 |
| New/Amends/Resc: | New | Page: | 01 of 04 |
| Approved by: | Chief Ken K. Antolik | Officer Signature: | |
| Effective Date: | October 23, 2002 [Prince George's County Police] July 1, 2013 [Greenbelt City Police & Edmonston Police] | | |
| Review Date: | November 6, 2013 | | |

I. PURPOSE:

The purpose of this policy is to set forth guidelines to standardize the Mutual Aide Agreement [MAA] and the Memorandum of Understanding [MOU] between the Prince George's County Police Department [PGPD], the Greenbelt City Police Department [GBPD] and the Edmonston Police Department [EPD]. Nothing in this section shall prevent officers responding to any exigent circumstances involving the imminent danger, or death of officers and civilians alike.

II. POLICY:

It is the policy of this agency that all BHPD personnel will recognize the MOU, or MAA that set forth has entered into this Agreement for providing mutual aid and assistance to each other police forces for the purposes and subject to the limitations set forth within the agreement.

III. JURISDICTION

1. The Annotated Code of Maryland, Volume on Criminal Procedures Title 2, Section 105 (the "Act"), provides that the governing body of any municipal corporation may enter into reciprocal agreements in order to

establish and carry into effect a plan to provide mutual aid through the furnishing of its police together with all necessary equipment in the event of an emergency and/or non-emergency situation.

2. Pursuant to the Act the Police Departments that have entered into these agreements have determined by their adoption of this Agreement that an emergency and/or nonemergency situation exists when; (i) an on-duty participating agency's police department's officer witnesses, or has probable cause to believe there has occurred, the commission of criminal activity which is punishable by incarceration or a serious traffic offense, as defined herein, within the jurisdiction of either Signatory Jurisdiction shall have committed, or shall foresee the need to commit, all of their readily available resources to any present or future police incident or action, then upon the happening of one or more of the circumstances set forth herein, mutual aid as provided herein may be requested and utilized.

- a. A serious traffic offense is defined as:
 - i. An offense committed in wanton or willful disregard for the safety of persons or property; or
 - ii. An offense committed in a manner that indicates a wanton or willful disregard for the safety of persons or property; or
 - iii. When the officer has a reasonable belief that he, she, or another person are in imminent danger of death or serious physical injury.
 - b. A police incident or action shall be considered any matter which affects the public safety as determined by the senior police official or their designee of the signatory agency requesting mutual aid under this agreement or "Mutual aid may be requested by, and at the discretion of, the on-duty supervisor or his/her designee. For the purposes of this Agreement, such designee shall include the communications officer (dispatcher) by and through whom the request for police mutual aid assistance is made.
3. Pursuant to the actions of the participating agencies and in accordance with the Act, the Express Powers Act and by the execution of this Agreement, police officers of each Signatory Jurisdiction shall comply with the following procedures with respect to arrests and actions within the jurisdiction of any other Signatory Jurisdiction.
 4. All calls for service concerning incidents having occurred or presently occurring

within the jurisdiction of a Signatory Jurisdiction shall be referred to that jurisdiction.

5. Pursuant to the terms of this Agreement, police officers of any Signatory Jurisdiction may make arrests and exercise necessary police powers within the jurisdiction of any other Signatory Jurisdiction as provided herein.
6. When a police officer makes any arrest within the jurisdiction of another Signatory Jurisdiction, that officer will;
 - a. (1) immediately notify the police department of that jurisdiction,
 - b. (2) take the suspect to the nearest station of that jurisdiction for processing,
 - c. (3) take the suspect before the appropriate District Court Commissioner, if necessary and
 - d. (4) prepare any necessary reports.
7. All written reports regarding such an arrest shall be done in the format and manner prescribed by the arresting officer's police department.
8. All written reports regarding such an arrest, as well as any required by the police department having primary jurisdiction must be prepared by the end of the officer's tour of duty and a copy forwarded to the department having primary jurisdiction no later than 1700 hours the next business day.
9. All follow-up investigations for all offenses will be conducted by the police department having primary jurisdiction.

10. Pursuant to the terms of this Agreement, police officers of any Signatory Jurisdiction may serve a warrant within the jurisdiction of any other Signatory Jurisdiction.

- a. The officer attempting service shall notify the police department having primary jurisdiction of the warrant attempt, including location and the name of the defendant, prior to any attempt at service.
- b. Whenever possible, an officer of the police department having primary jurisdiction shall accompany the officer(s) attempting service of the warrant.

11. Police officers of any Signatory Jurisdiction may issue a citation or make application for a statement of charges for any serious traffic offense, which occurs within the jurisdiction of any other Signatory Jurisdiction. **No officer of any Signatory Jurisdiction shall actively engage in any routine traffic enforcement within the boundaries of any other Signatory Jurisdiction, unless such an arrangement is agreed upon by the particular Signatory Jurisdiction in a prior written agreement.**

12. In the event that any officer of any Signatory Jurisdiction responds to an incident or call for service (collectively hereinafter the "Incident") within the jurisdiction of another Signatory Jurisdiction, the command authority shall be as follows:

- a. The police department of the Signatory Jurisdiction within whose boundaries the Incident shall have occurred shall have primary jurisdiction and shall exercise

command unless otherwise provided below.

- b. In the event that a police officer for any other Signatory Jurisdiction is first on the scene, that officer shall assume command and secure the area, maintain the integrity of any crime scene, establish a perimeter as required and begin to gather victim and/or witness information until an officer from the Signatory Jurisdiction having primary jurisdiction arrives on the scene.
- c. A police officer who initially assumes command of a scene, as described in subsection (b.) above, shall relinquish command to the first police officer having primary jurisdiction arrives on the scene.
- d. Once that command has been relinquished, the initial officer shall not remain on the scene unless requested to do so by the officer in command from the primary jurisdiction.
- e. Any police officers are involved in a situation described in subsection (b.) above, which requires an incident report, statement of charges, citation or any other police report or document, must prepare the report, etc. by the end of his/her tour of duty. A copy of the report, citation, etc. will be forwarded to the primary jurisdiction no later than 1700 hours the next business day. This procedure will be followed regardless of whether command was

relinquished to a police officer of that jurisdiction or the incident was handled to completion by the officer from another Signatory Jurisdiction.

13. All police officers shall use direct radio communications with the requesting Signatory Jurisdiction if the technology is available. In the absence of direct radio communications, officers will communicate directly with their respective communications centers, which in turn will communicate directly with the requesting jurisdiction's communications center.

IV. USE OF RESOURCES:

The senior, on-duty official of a Signatory Jurisdiction in charge of any Incident within their jurisdiction is authorized to determine the need for additional police resources, if needed, in an emergency and/or non-emergency situation. Once this determination has been made, said official may request from the senior on-duty police official of any other Signatory Jurisdiction such resources as may be necessary and available to meet the need.

- Assisting personnel shall be under the command of the senior police official or designee from the requesting jurisdiction on the scene.

- The use, deployment, command and control of resources under this section shall generally conform to the applicable related sections of the most current version of The Greater Metropolitan Washington Area Police and Fire/Rescue Services Mutual Aid Operational Plan.
- No Signatory Jurisdiction shall send any personnel to any Incident in another Signatory Jurisdiction unless it is expressly requested pursuant to this Article.
- This does not preclude any nearby officer from responding to an incident involving an immediate threat to human life or when requested by a communications officer (dispatcher) by and through whom the request for police mutual aid assistance is made.

V. MISCELLANEOUS PROVISIONS:

1. Each Signatory Jurisdiction hereby acknowledges that this Mutual Aid Agreement was legislatively enacted and approved by its governing body.
2. All Mutual Police Mutual Aid agreements [MAA] and Memorandum of Understanding [MOU] are required to be approved by the Mayor and Council of the respective jurisdiction. Please see attached in regards to the aforementioned.

MEMORANDUM OF UNDERSTANDING

This agreement made this 23rd day of October, 2002, by and between the Town of Berwyn Heights (hereinafter referred to as "the Town") and Prince George's County, Maryland (hereinafter referred to as "the County"), bodies corporate and politic.

WHEREAS, the Town and County are desirous of maintaining the highest degree of cooperation between the Town of Berwyn Heights Police Department and the Prince George's County Police Department, in order to provide the maximum level of professional police services utilizing the police personnel of both agencies; and

WHEREAS, the Town Police and the County Police are desirous of establishing guidelines for the handling and processing of complaints and crimes which occur within the areas under the jurisdiction of the Town in Prince George's County:

NOW, THEREFORE WITNESSETH, the parties hereto agree as follows:

1. Copies of general law enforcement reports of incidents and crimes occurring within areas under Town jurisdiction shall be made available by either police agency to the other upon request.
2. The Town Police, at the request of the County Police, will provide any available statistical information required for the County's purposes. The County Police will provide the Town with all available statistical information regarding the Town. The Town Police are responsible for Uniform Crime Reports occurring within the Town jurisdiction.
3. The County shall continue to provide police communication services to the Town, consisting of radio dispatch, 911 and non-emergency call taking, but shall not be required to provide radios or equipment. The County will provide advice concerning compatibility of equipment and purchase referral.

This paragraph in no way impacts current agreements between the County and the Town for data lines and computer system access for which monetary fees are assessed.

4. When it has been determined that a call-for-service to the County Police is located within an area under Town jurisdiction, Public Safety Communications personnel shall notify a Town Police unit. If a Town Police unit is not available or not on duty the County Police will respond and handle the call. The prioritizing and dispatching of calls-for-service shall be in conformance with the County's Public Safety Communications' protocols.

This paragraph does not impact any pre-existing agreement(s) between the County and the Town for data/computer access in which fees are assessed.

5. A call-for-service to the County Police located within an area under Town jurisdiction shall be handled by the Town Police, unless otherwise relinquished by the Town Police to the County Police in the interest of time, public safety or other significant consideration.
6. The County Police will respond and provide service within the Town whenever a Town Police Officer is unavailable. Under certain conditions, calls for police service may be handled and resolved by the Telephone Reporting Unit as outlined in the County Police General Order Manual 5/112, *Telephone Reporting Unit Reports*, instead of a response in person by a uniformed police officer.
7. The Town Police will have concurrent jurisdiction with the Prince George's County Police for all calls for service at any County school facility located within the Town. The Town Police may provide DARE instruction at the school(s) located in the Town, if that capability exists.
8. Subsequent to a serious crime or major incident occurring within an area under Town jurisdiction, the technical expertise (including evidence collection, investigative services, and accident reconstruction) and the personnel of either police agency shall be made available to the other agency upon request of a supervisory officer.
9. Original and follow-up investigations of crimes or incidents occurring within areas under Town jurisdiction shall be handled by the Town Police, except for the following listed crimes or incidents, their attempts and conspiracies to commit them, in which cases follow-up shall be handled by the County Police.

The Town Police and the County Police at their option may work jointly on these crimes and incidents. If a joint investigation is agreed upon regarding A through I (below), the Prince George's County Police will retain primary responsibility for the investigation.

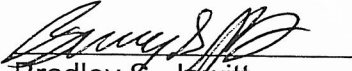
- A. Homicide
- B. Rape in the First or Second Degree
- C. Sex Offense in the First or Second Degree
- D. Child Abuse, Physical or Sexual
- E. Extortion
- F. Hostage and Kidnapping
- G. Commercial Armed Robberies
- H. All discharge of firearms by County Police and shootings by Town Police Officers in which an individual is struck by a projectile (contact shooting)*
- I. Any allegation of misconduct by a County police officer

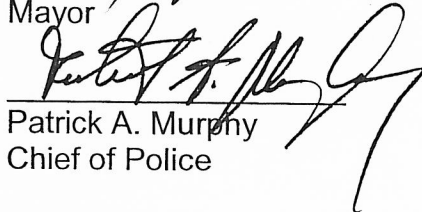
* County Police will conduct criminal investigations of contact shootings by Town officers.

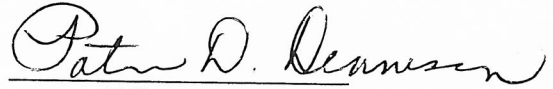
- 10. In all cases occurring within areas under Town jurisdiction and Investigated by the County Police, the County Police shall have sole responsibility for the crime scene. The County Police will keep the Town Police Chief apprised of the case status upon request. An Executive Summary will be forwarded to the Chief of Police within 30 days after the case is completed.
- 11. The Town Police will be responsible for all press releases and press conferences related to criminal offenses except as defined in Section 9 (A-I) occurring within the Town.
- 12. Either department, upon receiving written complaints against its officers for failure to comply with this "Memorandum of Understanding," shall immediately take the necessary action to ensure compliance.
- 13. This agreement may be modified at any time by written amendment agreed to by both parties or terminated by either party with 30 days notice.

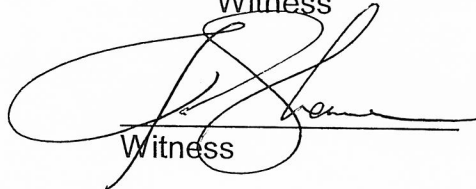
IN WITNESS WHEREOF, the parties herein have executed this
Memorandum of Understanding as of the day and year first above written.

Town of Berwyn Heights

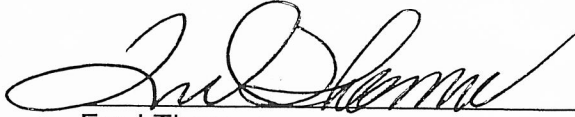

Bradley S. Jewitt
Mayor


Patrick A. Murphy
Chief of Police


Witness

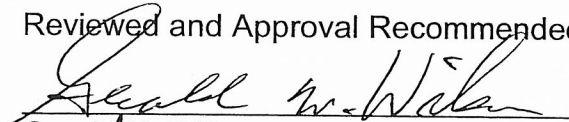

Witness

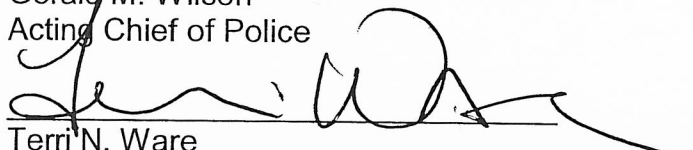
FOR PRINCE GEORGE'S COUNTY


Fred Thomas
Director of Public Safety

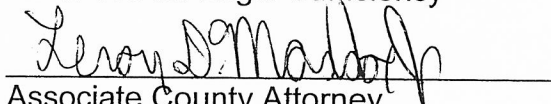

Witness

Reviewed and Approval Recommended


Gerald M. Wilson
Acting Chief of Police


Terri N. Ware
Director, Office of Information Technology and Communication

Reviewed for Legal Sufficiency


Associate County Attorney
Office of Law

**MUTUAL AID AGREEMENT
BERWYN HEIGHTS, MARYLAND,
GREENBELT, MARYLAND; AND EDMONSTON, MARYLAND**

THIS AGREEMENT (this "Agreement") is entered into this 1st day of July, 2013 by and between the Mayor and Council of the Town of Berwyn Heights, Maryland (hereinafter the "Town of Berwyn Heights") the Mayor and Council of the City of Greenbelt, Maryland (hereinafter the "City of Greenbelt"), and the Mayor and Council of the Town of Edmonston, Maryland (hereinafter the "Town of Edmonston").

WHEREAS, the Town of Berwyn Heights Police Department (hereinafter the "Berwyn Heights Police Department"), the City of Greenbelt Police Department (hereinafter the "Greenbelt Police Department") and the Town of Edmonston Police Department (hereinafter the "Edmonston Police Department"), (collectively hereinafter the "Signatory Jurisdictions") are charged with providing police services to the citizens of Prince George's County, Maryland within their respective jurisdictions; and

WHEREAS, it is the mutual desire of each of these police agencies to enhance, foster and maintain the positive working relationship currently existing between them;

NOW THEREFORE, the Town of Berwyn Heights, Maryland, the City of Greenbelt, Maryland, the Town of Edmonston do hereby agree as follows;

ARTICLE I – SCOPE OF AGREEMENT

The Town of Berwyn Heights, Maryland, the City of Greenbelt, Maryland, the Town of Edmonston have entered into this Agreement for the purpose of providing mutual aid and assistance to each other police forces for the purposes and subject to the limitations set forth herein.

ARTICLE II – JURISDICTION

1. The Annotated Code of Maryland, Volume on Criminal Procedures Title 2, Section 105 (the "Act"), provides that the governing body of any municipal corporation may enter into reciprocal agreements in order to establish and carry into effect a plan to provide mutual aid through the furnishing of it's police together with all necessary equipment in the event of an emergency and/or non- emergency situation.
2. Pursuant to the Act the Town of Berwyn Heights, Maryland, the City of Greenbelt, Maryland, the Town of Edmonston have determined by their adoption of this Agreement that an emergency and/or non-emergency situation exists when; (i) an on-duty Berwyn Heights Police Officer, Greenbelt Police Officer, and an Edmonston Police Officer witnesses, or has probable cause to believe there has occurred, the commission of criminal activity which is punishable by incarceration or a serious traffic offense, as defined herein, within the jurisdiction of either Signatory Jurisdiction; or (ii) the Berwyn Heights Police Department, Greenbelt Police Department, Edmonston Police Department shall have committed, or shall foresee the need to commit, all of their readily available resources to any present or future police incident or action, then upon the happening of one or more of the circumstances set forth herein, mutual aid as provided herein may be requested and utilized.

- a. A serious traffic offense is defined as:
 - i. An offense committed in wanton or willful disregard for the safety of persons or property; or
 - ii. An offense committed in a manner that indicates a wanton or willful disregard for the safety of persons or property; or
 - iii. When the officer has a reasonable belief that they or another person are in imminent danger of death or serious physical injury.
 - b. A police incident or action shall be considered any matter which affects the public safety as determined by the senior police official or their designee of the signatory agency requesting mutual aid under this agreement or **"Mutual aid may be requested by, and at the discretion of, the on-duty supervisor or his/her designee. For the purposes of this Agreement, such designee shall include the communications officer (dispatcher) by and through whom the request for police mutual aid assistance is made."**
4. The Annotated Code of Maryland, Article 23A, Section 2 (the "Express Powers Act"), sub-paragraphs (b) 22 and 23 grant to any municipal corporation the authority to establish and maintain a police force within that municipality.

ARTICLE III – AUTHORITY

- 1. Pursuant to the actions of the Town of Berwyn Heights the City of Greenbelt, the Town of Edmonston and in accordance with the Act , the Express Powers Act and by the execution of this Agreement, police officers of each Signatory Jurisdiction shall comply with the following procedures with respect to arrests and actions within the jurisdiction of any other Signatory Jurisdiction.
- 2. All calls for service concerning incidents having occurred or presently occurring within the jurisdiction of a Signatory Jurisdiction shall be referred to that jurisdiction.
- 3. Pursuant to the terms of this Agreement, police officers of any Signatory Jurisdiction may make arrests and exercise necessary police powers within the jurisdiction of any other Signatory Jurisdiction as provided herein.
 - a. When a police officer makes any arrest within the jurisdiction of another Signatory Jurisdiction, that officer will; (1) immediately notify the police department of that jurisdiction, (2) take the suspect to the nearest station of that jurisdiction for processing, (3) take the suspect before the appropriate District Court Commissioner, if necessary, and (4) prepare any necessary reports.
 - b. All written reports regarding such an arrest shall be done in the format and manner prescribed by the arresting officer's police department.

- c. All written reports regarding such an arrest, as well as any required by the police department having primary jurisdiction must be prepared by the end of the officer's tour of duty and a copy forwarded to the department having primary jurisdiction no later than 1700 hours the next business day.
 - d. All follow-up investigations for all offenses will be conducted by the police department having primary jurisdiction.
- 4. Pursuant to the terms of this Agreement, police officers of any Signatory Jurisdiction may serve a warrant within the jurisdiction of any other Signatory Jurisdiction.
 - a. The officer attempting service shall notify the police department having primary jurisdiction of the warrant attempt, including location and the name of the defendant, prior to any attempt at service.
 - b. Whenever possible, an officer of the police department having primary jurisdiction shall accompany the officer(s) attempting service of the warrant.
- 5. Pursuant to the terms of this Agreement, police officers of any Signatory Jurisdiction may issue a citation or make application for a statement of charges for any serious traffic offense which occurs within the jurisdiction of any other Signatory Jurisdiction. No officer of any Signatory Jurisdiction shall actively engage in routine traffic enforcement within the boundaries of any other Signatory Jurisdiction, unless such an arrangement is agreed upon by the particular Signatory Jurisdiction in a prior written agreement. Each Signatory Jurisdiction agrees to forward copies of any motor vehicle citations or statements of charges they issue, or cause to be issued, within the jurisdiction of any other Signatory Jurisdiction to that jurisdiction in accordance with the reporting provisions of Article III, subsection 3.b and c. above, of this Agreement.
- 6. In the event that any officer of any Signatory Jurisdiction responds to an incident or call for service (collectively hereinafter the "Incident") within the jurisdiction of another Signatory Jurisdiction, the command authority shall be as follows:
 - a. The police department of the Signatory Jurisdiction within whose boundaries the Incident shall have occurred shall have primary jurisdiction and shall exercise command unless otherwise provided below.
 - b. In the event that a police officer for any other Signatory Jurisdiction is first on the scene, that officer shall assume command and secure the area, maintain the integrity of any crime scene, establish a perimeter as required and begin to gather victim and/or witness information until an officer from the Signatory Jurisdiction having primary jurisdiction arrives on the scene.
 - b. A police officer who initially assumes command of a scene, as describe in subsection (b.) above, shall relinquish command to the first police officer having primary jurisdiction arrives on the scene.

- d. Once that command has been relinquished, the initial officer shall not remain on the scene unless requested to do so by the officer in command from the primary jurisdiction.
- e. Any police officers are involved in a situation described in subsection (b.) above, which requires an incident report, statement of charges, citation or any other police report or document, must prepare the report, etc. by the end of his/her tour of duty. A copy of the report, citation, etc. will be forwarded to the primary jurisdiction no later than 1700 hours the next business day. This procedure will be followed regardless of whether command was relinquished to a police officer of that jurisdiction or the incident was handled to completion by the officer from another Signatory Jurisdiction.
- f. All police officers shall use direct radio communications with the requesting Signatory Jurisdiction if the technology is available. In the absence of direct radio communications, officer will communicate directly with their respective communications centers, which in turn will communicate directly with the requesting jurisdiction's communications center.

ARTICLE IV – USE OF RESOURCES

1. The senior, on-duty official of a Signatory Jurisdiction in charge of any Incident within their jurisdiction is authorized to determine the need for additional police resources, if needed, in an emergency and/or non-emergency situation. Once this determination has been made, said official may request from the senior on-duty police official of any other Signatory Jurisdiction such resources as may be necessary and available to meet the need.
2. Pursuant to the terms of this Agreement, the Police Chief / Command Staff Officer of any Signatory Jurisdiction may determine the need for additional police resources as may be necessary for any future incident or action within their jurisdiction. Once this determination has been made, said official may request from the Police Chief / Command Staff Officer of any other Signatory Jurisdiction such resources as may be necessary and available.
3. In the event that a request for additional resources is made pursuant to Article IV, Sections 1. or 2. of this Agreement, the following procedures shall be followed:
 - a. All requests for resources shall include:
 1. The name and position of the officer making the request,
 2. The nature and location of the Incident.
 3. The number of personnel requested and whether specialized personnel are needed;
 4. The type(s) of equipment needed; and
 5. The name and location of the officer to whom assisting personnel shall report.

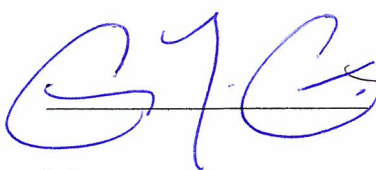
4. Each Signatory Jurisdiction should provide the others with sufficient copies of all manuals, directives, memoranda, training bulletins and any other materials necessary to assist the officers of each police department in the delivery of police services and preparation of written reports pursuant to the terms of this Agreement. All such materials should be updated when necessary to keep the other police departments informed of changes in procedure.
5. Each of the parties to this Agreement:
 - a. Waive any and all claim against any other party to this Agreement which may arise out of their activities outside of their respective jurisdictions under this Agreement and,
 - b. Indemnify and save harmless the other parties to this Agreement from all claims by third parties for property damage or personal injury which may arise out of activities of the other parties to this Agreement, outside their respective jurisdictions under this Agreement; provided, however, that a requesting party need not indemnify the party providing assistance if (1) the party providing assistance does not cooperate in defending against claims made by third parties or (2) the third party claims arise out of malicious acts of the party providing assistance. The Agreement to indemnify shall in no way be construed to constitute a waiver of any immunity by the requesting party or the responding party which either might enjoy, and the requesting party shall be able to raise all defenses available to or which might be raised by the responding party.
 - c. Shall make no claims for expenditures regarding any actions taken or services received pursuant to this agreement against any other signatory agency, unless pursuant to a separate contract for police service which is entered into between signatories covered in this Agreement.
6. The parties acknowledge that the police officers, agents and employees, when acting in furtherance of authority of this Agreement beyond the territorial limits of the jurisdiction in which they are commissioned or employed, shall at all times remain employees or agents of the jurisdiction in which they are commissioned or employed. Furthermore, officers, agents and employees are entitled to all the immunities from liability and exemptions from laws, ordinances, and regulation and are entitled to worker's compensation, disability, death benefits, life insurance, pension, and other benefits enjoyed by them while performing their perspective duties within the territorial limits of the jurisdiction in which they are commissioned or employed.
7. This agreement is effective on July 1, 2013.

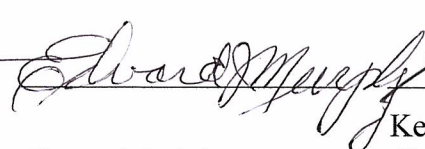
ARTICLE VI – TERMINATION

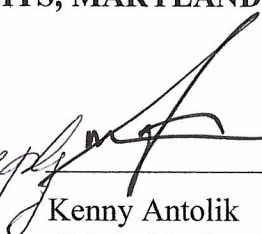
1. This agreement may be terminated by the Town of Berwyn Heights the City of Greenbelt, or the Town of Edmonston upon 30 days advance, written notice to the other party by the Mayor of the Requesting Town.

Witness the hands and seals of the Signatory Jurisdictions by the authorized representatives the day and year first above written.

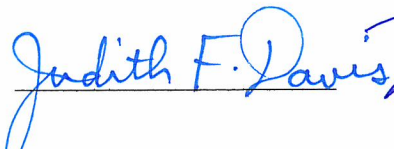
MAYOR AND OFFICIALS OF BERWYN HEIGHTS, MARYLAND

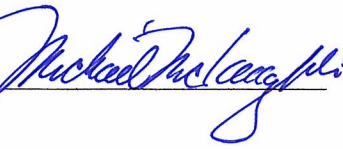

Mayor



Town Administrator


Kenny Antolik
Chief of Police

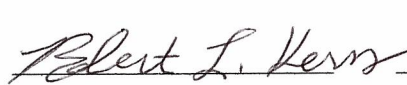
MAYOR AND OFFICIALS OF OF THE CITY OF GREENBELT, MARYLAND

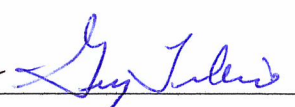

Mayor

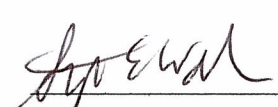

City Administrator


James Craze
Chief of Police

MAYOR AND OFFICIALS OF THE TOWN OF EDMONSTON


Robert L. Kerns
Mayor


Guy Tiberio
Town Administrator


Stephen E. Walker
Chief of Police

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|-----------------------------|---|-------------------------------|---------------|
| Title: | Mutual Aide Agreement Jurisdictional Limits of Maryland Police | Order # | 3-001A |
| New / Amends / Resc: | New Amended [-Legal Services LGIT-] | Page: | 01 |
| Approved by: | Chief Ken K. Antolik | Officer Signature: | |
| Effective Date: | February 19, 2014 | | |
| Review Date: | February 19, 2014 | | |

GENERAL:

Many police officers believe that they have the ability to enforce Maryland's criminal laws, including motor vehicles laws, anywhere within the state. This belief is subjective, based upon an officer's understanding or interpretation of state law as seen through the lens of academy training and/or departmental directive or practice. This subjective belief, despite its origin(s) and noble intentions, is rejected by Maryland's courts. For this reason, it is critically important for officers to not only recognize the territorial limits of their authority, but also to understand when, and under what limitations, they can act outside their sworn jurisdictions.

The Historical Perspective - Maryland Common Law:

Historically, under Maryland common (non-statutory) law, a municipal or county police officer had *no* authority to act officially, at least for the purpose of making an arrest, outside the boundaries of the political subdivision by which the officer was employed. In 1980, the Maryland Court of Appeals said:

"Generally, a peace officer's authority to make an arrest is limited, in the absence of statutory authority expanding it, to the confines of the geographical unit of which he is an officer." [Thus], a peace officer who makes an arrest while in another jurisdiction does so as a private person, and may only act beyond his [jurisdiction] to the extent that the law of the place of arrest authorizes such individuals to do so." [Stevenson v. Maryland, 287 Md. 504, 413 A. 2d 1340 (1980)]

In 1999, the United States District Court for the District of Maryland worded it this way: "An officer acting outside of his jurisdiction loses his cloak of authority." [Horn v. Seat Pleasant, 57 F. Supp. 2d 219 (D. Md. 1999)].

The Exceptions in Common Law: Fresh Pursuit and Citizen's Arrest:

Two exceptions to the rule developed under Maryland common law: (1) fresh pursuit of a suspected felon, and (2) acting with the authority of a private citizen to make an arrest. As originally developed "fresh pursuit" enabled an officer who either observed a felony committed in his jurisdiction or who developed probable cause in his jurisdiction that the suspect had committed a felony therein, to pursue the suspect and to make a legally binding arrest in another jurisdiction. At common law, fresh pursuit was limited to felony arrests only and did not extend, in any form, to misdemeanors.

The second exception at common law, the authority to make a "citizen's arrest," enables an officer, and, for that matter, any other person, to make an arrest: (1) if a felony is committed in his presence, or (2) if a felony has in fact been committed whether or not in the person's presence, and he has reasonable grounds (probable cause) to believe that the person arrested committed it, or (3) if a misdemeanor constituting a "breach of the peace" is committed in the arrester's presence. Breach of the peace is defined as "disorderly dangerous conduct disruptive of private peace." In this regard, a simple traffic violation does not constitute a breach of the peace.

However, traffic offenses egregious enough to threaten disaster or pose a potentially perilous public risk may constitute a breach of the peace. Such offenses could include driving while impaired, if the person's driving is sufficiently dangerous, reckless, or erratic.

The Common Law as Originally Modified by Maryland Statutes:

Through legislative enactment of numerous statutes, such as the now superseded § 594B of Article 27 of the Maryland Code and much later the Drug Kingpin Act of 1989 (§ 298(f) of Article 27), the strict and limited framework established at common law was expanded. For example, the Drug Kingpin Act enabled local law enforcement officers to enforce the controlled dangerous substance laws throughout Maryland to the same extent as police employees of the Maryland State Police. However, to do so, officers were required to act in accordance with regulations adopted by the Superintendent of the Maryland State Police. Among other things, the law also provided that any officer exercising extra-territorial authority under the statute had to give notice to the police chief, or counterpart, of the outside jurisdiction.

The former § 594B authorized police officers in Maryland "to make arrests, conduct investigations and otherwise enforce the laws of [the] State throughout the State without limitations as to jurisdiction." If one stopped reading at that point, at least one reason for officers' confusion as to their extra-jurisdictional authority could be understood. But the statute didn't stop after its broad beginning. It continued by limiting an officers' extra-territorial authority to instances where the officer: (1) is participating in a joint investigation with officials from any other State, federal or local law enforcement agency, at least one of which has local jurisdiction; (2) is rendering assistance to a police officer; (3) is acting at the request of a local police official or a State Police officer; or (4) is responding to an "emergency." Despite the basis for the officer's response, he must be acting in accordance with regulations adopted by the officer's employing agency. In its original form, § 594B, there was no limitation with respect to the types of offenses that officers could investigate or types of criminal laws that officers could enforce out of their home jurisdiction.

In its original and amended forms, § 594B defined "emergency" as "a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety welfare, or property of an individual from actual or threatened harm or from an unlawful act." In 1993, an amendment of critical importance was made. That amendment prevented local police officers from enforcing the provisions of the Maryland Vehicle Law beyond the officer's sworn jurisdiction. This amendment, which obviously was deliberate, was a clear reflection of the legislature's intent to prevent officers from enforcing the Motor Vehicle Laws outside of their home jurisdictions.

The Modern Perspective - Maryland's Current Statutes:

As to the current posture of police extra-territorial authority, a number of new statutes have been enacted and a number of older statutes have been amended since the mid to late 1990s. Each of these statutes, new and amended, will be examined in turn.

§ 2-102 (Criminal Procedure Article) (the former Article 27, § 594B) (Authority of Police Officers)

The former Article 27, § 594B, now codified at § 2-102 of the Criminal Procedure Article, generally sets forth the authority of police officers. The statute still prevents local officers from enforcing the Maryland Vehicle Law beyond their sworn jurisdictions, *unless the officer is acting under a mutual aid agreement authorized under § 2-105 of the Criminal Procedure Article*. Also, the statute is still limited to situations where the officer is: acting as part of a "joint investigations," rendering assistance to another police officer, acting at the request of a police officer or State Police officer; or acting in the event of an emergency. The notification requirements are also still in place and the definition of "emergency" is unchanged. Interpreting the term "emergency" too broadly is a mistake. An "emergency" is triggered only by "a sudden or unexpected happening or an unforeseen combination of circumstances" that calls for "immediate action" essentially to preserve life

and/or property. An example could include seeing someone setting fire to a residence or physically attacking a person or group of persons

§ 2-103 (Criminal Procedure Article) (Service of Arrest Warrants)

This statute authorizes police officers to arrest a person "throughout the State without limitations as to jurisdiction if: (1) a warrant has been issued against the person; (2) the police officer is participating in a joint operation created by an agreement between the primary law enforcement officers (essentially all chiefs of police or sheriffs); (3) the arrest occurs within one of the participating jurisdictions in accordance with the agreement; and (4) the police officer is acting in accordance with his departmental regulations.

§ 2-105 (Criminal Procedure Article) (Mutual Aid Agreements)

This statute enables counties and municipalities, by means of the regular routine for legislative enactment, to enter into agreements that "determine the circumstances under which the police officers ...may lawfully go or be sent beyond the boundaries of the county or municipal corporation to any place within or outside the State." These agreements have become popular and are the means to enable officers from one jurisdiction to enforce the Maryland Vehicle Law in another.

§ 2-301(Criminal Procedure Article) (Fresh Pursuit-In State)

The common law doctrine of fresh pursuit has long been found in statutory form. In its current form, fresh pursuit authorizes a law enforcement officer to engage in fresh pursuit of a person who: (1) has committed or is reasonably believed by the law enforcement officer to have committed a felony in the jurisdiction in which the law enforcement officer has the power of arrest; or (2) has committed a misdemeanor (including a violation of the Maryland Vehicle Law) *in the presence of the officer in the jurisdiction in which the law enforcement officer has the power of arrest.* An arrest made pursuant to this

statute enables the arresting officer to arrest the suspect anywhere in the State and hold the suspect in custody. Thus, the common law doctrine of fresh pursuit has been expanded to include misdemeanors, including traffic violations, committed in the presence of the officer within the officer's sworn jurisdiction.

§ 5-802 (Criminal law Article) (Statewide jurisdiction for officers) (controlled dangerous substance laws)

The Drug Kingpin Act of 1989 has undergone amendment over the years, as have all of Maryland's laws relating to controlled dangerous substances. The statute granting extra-territorial authority to law enforcement in their enforcement is now found in § 5-802 of the Criminal Law Article. As did its predecessor, Section 5-802 allows law enforcement officers to enforce the State's drug laws without regard to jurisdiction if, and only if, the officer acts in accordance with regulations that the Secretary of State Police has adopted. In other words, the local officer must be acting in tandem with the Maryland State Police. The statute further requires that notification of an investigation or enforcement action taken under the statute be made to the chief of police (or designee) of a municipality, the chief of police or designee of a county police department, or the sheriff or designee in a county without a county police department.

Summation:

From the above, it remains obvious that the subject of extra-territorial police authority remains a complex one for judges, lawyers, and police officers. However, complexity allows none of us to ignore the subject. Officers who exercise police authority outside of their sworn jurisdictions must do so in accordance with the law. Officers who violate the law in this regard imperil criminal prosecutions and expose themselves to civil, including personal, liability and administrative sanction. Consequently, officers, or, more aptly, their departments and supervisors, must make every effort to keep the issue of extra-territorial authority at the forefront of police training and departmental regulation.

I. Purpose:

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

II. Policy:

A. It is the policy of the Berwyn Heights Police Department that all investigative and enforcement traffic stops will be based upon articulable and constitutionally valid suspicions.

B. It is the policy of the Berwyn Heights Police Department that a effective January 1, 2004 a record system will be established to track enforcement traffic stops. Such traffic stops include any instance when a law enforcement officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of the **Maryland Vehicle Law**. Such stops do not include a checkpoint or roadblock stop, a stop of multiple vehicles due to a traffic accident or emergency situation requiring the stopping of vehicles for public safety purposes or a stop based on the use of radar, laser, or Vascar technology. The recording of this data will be done electronically, on the officer's mobile data terminal, or in writing, by completing the required form. All data will be submitted to the Technical Services Corporal, who will provide the Chief of Police with a monthly report, and will coordinate with the Maryland Police Training Commission, and submit the annual report to the Maryland Justice Analysis Center in a timely manner.

C. It is the policy of the Berwyn Heights Police Department that all enforcement stops for violations of Maryland Vehicle Law require the issuance of a Maryland Uniform Complaint and Citation, a Town Motor Vehicle Warning, or a Safety Equipment Repair Order. Paperwork will be submitted at the end of each officer's shift.

C. It is the policy of the Berwyn Heights Police Department that all sworn members will receive periodic training on an annual basis to reinforce previous training and/or to develop new skills to enhance police-citizen contacts.

III. Definitions:

A. Investigative stop - A stop based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.

B. Enforcement stop - A stop initiated as a result of an observed violation of the criminal or traffic code.

C. Reasonable and articulable suspicion - Actions taken by the officer must be reasonable under the existing circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factor that raised suspicions and led him or her to take action in connection with the traffic stop.

D. Whren or "pretext" stop - The U.S. Supreme Court has determined that a law enforcement officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the motorist is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive of the individual officer. These types of traffic stops are known as Whren or "pretext" stops.

E. Seizure - In the context of traffic stops, a seizure takes place when an officer makes an

investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.

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

IV. Guiding Principles:

A. Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.

B. Any consideration, to any degree, of a person's race, ethnicity, age, or gender in law enforcement actions, including traffic stops, is absolutely prohibited. The only exception is this standard would occur if one or more characteristics were part of a specific lookout for a specific suspect. This applies to passengers as well as drivers.

C. The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on a regular or periodic basis for patterns of prohibited activity.

D. Officers should receive periodic training to enhance their ability to articulate and document their actions. By and large, officers take the proper actions for the proper reasons, yet fail to provide supporting documentation.

E. Training programs should include a review of the Constitution and relevant case law effecting police-citizen contacts.

F. Any such training should stress the importance of communication, particularly active listening and non-verbal cues.

G. Police-citizen encounters, when done properly and professionally, have the potential to be positive community relations tools and can be a means of confronting adverse anecdotal information.

H. Nothing in this policy should be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

I. The record system will include data such as: race, ethnicity, age and gender of person stopped, suspicions of the officer that led to the contact, any enforcement action taken as a result of the contact, duration of the stop, and any evidence or property seized as a result of the stop.

J. Officers should realize the advantage in issuing the driver and/or passenger(s) a receipt documenting the circumstances leading up to the stop and subsequent actions taken thereafter.

V. Related Cases:

- A. Pryor v. State, 122 Md.App. 671, 681 716 A.2d 338, 343 (1997), cert. Denied 352 Md. 312, 721 A.2d 990 (1998)
- B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
- C. Whren v. U.S., 517 U.S. 806, 116 S. Ct. 1769 (1996)
- D. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
- E. Charity v. State, 132 Md.App. 598, 753 A.2d 556 (2000), cert. Denied, 360 md. 487, 759 A.2d 231 (2000)
- F. Cartnail v. State, 359 Md. 272, 753 A.2d 519 (2000)
- G. Whiting v. State, 125 Md.App. 404, 725 A.2d 623 (1999)
- H. U.S. v. Armstrong, 517 U.S. 456, 116 S.Ct. 1480 (1996)

EMERGENCY VEHICLE PURSUIT OPERATION**I. Purpose:**

The purpose of this policy is to establish guidelines for the operator of an emergency vehicle driving in excess of posted speed limits and counter to traffic control devices in an effort to apprehend a vehicle operator who is attempting to avoid capture. When these guidelines are applied by officers in the field, their decision to engage in, continue, or terminate a vehicular pursuit will be less arbitrary.

II. Policy:

A. It is the policy of the Berwyn Heights Police Department to allow officers to engage in vehicular pursuits of fleeing suspects only when the potential harm associated with pursuits is less than the potential harm the suspect may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider the ability to apprehend the suspect without vehicular pursuit (i.e., by knowing the suspect's identity, by using police helicopters, communications or other equipment, by the strategic positioning of other area officers, etc.), the nature of the offense, the driving ability of the officer, marked versus unmarked vehicles, the performance characteristics of the police vehicle, the characteristics of the roadway, the weather conditions, location and neighborhoods, and the density of vehicle and pedestrian traffic.

B. It is the policy of the Berwyn Heights Police Department that officers will not be subject to disciplinary action when they decide not to engage in a vehicle pursuit

C. It is the policy of the Berwyn Heights Police Department that the initiation of a vehicular pursuit is authorized when a suspect uses a vehicle to elude apprehension, and the following has occurred:

1. Any violent arrestable offense resulting in or threatening death or serious physical harm; or,
2. Driving in a manner which would indicate the driver is under the influence of alcohol or drugs or presents a threat to public safety.

D. It is the policy of the Berwyn Heights Police Department that the pursuing officer shall notify their supervisor and/or dispatcher that a pursuit is about to begin.

E. The policy of the Berwyn Heights Police Department prohibits vehicular pursuits:

1. When non-departmental personnel are in the police vehicle
2. When a supervisor orders the pursuit terminated.
3. When the pursuit is about to cross a State Line, and a felony has not been committed.
3. When the danger of pursuit outweighs the necessity to immediately apprehend the fleeing suspect.

F. It is the policy of the Berwyn Heights Police Department that a pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision involving a personal injury.

III. Definitions:

A. Vehicular pursuit: any active attempt by a police officer in a vehicle to apprehend a fleeing suspect attempting to avoid apprehension. For the purposes of this policy, pursuit included blocking and capture strategies (as well as new technologies) when there is an inherent danger.

B. Violent Arrestable Offense: any offense, to include assault, where the suspect intentionally

caused or attempted to cause serious physical injury to another, and hit-and-run, which would result in the arrest of the suspect.

IV. Guiding Principles:

A. This policy directs officers to report to their immediate supervisor any and all occurrences of vehicular pursuit. Supervisors will require written reports detailing the circumstances before, during, and after the pursuit.

B. The on-duty supervisor of the officer engaged in the pursuit should monitor the situation and direct the officer to terminate the pursuit whenever the supervisor believes the risk to public safety is higher than failure to apprehend the suspect.

C. Pursuits should be limited to two fully-marked vehicles with operable emergency equipment and radio communication. The secondary vehicle will communicate updates on the status, location, and direction of the pursuit via radio communications.

V. Related Cases:

A. Hamilton v. Town of Palo, 244 N.W. 2nd 329 (Iowa 1976)

B. Ewing v. City of Detroit, 543 N.W. 2nd 1 (Michigan App. 1995)

C. Mason v. Britton, 534 P. 2nd 1360 (Washington 1975)

D. Sacramento b. Lewis, 118 S. Ct. 1708, 523 U.S. 833 (1998)

E. Boyer v. State of Maryland et al., 323 Md. 558, 594 A.2d 121 (1991)

3-400 Vehicle Accident Report Requirements

An official accident report shall be required in all cases where the accident occurred within the jurisdiction of the vehicle laws, i.e., on a highway, on private property that is used by the public in general, on property owned or under control of the State, political subdivisions, county boards, schools, etc, or falls under the provisions of law applicable to anywhere in the State (DWI), and:

- there is a death or likelihood of death as a result of the accident (charges also must be placed); or
- there are injuries to any person or injuries are claimed by any person as a result of the accident (charges also must be placed); or
- there will be placed charges of violation of the vehicle or other laws as a result of the accident; or
- the driver of any vehicle left the scene (hit and run) of the accident (in the case of minor property damage, an officer must be called to the scene or the complainant must notify this Agency within 24 hours of the discovery of damage in order that a report be written): or
- there is impropriety in registration, insurance, or licensing of any driver or vehicle: or
- the accident involves any bus, train, commercial vehicle, government vehicle or aircraft; or
- the accident involves any hazardous material dangers; or
- there is damage to any government or public utility owned property, e.g., guard rail, telephone or lamp pole, traffic control sign, barrier, etc.; or
- there is a collision with a building resulting in any damage to the building; or
- the damage to any one of the vehicles involved is extensive (over \$1,000), or of such an extent that the vehicle cannot be safely operated from the scene of the accident

If the conditions set forth do not exist, the officer may elect not to investigate the accident and no report will be written. In these cases, the officer will assist the parties in exchanging information, and must make certain that the principles understand that they will not be able to obtain a police report, as none will be written.

In the investigation of traffic accidents, it should be considered our usual practice that the at fault party be charged with appropriate violations of the Maryland Vehicle Law, and witnesses listed on the back of citations so that they can be summoned to give testimony. This is required when any party is killed or injured, unless the at fault party is deceased.

It should be considered out of the ordinary, and unusual, that the investigation of a vehicle accident does not result in charges. Supervisors may require the reasons for such unusual action to be put in writing by the investigating officer.

I. Purpose:

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

II. Introduction

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

III. Policy:

- A. It is the policy of the Berwyn Heights Police Department to avoid any action that would be unduly suggestive during any eyewitness identification process.
- B. It is the policy of the Berwyn Heights Police Department that all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.
- C. It is the policy of the Berwyn Heights Police Department that a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.
- D. It is the policy of the Berwyn Heights Police Department that a witness will participate in one and only one type of eyewitness identification. The types of identification are:
 - 1. Viewing a Mug Book
 - 2. Participating in the preparation of a Composite
 - 3. Participating in a Show Up
 - 4. Participating in a Live Line Up
 - 5. Viewing a Photo Line Up
- E. It is the policy of the Berwyn Heights Police Department that any identification or non-identification, of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.
- F. It is the policy of the Berwyn Heights Police Department that any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

IV. Definitions

A. MUG BOOK: A collection of photographs of previously arrested individuals known or suspected to be involved in certain type crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.

B. COMPOSITE: Renderings or recollections of a witness describing a suspect's appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.

C. SHOW-UP: The display of a single suspect to a witness in an effort to obtain an identification.

D. PHOTO LINE UP: A display of the photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

E. LIVE LINE UP: A live display of the suspect, along with other individuals whose physical characteristics resemble the suspect's description or appearance at the time of the incident.

V. Relevant Law: Annotated Code of Maryland, Public Safety Article, 3-505

In this policy, "covert investigation" means a surreptitious infiltration of or attempt to infiltrate a group or organization for the purpose of interfering with the group's activities that involve freedom of speech or association, the exercise of religion, freedom of the press or the right to petition the government, activities that may be protected by the First Amendment to the United States Constitution.

This policy does not apply to surreptitious or undercover investigations that do not involve protected First Amendment activities.

The members of the Berwyn Heights Police Department shall not conduct a covert investigation of a person, group or an organization involved in First Amendment activities, to the extent such activities are known to be protected, without the express written authorization of the Chief of Police or his/her designee. The Chief of Police or designee will authorize the investigation only if the investigation is justified because:

1. There is reasonable, articulated suspicion that the person, group or organization is planning or is engaged in criminal activity; and
2. A less intrusive means of investigation is not likely to yield satisfactory results.

If the Chief of Police is unable to give prior authorization of the covert investigation, he/she shall, as soon as is practicable afterwards, make a written finding that the conditions above existed and justified the covert investigation.

Any covert investigation shall be done only for legitimate law enforcement objectives with a due regard for safeguarding the applicable constitutional rights and liberties of all persons who may be affected by the investigation. In every case, the least intrusive investigative methods should be used. The investigation shall conclude when all logical leads related to criminal activity have been exhausted, or when no legitimate law enforcement objective justifies continuing the investigation.

To the extent that the investigators engaged in a covert investigation collect information solely about the political beliefs, ideologies, an associations of the individuals, group or organization, the investigators shall not retain or maintain any such information unless:

1. The information is relevant to a criminal investigation; or
2. There is reasonable, articulated suspicion that the person, group or organization advocates, supports or encourages the violation of any federal, State, or local criminal law that prohibits acts of terrorism,

racketeering activity (as defined by U.S.C. 1961), violence, extortion, destruction of property, intimidation, harassment, obstruction of justice, or fraud.

Information entered into and maintained in a criminal intelligence file or database shall be evaluated for the reliability of the source of the information and the validity and accuracy of the information. If information is maintained in a computer database, that information shall be classified in a manner that clearly reflects the purpose for which the information has been collected and maintained, particularly information about a specific individual, group, or organization that is suspected in engaging in specific crime(s).

Such records may be disseminated only in accordance with existing agency procedures, including but not limited to those based on the Maryland Public Information Act, MD Code Ann., State Gov't Art., 10-601 *et seq.* And 28 C.F.R. 23.3 (b)(3). The database shall be reviewed annually, beginning on January 1, 2011, and any information that has become moot, irrelevant, or is otherwise without law enforcement value shall be purged from the database.

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|-------------------------|--|---------------------------|-----------------|
| Title: | Application for Statement of Charges on Commissioned Officers | Order # | 3-700[a] |
| New/Amends/Resc: | New Amended | Page: | 02 |
| Approved by: | Chief Ken K. Antolik | Officer Signature: | |
| Effective Date: | July 01, 2015 | | |
| Review Date: | | | |

Introduction and Guiding Principles:

BHPD officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicles laws. This duty does not include pursuing hunches or stereotyping, but is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the same conclusion, i.e. that a violation is occurring or has occurred.

Any consideration, to any degree, covert investigation(s) on fellow BHPD officers, supervisors including the Chief of Police is **absolutely prohibited**. The only exception is this standard would occur if due to gross negligent of the commissioned officer(s). All suspicious activities, corruptions, violation of civil right and ethic must be reported to the Chief of Police. In the event that the target of investigation is the Chief of Police, the State Attorney Office or FBI has the authority to conduct all investigation in regards to public corruption.

Public corruption poses a fundamental threat to our national security and way of life. It affects everything from how our neighborhoods are being protected. Police Corruption stains the badge of every law enforcement officer who lives by the Law Enforcement Code of Ethics. It buttresses the resolve of the criminal and erodes the security of American society.

Maryland Code, Courts and Judicial Proceedings 2-608

(a) (1) In this section the following words have the meanings indicated.

(2) "Charging document" means a written accusation alleging that a defendant has committed an offense.

(3) "Citation" means a charging document, other than an indictment, an information, or a statement of charges, issued to a defendant by a peace officer or other person authorized by law to do so.

(4) "Educator" means a principal, vice-principal, teacher, or teacher's aide at a public or private preschool, elementary, or secondary school.

(5) "Emergency services personnel" means:

(i) A career firefighter of a county or municipal corporation;

(ii) An emergency medical services provider as defined in § 13-516 of the Education Article of a county or municipal corporation;

(iii) A rescue squad employee of a county or municipal corporation; and

(iv) A volunteer firefighter, rescue squad member, or advanced life support unit member of a county or municipal corporation.

(6) "Indictment" means a charging document returned by a grand jury and filed in circuit court.

(7) "Information" means a charging document filed in court by a State's Attorney.

(8) "Offense" means a violation of the criminal laws of the State or any political subdivision of the State.

(9) "Statement of charges" means a charging document, other than a citation, filed in District Court by a peace officer, a District Court Judge, or a District Court Commissioner.

(10) "Law enforcement officer" means a law enforcement officer as defined in § 3-101 of the Public Safety Article or any federal law enforcement officer who exercises the powers set forth in § 2-104 of the Criminal Procedure Article.

(b) An application filed in the District Court that requests that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, or educator shall immediately be forwarded to the State's Attorney.

(c) (1) Upon receiving an application filed in District Court requesting that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator, the State's Attorney shall:

(i) Investigate the circumstances of the matter; and

(ii) Make a recommendation to the District Court Commissioner as to whether a statement of charges should be filed against the law enforcement officer, emergency services personnel, or the educator.

(2) If the State's Attorney recommends to a District Court Commissioner that a statement of charges be filed against a law enforcement officer, emergency services personnel, or an educator, the State's Attorney shall also make a recommendation as to whether a summons or warrant should issue.

(d) **Notwithstanding any other provision of the Code or the Maryland Rules, a statement of charges for an offense allegedly committed in the course of executing the duties of the law enforcement officer, emergency services personnel, or the educator may not be filed against a law enforcement officer, emergency services personnel, or educator until the State's Attorney has investigated the circumstances of the matter and made recommendations to the District Court Commissioner in accordance with subsection (c) of this section.**

(e) This section may not be construed to preclude the State's Attorney from making a determination that an information should be filed against a law enforcement officer, emergency services personnel, or an educator or that a grand jury should be convened to determine whether an indictment should be filed.

POLICE DEPARTMENT