

**BERWYN HEIGHTS POLICE DEPARTMENT  
GENERAL ORDER  
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## **0-001 GENERAL**

This document is hereby established as the ADMINISTRATIVE AND OPERATIONAL MANUAL, hereafter referred to as the 'Manual', of the Berwyn Heights Police department. The rules, policies and procedures contained herein are binding upon who works under the authority of the Chief of Police of Berwyn Heights, Maryland.

### **0-001-1 NATURE OF THE MANUAL**

This Manual is an administrative document. Its dictates require conformance by those persons who are subject to the authority of the Manual. The Manual does not create or modify law. Violations of the rules, policies and procedures set forth in the Manual may expose persons, who are subject to its authority, to administrative sanctions. The Manual is not, however, intended to create a greater civil or criminal liability than would otherwise be available under law. Finally, the Manual is not and should be construed to be contract.

### **0-001-2 TERM OF THE MANUAL**

The various pages, or changes on page of the Manual are effective as the date displayed. All material contained in the Manual is valid until replaced, changed or rescinded in writing.

## **0-001-3 ORDER OF PRECEDENCE AND SAVING CLAUSE**

This Manual is superior to any and all conflicting documents within the Berwyn Heights Police Department. Any portion, of other documents, which is in conflict with the Manual is void. Other documents, or portions of documents, containing rules, policies or procedures which are not in conflict with the Manual, remain in force until replaced or rescinded.

If any part of this Manual is found to be in conflict with any council rule or ordinance of the Town of Berwyn Heights, or any law of Maryland or the United States, or decision of any Court of competent jurisdiction, that part of the Manual, so in conflict, is null and void. However, all other parts of the Manual shall remain in full force. In the event of any conflict between sections of the Manual, the most recently date section shall control.

### **0-004-3 KNOWLEDGE REQUIRED**

All persons who are employees of the Berwyn Heights Police Department will read and be familiar with the content of the Manual. Sworn officers will know from memory those sections of this Manual which deal with arrest, use of force, handling of prisoners and the emergency operation of vehicles.

Each employee is issued or has near their work location a copy of the Manual. Those employees who are assigned a personal copy of the Manual will keep it current and close at hand. The Manual will be referred to for guidance in

situations where it may apply, and knowledge from memory will not suffice.

Supervisors are required to instruct their subordinates concerning information contained in the Manual and they are required to determine that the employee understands the relationship the Manual has to the employee's position. This does not relieve the employee from his / her obligation to know the contents of the Manual, and no defense of lack of supervisory instruction will prevail.

#### **0-001-5 MAINTENANCE OF THE MANUAL**

All persons issued a Manual will insure that those Manuals are complete, current, and in good condition for use. All supervisors will regularly (at least every six months) inspect the manuals of subordinates to determine that Manuals are being kept up to date.

#### **0-001-6 GRAMMATICAL CONSTRUCTION**

Within the Manual, the use of masculine and feminine pronouns is avoided if practical. In those cases where the writer uses the Masculine pronoun in referring to agency personnel in general, the feminine pronoun is hereby specifically included. Similarly, plural references include the singular, and vice versa. "Will" and shall are mandatory verbs, and "may" is permissive.

#### **0-002 ORGANIZATION OF THE MANUAL**

The Manual is divided into chapters, sections and subsections for ease of use and referral. Cites of the Manual are in the following manner; 3-401.6 where 3 is the chapter, 401 is the section and 6 the subsection.

The chapters and sections of the Manual generally contain the following information:

- *Table of Content*

The table of contents gives a quick overview of the sections of the manual and material to be found within them. The table of content can aid in the finding of the material when the reader is not sure of a specific title or the reader wants to browse the information contained within the Manual. The index is more comprehensive and specific when the reader is aware of an area of interest.

- *Introduction*

The introduction contains a description of the Manual and defines its purpose. It also generally explains the Manual's form and functions.

- *Chapter 1*

The mission statement of the agency and its current future goal are stated. The professional ideas and ethics for agency personnel are outlined.

- *Chapter 2*

The organization of the agency is defined. Role of various sections of the agency are explained. The various positions within the agency are described and explained.

- *Chapter 3*

The administrative policies and procedures of the agency are defined and explained.

- *Chapter 4*

The operational and procedures of the agency are defined and explained (also see additional SOP booklet)

- *Chapter 5*

The method of data collection and reporting are defined and explained. Examples of various documents and reports can be found in this chapter.

- *Council Rules and General Orders*

Council Rules are mandates of direction and performance from the Berwyn Heights Town Council. They have precedence only behind established law, statute or ordinance. General Orders are important documents containing detailed information about specific function of the agency. Some are created by necessity prior to that chapter in the manual being written. These may be deleted and incorporated into the chapter as it is created, or may stand alone as source document.

- *Special Orders*

The Special Orders contain supplemental materials which are temporary in nature, generally not having a useful life of more than one year. These documents will, however, have a significant impact upon the operation and administrative of the agency during their useful life.

- *Index*

A comprehensive list of all materials contain in the Manual.

#### **O-002-1 SOURCE REFERENCE**

Some of the material contained within the Manual is a compilation or synopses of other sources. When this specifically relevant to particular section of the Manual, cites of the reference materials are provided. Persons using this Manual are required to consult these sources, in case where amplified information is necessary.

#### **O-003 CHIEF OF POLICE PREROGATIVE**

Nothing in this section in intended to abridge the prerogative of the Chief of Police to unilaterally make changes to this Manual, in any manner, as he may see fit. The procedures in this section shall, however, be followed unless the chief of Police approves deviations.

<b>Title:</b>	<b>Mission &amp; Values</b>	<b>Order #</b>	<b>1-001 &amp; 1-001.1</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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The BHPD is established by the Municipal Charter of the Town of Berwyn Heights, Maryland 401 & 706.5, and it is further described and regulated by Ordinance 116 of the Town Code. The Agency conforms to the law of the State in order to provide law enforcement functions within the Town of Berwyn Heights. The BHPD is responsible for the maintenance of order and the delivery of police service to the citizens of Berwyn Heights.

We, the Berwyn Heights Police Department, commit ourselves to the service of our community through the value of integrity, loyalty, and dedication.

We will honor the dignity and worth of each and every member of our community and department.

We will strive to instill these values, not only in ourselves, but in the community we Serve and Protect.

## 1-001 MISSION STATEMENT

The Berwyn Heights Police Department is dedicated to providing the Law Enforcement Services established by Municipal Charter, Town Ordinance and Maryland Law. These services will be provided professionally, with the best possible value for tax dollar spent. The driving force of the BHPD will stem from a firm commitment to be:

- Professional
- Innovative
- Self-Evaluative
- Effective and Efficient
- Responsive, and
- Motivated by a dedication to duty to the citizens of Berwyn Heights, Maryland.

We further pledge that:

## 1-001.1 VALUES

Members of the Department are committed to professionalism through:

- **PRIDE** We take pride in our commitment to uphold the public trust through honesty, consistency, and values not only in ourselves but the community we serve and protect.
- **COURAGE** We are dedicated to protect the community, with integrity and to treat all living things with dignity, equality, and fairness and to uphold the Constitutional rights of all people.
- **COMPASSION** We value the worth of each and every member of our community and will apply the human quality of understanding to all persons.

<b>Title:</b>	<b>GOALS &amp; STANDARDS</b>	<b>Order #</b>	<b>1-001.2 &amp; 1-100</b>
<b>New / Amends / Resc:</b>	New	<b>Page:</b>	01
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### **1-001-2 GOALS of the BHPD**

*These are the goals of the BHPD.*

- To provide professional, effective and efficient police services to the citizens of Berwyn Heights
- To develop a partnership with the citizens and other government agencies to accomplish the safety and security of the Berwyn Heights Community.
- To deliver all services and conduct all activities of the Berwyn Heights Police Department in a fair and impartial manner which assures all citizens the benefits of these services and activities, and
- To continually strive to achieve a living environment within Berwyn Heights, which allows the Town's residents to go about daily activities in safety and free of criminal activities.

### **1-100 STANDARDS**

Standards are yardsticks by which an agency or individual may be measured in order to determine if an expected level of achievement or excellence is met. Under 410 and 706.5 of the Town Charter, and Ordinance 116 of the Town Code, the Mayor and Council have authority to establish rules, regulations, and procedures for the Department of Police for the Town of Berwyn Heights. They have done so in Council Rule # 13, and Council Rule # 19, as amended from time to time. Both of these documents may be found in General Orders section of this manual, and both are equally binding upon all employees. Hereafter are listed additional standards by which the Berwyn Heights Police Department and its personnel will be measured.

These standards are not to be considered in the abstract. Instead, each employee should personally work to achieve the degree of excellence of performance necessary to meet them. Purposeful shortfalls will be grounds for disciplinary action, however, this is not the primary reason for their existence. These standards are primarily intended to set the tone of service expected from all Berwyn Heights Police Department employees.

<b>Title:</b>	<b>Code of Ethics</b>	<b>Order #</b>	<b>1-101</b>
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## 01 POLICY

All BHPD employees, both civilian and sworn will adhere to the principals of and display the degree of integrity required by the Law enforcement Code of Ethics.

## 02 CODE OF ETHICS

*As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice for all regardless of ethnicity, religious beliefs, or sexual orientations.*

*I will keep my life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided in me by my official capacity will be kept ever secret unless revelation is necessary in the performance of duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities, or friendship to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law*

*courteously and appropriately without fear or favor; malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, honor, and I except it as public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before the Almighty / Supreme Being to my chosen profession: law enforcement.*

## 03 ETHICS TRAINING

The Department shall conduct ethics training for all BHPD personnel on a biennial basis.



<b>Title:</b>	<b>LOYALTY</b>	<b>Order #</b>	<b>1-102</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
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### **I-102 LOYALTY**

Employees are expected to exercise reasoned and just discretion in the performance of their duties. Recognizing that some decisions will be extremely difficult and made in emergency situations, employees are legally, professionally and personally bound to exercise those judgments within the

confines of their loyalty to their oath of service and/or their obligations to the law, the Berwyn Heights Police Department and the citizens of Berwyn Heights, regardless of personal hardship or discomfort.

<b>Title:</b>	<b>UNBECOMING CONDUCT</b>	<b>Order #</b>	<b>1-103</b>
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### **I-103 UNBECOMING CONDUCT**

Employees are held bound to avoid excessive, unwarranted or unjustified behavior that would reflect poorly upon themselves, or the Berwyn Heights Police Department, regardless of duty or work status. Employees will refrain from using harsh, violent, profane or derogatory language, which would demean the dignity of any person.



<b>Title:</b>	<b>Use of Force</b>	<b>Order #</b>	<b>1-104</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
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#### **01 PURPOSE:**

To establish policy, procedures and guidelines relating to the use of force by BHPD officers.

**POLICY:** It is the policy of the Berwyn Heights Police Department to use only reasonable force when force is used to accomplish a lawful objective. Officers may use deadly force when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury

#### **02 DEFINITIONS:**

**A. Active Aggression:** Any physical action(s) against a police officer(s) and/or another person, with less than deadly force.

**B. Active Resistance:** Any action by a subject(s) that attempts to prevent a police officer(s) from gaining control of the subject(s).

**C. Administrative Review:** A documented review of the known facts of an incident or occurrence indicating whether policy, training, equipment, or disciplinary issues should be addressed.

**D. Deadly Force:** Force which is intended to cause death or such force that a reasonable and prudent person would consider likely to cause death or serious personal injury.

**E. Excited Delirium:** The combined physiological and psychological state of excitement characterized by exceptional agitation, hyperactivity, overheating, excessive tearing of the eyes, hostility,

superhuman strength, aggression, acute paranoia and endurance without apparent fatigue brought about by psychosis, drug and/or alcohol intoxication or a combination of factors.

**F. Empty Hand Control:** Techniques that cover a number of subject control methods with the officer utilizing his hands and not yet employing any weapon(s).

**G. Less-Lethal Force:** Force which is not intended or reasonably likely to result in death or serious physical injury.

**H. Officer Presence:** The officer is clearly identified as an officer and uses his/her presence to take control of the situation. In the event that the presence of the officer does not curb or decrease the amount of resistance, or stop the violation of law, the officer must be prepared to escalate using force.

**I. Passive Resistance:** Any type of resistance where the subject(s) does not attempt to defeat the police officer(s) attempt to touch or control the subject(s) but the subject(s) will not voluntarily comply with verbal and/or physical attempts of control.

**J. Physical Force:** Force other than deadly force or force through the use of less-lethal weapons to establish or maintain physical control over a person.

**K. Psychological Intimidation:** Non-verbal cues indicating the subject(s) potential for physical resistance. The cues may include but are not limited to: subject(s) attitude; appearance; and, physical readiness.

**L. Serious Physical Injury:** Injury which is potentially life threatening.

**M. Verbal Direction:** Communication directed toward controlling the actions of a subject, including direction or commands. If resistance continues after using proper verbal and non-verbal skills, the officer must be prepared to further escalate the use of force.

**N. Verbal Noncompliance:** Any verbal response indicating the subject(s) unwillingness to obey a lawful command from a police officer. These commands include, but are not limited to: commands of detainment; arrest or to stop an unlawful act; and/or, dangerous behavior.

**O. Reasonable Belief:** A set of facts or circumstances known to the officer are such as to cause an ordinary and prudent police officer to act and think in a similar way under similar circumstances.

### **03 DISTRIBUTION OF ORDER:**

The policies of the Department regarding the use of physical force, less-lethal weapons and equipment, deadly force, and discharging firearms will be set forth in this Order and Manual. Each sworn officer will be issued a copy of this Order and Manual, instructed in these policies and demonstrate proficiency before employing any of the weapons or tactics as trained. Only Departmentally issued or approved weapons, equipment and chemical agents will be authorized.

### **04 INJURY OR ALLEGED INJURY:**

Any time there is an injury or an alleged injury as a result of a level of force used by an officer, the officer will do the following:

- A.** Examine the injury and render first aid, if necessary.
- B.** Request that the Prince George's County Fire Department (PGFD) or other appropriate jurisdiction respond to the scene to evaluate the individual. Cause the transportation of the individual to a hospital, if necessary.
- C.** Immediately notify the Supervisor/Detective, who shall respond to the scene and photograph the injury or alleged injury.
- D.** Charge the individual on a statement of charges or

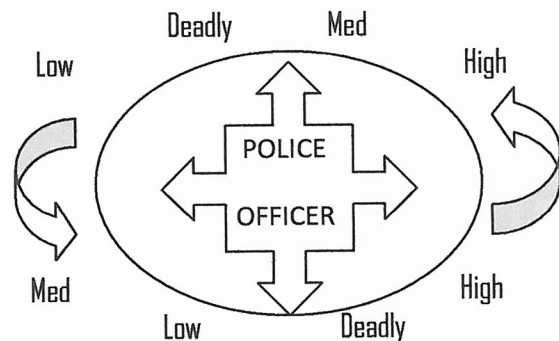
obtain a warrant if circumstances dictate, not a citation in lieu of arrest. Any exceptions must be approved by a Supervisor.

**E.** Submit a Incident/use of Force Report prior to the end of the officer's tour of duty, if physically capable.

**F.** Prepare a detailed incident report and submit it prior to the end of the officer's tour of duty, if physically capable. If the officer is not physically capable, the Supervisor/Detective shall cause an incident report to be written.

### **05 PROGRESSION OF FORCE:**

Officers will consider and, if possible, employ a progression of force. The progression of force may not be possible under all circumstances, however, officers will use a reasonable level of force when force is used to obtain a lawful objective. Levels of force are illustrated in the Use of Force Continuum, Addendum A.



### **06 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE:**

When determining whether or not to apply any level of force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:

- A.** The conduct of the individual being confronted (as reasonably perceived by the officer at the time).
- B.** Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of officers vs. subjects).
- C.** Influence of drugs/alcohol (mental capacity).
- D.** Proximity of weapons.

E. Availability of other options (what resources are reasonably available to the officer under the circumstances).

F. Seriousness of the suspected offense or reason for contact with the individual.

G. Training and experience of the officer.

H. Potential for injury to citizens, officer and suspects.

I. Special knowledge the officer has about the subject.

J. Risk of escape.

K. Type of crime and/or call for service.

L. Other exigent circumstances.

**NOTE:** It is recognized that officers are expected to make split-second decisions and that the amount of time an officer has available to evaluate and respond to changing circumstances may impact his/her decision.

#### **07 CONTROL OPTIONS:**

A. Suspect Actions: In the course of their duties, officers may find it necessary to use force to overcome resistance, protect property and defend themselves or others. When applying control options, the totality of the circumstance, as well as other factors involved must be considered. Levels of resistance may include:

- Psychological Intimidation.
- Verbal Noncompliance.
- Passive Resistance.
- Active Resistance.
- Active Aggression.
- Deadly Force.

B. Officer Actions: Based on the totality of circumstances an officer has the following control options available for suspect control:

- Officer Presence.
- Verbal Direction.
- Empty Hand Control.
- Less-Lethal Weapons.
- Deadly Weapons.

#### **08 EXCITED DELIRIUM (Acute Behavioral Disturbance):**

A. This mental status normally manifests itself in the violent behavior of an individual, who is likely to act in a bizarre and manic way. It can be caused by psychiatric illness, drugs (in particular cocaine), alcohol and a combination of these.

B. The following is a list of the possible signs exhibited by such person:

- Aggressive and or bizarre behavior;
- Impaired thinking and disorientation;
- Hallucinations;
- Acute onset of paranoia;
- Diminished sense of pain;
- Unexpected physical strength;
- Sweating and fever; and/or,
- Sudden tranquility after very frenzied activity.

C. A suspect who is or may be suffering from this condition is highly vulnerable to the risk of dying suddenly in circumstances which incorporate a violent struggle.

D. Consideration, must, if possible, be given to an alternative restraining, while still affording an appropriate measure of protection to the public and officer(s) present. The individual should be given as much freedom of movement as reasonably possible.

E. A struggle with a suspect, whether handcuffed or not, may lead to the point of exhaustion and sudden death. Excited delirium is a medical emergency and shall be treated as such.

#### **09 USE OF FORCE REPORT:**

The Department will incorporate the Incident /Use of Force Report to document all reportable incidents involving the use of force by officers. Each officer utilizing a level of force, as outlined by this policy, shall complete a Use of Force Report as soon as possible, but no later than the end of the officer's tour of duty, unless incapacitated.

**A.** A Use of Force Report will be submitted in the following circumstances:

1. A firearm is discharged, for other than training or recreational purposes. Training and recreational purposes are defined as the following:
  - a. Departmentally authorized training;
  - b. Legal target practice; and,
  - c. Competitive shooting.
2. An officer takes an action that results in, or is alleged to have resulted in, injury or death of another person;
3. An officer applies force through the use of lethal or less-lethal weapons; or,
4. An officer applies weaponless physical force at a level as defined in Section 11 of this Order.

**B.** Each individual officer shall provide justification on the narrative portion of the Police Incident Report (supplement). The narrative will annotate who, what, when, where, how and why.

1. In addition to the supplement Report, the primary reporting officer will complete a detailed incident report.
2. The incident report and any related supplemental paperwork will be submitted with all Subject Reports for review. A Supervisor will review the reports and will attach all appropriate paperwork, a copy of the incident report, hospital release and submit it for review via the chain of command, with endorsements, to the Office of the Chief of Police.

**C. SUBJECT TO ADMINISTRATIVE REVIEW:**

1. The Supervisor, or a Detective shall respond to the scene of all reportable use of force incidents and conduct an investigation.
2. The investigation shall include, but is not limited to, interviewing and obtaining statements from witnesses and the suspect(s).
3. Upon review of the Incident Report and or Use of Force Report, the Supervisor/Detective shall determine whether Department policies were followed or if there were any other notable issues such as training or equipment failures.
4. If the Supervisor/Detective finds no violations of policy he/she will sign the Report and forward it to the

Chief of Police with any statements or personal comments.

5. The Chief of Police or his/her designee shall review the Report(s) and any other comments forwarded by the Supervisor/Detective. If the Chief of Police agrees that no policies were violated, the Chief shall sign the Report(s) and may be forwarded it to the States Attorney's Office, or another investigating agencies for review, if it is warranted that a criminal /civil violations has occur.

6. The Chief of Police or his/her designee shall review all Reports and the Supervisor and/Detective comments. If the Chief of Police concurs with the Use of Force, he/she will sign the report and file the original Report in his/her office.

7. At any stage in the Administrative Review process, the Supervisor, the Detective or Chief of Police or his/her designee may initiate an investigation if Department policies were not followed.

8. Endorsement of the reports with a signature shall reflect that the reviewing Supervisor or Detective is in agreement that Department policy was adhered to. Should the Supervisor or the Detective not be in agreement a memorandum shall be attached to the Use of Force Report and forwarded to the Chief of Police or his/her designee shall determine who shall investigate the possible breach of policy.

9. Reviewers should keep in mind whether training, policy, weapons/equipment or discipline issues need to be addressed.

10. If training, policy, weapons or equipment issues are noted, the Chief of Police shall notify the 2<sup>nd</sup> in Command / Supervisor whichever is appropriate, to ensure appropriate action is taken.

**10 USE OF FORCE REPORT FORM FILE:**

The Chief of Police shall maintain the original Use of Force Report, Incident Report and photographs.

**11 NON-REPORTABLE USE OF FORCE LEVELS:**

*The BHPD does not require the reporting of the use of weaponless, hand-to-hand control techniques that do not produce injuries when gaining control of non-compliant individuals who are not actively resisting. These techniques include, but are not limited to; physical*



*touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs or handcuffing. Any other uses of force or those listed in this section where injury occurs or is alleged shall be reported on a Use of Force Report.*

## **12 LESS-LETHAL WEAPONS: (TBA)**

**13 USE OF CHOKE HOLDS AND LATERAL VASCULAR NECK RESTRAINTS:** The use of choke holds and Lateral Vascular Neck Restraints are **prohibited**.

## **14 DEADLY FORCE:**

**A. Police Vehicles.** Officers will not attempt to deliberately collide with other vehicles or to use the police vehicle to force any vehicle off the roadway, unless deadly force would be authorized.

**B. Use of Firearms:** The Department's policy concerning the use of deadly force and discharging firearms is as follows:

1. Officer will not unnecessarily draw or display any firearms, or carelessly handle a firearm.
2. Warning shots are prohibited, as it exposes officers and citizens to unnecessary dangers. The discharge of a gun to summon aid, when other means are not available, is permitted.
3. Deadly force may be used in self defense or in the defense of others, when an officer is confronted by what he/she reasonable believes is an imminent threat of death or serious physical injury. It is important to note:
  - a. When possible, a warning should be given prior to the use of deadly force;
  - b. The officer must reasonably believe that all other means of effecting the arrest are futile; and,
  - c. The decision on whether the suspect poses an imminent threat, if not apprehended, must be based on information known to the officer at the time.
4. Firearms will not be used under circumstances in which a substantial and unjustifiable risk of injury or death to bystanders exists.
5. Officers will not discharge firearms at or from moving vehicles, or suspects fleeing in vehicles, unless the officer's life or the life of another person is in eminent danger of serious physical injury or death and no escape route is available.

6. The discharge of firearms to destroy animals is permitted to prevent substantial harm to the officer or another person, or when an animal is so badly injured that humanity requires its relief from further suffering.

7. Officers who discharge (including accidental discharge) any firearm will notify the Supervisor/Detective as soon as possible and submit the appropriate paperwork as outlined in this Order as soon as practical.

*(Firearms training, lawful target practice, and lawful hunting are exempt from this paragraph).*

8. The officer's Supervisor, in his/ her absence, will be notified of the weapon discharge incident.

## **15 DE-ESCALATION OF DEADLY FORCE:**

In situations where the officer must overcome an attack that the officer reasonable believes would produce serious injury or death to the officer or another person, the officer may use any methods necessary to overcome the attack. However, once the situation has stabilized and the threat of serious injury or death is past, the officer must once again immediately resort to approved less-lethal force tactics and weapons.

**NOTE:** As a last option in order to save his/her own life or the life of another, an officer may use any action necessary, even ones prohibited by this Order.

## **16 DEPARTMENTAL INVESTIGATIVE PROCESS IN USE OF DEADLY FORCE: PERSONAL INJURY OR DEATH WITHIN THE JURISDICTION:**

**A.** The following procedures will be used to investigate every incident of firearms discharge or use of force that result in serious physical injury or death by a Department officer except for target practice, hunting, ballistics examinations, authorized training and incidents involving the humane destroying of animals.

### **B. Involved Officer's Responsibility:**

Whenever an officer discharges a firearm either accidentally or officially or uses force that results in serious physical injury or death. The officer will immediately:

1. Determine the physical condition of any injured person and render first aid when appropriate;
2. Request necessary emergency medical aid.

3. Notify the Communications of the incident and location, remain at the scene until arrival of a Supervisor or investigator (when appropriate).
4. Not discuss the case with anyone except supervisory and investigative personnel, or officer's private attorney.
5. Protect any involved weapon for examination and surrender said weapon to the appropriate supervisor or investigator.
6. Prepare a Discharge of Firearm Report.
7. Prepare a Use of Force / Incident Report.

**C. Duties of a Supervisor/Detective:**

1. Respond to the scene.
2. Ensure that the Detective is notified.
3. Ensure that the involved officer's Supervisor and the Chief of Police are notified.
4. Take the steps necessary to maintain the security of the scene until the arrival of Investigative Services Unit's personnel.
5. Have the involved officer escorted from the scene to Headquarters and placed in a quiet environment.
6. If necessary, secure the involved officer(s) weapon(s) and release them to ISU personnel upon their arrival. At no time will the involved officer(s) weapon(s) be taken in front of the suspect or the public.
7. The Supervisor during a critical incident such as an officer involved shooting may be daunting. The Department has prepared a guide that shall be employed on any officer involved shooting and may be employed during any other in custody death or incident involving serious physical injury. For a step by step guide for Patrol Supervisors.

**D. Duties of the Investigative Services Unit (ISU):**

1. ISU will be responsible for the criminal investigation of the use of force incident. Criminal charges, if warranted, will be place by ISU with necessary assistance from the Office of the State's Attorney. (It will be at the Chief's discretion to farm out the investigation at a case by case scenario)
2. The responsibility for the investigation of the police use of force incident shall be placed with the ISU who shall forward the report to the Chief of Police.

3. ISU shall /may designate another BHPD Officer to investigate any criminal incidents which precipitated the use of force incident.

4. The duties of ISU during a critical incident such as an officer involved shooting may be daunting. The Department has prepared a guide that shall be employed on any officer involved shooting and may be employed during any other in custody death or incident involving serious physical injury.

**E. Duties of the First Responding Supervisor:** The first responding Supervisor shall manage the overall incident until the arrival of the ISU or the Chief of Police or his/her designee.

**F. Duties of the Chief of Police or his/her designee:**

1. Respond to the crime scene to organize the investigation.
2. Inter-act with news media if necessary.
3. Cause the on-call Assistant State's Attorney to be notified.

**G. Additional Duties of the ISU / Supervisor:** The ISU/Supervisor shall be responsible for the internal investigation of the incident and shall forward a completed report to the Chief of Police.

**H. Duties of the Chief of Police or his/her designee:**

- Place the involved officer(s) on administrative leave until review of the incident.
- Refer the involved officer to the proper medical physician to determine suitability for duty.
- Determine whether the officer shall remain on administrative leave, placed in a non-line function, or continue in present duty status.
- Review the internal investigative report.
- Exonerate the officer(s) in writing if conditions warrant or initiate any internal actions for violation(s) of Department Orders.

**PERSONAL INJURY OR DEATH OUTSIDE THE JURISDICTION**

I. Whenever an officer discharges a weapon which causes injury or death, the officer will become subject to the laws of the jurisdiction in which the incident occurred.

J. The local jurisdiction involved will be responsible for the investigation of the shooting including the placing of criminal charges, if warranted.

K. The officer shall immediately cause to be notified the Supervisor who shall notify the Chief of Police.

L. The Chief of Police shall:

1. Contact the investigating agency to ascertain the facts, documenting same on a Departmental Memorandum; and,
2. Respond to the scene, if reasonable.

M. The Chief of Police shall conduct an Administrative Review of the incident.

N. Duties of the Chief of Police or his/her designee:

1. Place the involved officer(s) on administrative leave until review of the incident.
2. Refer the involved officer to the proper medical physician to determine suitability for duty.
3. Determine whether the officer shall remain on administrative leave, placed in a non-line function, or continue in present duty status.
4. Review the internal investigative report.

O. The Chief of Police shall exonerate the officer in writing of any administrative infractions or take appropriate action against the officer, if warranted.

#### **DISCHARGE OF FIREARM NO INJURY OR DEATH INVOLVED**

P. Whenever an officer discharges a weapon without authorization which does not cause injury or death, the officer will immediately notify the Supervisor and submit documentation of the incident on a Discharge of Firearm Report as soon as practical.

Q. The Supervisor shall notify the Chief of Police who shall determine the need for a criminal/internal affairs investigation.

R. The involved officer's Supervisor shall respond to the scene to direct the investigation, if necessary and feasible.

#### **17 REQUIRED REPORTS:**

A. Serious physical injury or death within the jurisdiction:

1. Incident Report/involved officer;
2. Discharge of Firearm Report (if appropriate)/involved officer;
3. Use of Force Report/involved officer;
4. The Supervisor shall ensure all the above reports are properly completed by the end of the tour of duty.
5. Investigative Report(s)/ISU; and,
6. Internal Affairs Report;

B. Discharge of a firearm within the jurisdiction without injury or death:

1. Incident Report/Involved officer;
2. Use of Force Report/involved officer;
3. Discharge of Firearm Report/involved officer;
4. Investigative Report/ISU; and,
5. Internal Affairs Report

C. Serious physical injury or death outside the jurisdiction:

1. Incident Report/involved officer;
2. Discharge of Firearm Report (if appropriate)/involved officer;
3. Use of Force Report/ Supervisor;
4. Investigative Report/Allied Agency; and,
5. Internal Affairs Report. Memorandum from involved officers to the Chief of Police.

D. Discharge of firearm outside jurisdiction without injury or death:

1. Discharge of Firearm Report/involved officer;
2. Use of Force Report/Involved Officer;
3. Incident Report/on-duty Shift Supervisor;
4. Investigative Report/Allied Agency; and,
5. Internal Affairs Report
6. Memorandum from involved officer's Supervisor to the Chief of Police.



## **18 ADMINISTRATIVE LEAVE/DUTY:**

**A.** Any employee directly involved in a deadly force incident or any action resulting in a death or serious physical injury to another will be removed from a line-duty assignment and placed on Administrative Leave pending an administrative review of the incident. The leave will be without loss of pay or benefits, pending results of the criminal investigation. The leave will not be interpreted to imply or indicate that the officer(s) had acted improperly or inappropriately.

**B.** While on Administrative Leave, the officer will remain available at all times for official interviews and statements regarding the incident.

**C.** The officer will not discuss the incident with anyone except the State's Attorney's Office, Departmental personnel assigned to investigate the incident, officer's attorney, officer's psychologist or immediate family.

**D.** Upon return to duty, the officer may be assigned to a non-line function detail for a period of time as deemed appropriate by the officer, their psychologist and the Chief of Police.

## **20 PSYCHOLOGICAL SERVICES FOR THE INVOLVED OFFICER(S):**

**A.** In all cases where a firearm has been discharged at a human being, with or without injury, by an officer(s), or an officer(s) are involved in an incident where another person is seriously physically injured or death has occurred, the involved officer will be required to undergo an emotional debriefing with the Departmentally furnished psychologist prior to returning to full duty.

**B.** The debriefing session will remain protected by the privileged professional Psychologists' Code of Ethics.

**C.** The same psychological services will be available to the officer's family.

## **21 REQUALIFICATION PROCEDURES:**

Prior to being restored to full duty, officer(s) involved in a discharge of firearm incident, including accidental discharges, are required to attend weapon

requalification with a Department firearms instructor. Re-training maybe necessary depending on the circumstances of the incident.

## **22 LEGAL REPRESENTATION:**

The involved officer(s) will be allowed to contact an attorney. The attorney should assist the officer in drafting the Discharge of Firearm Report as to the facts and reasonableness as perceived by the officer(s) justifying their use of force. The officer should also be advised of his/her legal and Departmental rights regarding statements and report.

## **23 OFFICER RIGHTS DURING AN INVESTIGATION:**

All investigations shall be conducted in accordance with the provisions in the Law Enforcement Officers Bill of Rights.

## **24 CIVIL RIGHTS INVESTIGATION:**

**A.** The Department will respect the right of the Federal Government to conduct an independent investigation to identify any civil rights violations which may have occurred.

**B.** The Department will not order or request any of its officers who may be suspect to confer with federal investigators without the advice of counsel.

## **25 ANNUAL REVIEW:**

**A.** An annual report of all Use of Force Reports documenting use of force will be conducted by the Chief of Police and his/her designee, or Committee. The review will be directed at revealing any patterns or trends that could indicate training and/or policy modifications.

**B.** The Chief of Police will appoint officers to be part of the Use of Force Committee. Members will include a member of command staff, a sergeant, a firearms instructor, defensive tactics instructor and a less-lethal weapons instructor. (may/should be from another agency)

**C.** Annually, the Department will conduct analysis of Use of Force Reports.

## **26 USE OF FORCE GUIDELINE FACTORS:**

### **Three Specific Factors;**

1. How serious was the offense that the officer suspected at the time that the officer used force. The more serious of the offense, the greater level of force that may be used.
2. Did the suspect pose a threat to the officer or any other person present,
3. Was the suspect actively resisting or attempting to evade arrest by flight.

## **27 FAILURE TO INTERVENE:**

1. If subject can prove allegations of excessive force not necessary to specifically ID which officers used the force-
  - a. Officers at the scene are liable for use of such force or failure to intervene in the violation of civil rights.
2. Clearly established that subject can make a legitimate claim for bystander liability where an officer is present at a scene, and does not take reasonable measures to protect the suspect from other officer's use of excessive force.
3. Irrelevant if officer's were from different jurisdictions/departments.
4. Must realize the excessive nature of the force and intervene to stop it.
4. Law enforcement officers have a legal and ethical duty to intervene in any force situation they perceive as excessive. Intervention may include;  
Verbal caution.  
Physical restraint and  
Immediate reporting.
5. Anyone who violates this order may /shall be subject to the violation of civil rights under the Federal statutes.

<b>Title:</b>	<b>INTEGRITY</b>	<b>Order #</b>	<b>1-105</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-105 INTEGRITY**

The personal and collective integrity of the Berwyn Heights Police Department is one of the foremost responsibilities of

all employees. The dishonesty of a single employee may impair public confidence in the entire agency. The BHPD are looked upon with the highest standards and will act and carry themselves to such degree.

<b>Title:</b>	<b>RELATIONS WITH VENDORS / CONTRACTORS</b>	<b>Order #</b>	<b>1-106</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
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#### **1-106 RELATIONS WITH VENDORS / CONTRACTORS**

Employees of the BHPD representing the agency in business transactions with outside business organizations or private vendors shall conduct themselves in a fashion that reflects favorably on them and the BHPD. The acceptance of gratuities or benefits of any kind is prohibited.

<b>Title:</b>	<b>ENDORCEMENT</b>	<b>Order #</b>	<b>1-107</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-107    ENDORCEMNT**

Employees of the BHPD are prohibited from using their official capacity, title or position to endorse any products,

organization, program, or service without the expressed permission from the Chief of Police via chain of command starting with the supervisor.

<b>Title:</b>	<b>PRIVATE COMPENSATION OR REWARD</b>	<b>Order #</b>	<b>1-108</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **1-108    PRIVATE COMPENSATION OR REWARD**

Employees of the BHPD are prohibited from receiving compensation, reward or other consideration from private sources without specific permission from the Chief of Police via chain of command starting with the supervisor. Upon receipt of any reward, compensation or consideration, a complete report shall be prepared and submitted to the Chief of Police

<b>Title:</b>	<b>COURTESY</b>	<b>Order #</b>	<b>1-109</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **1-109 COURTESY**

Courtesy in public contact encourages understanding and appreciation; discourtesy breeds contempt and resistance. A courteous demeanor is entirely consistent with the firmness and impartiality that characterizes professional law enforcement employees. Employees of the BHPD shall display a fair and professional attitude toward the public and perform work tasks in a business-like manner. Employees shall, in the normal course of their duties, address and deal with people in a courteous and respectful manner. This section should not be interpreted to prevent employees, in an emergency situation, from issuing command or orders in an authoritative manner.

<b>Title:</b>	<b>COMPLIANCE WITH LAWFUL ORDERS</b>	<b>Order #</b>	<b>1-110</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-110 COMPLIANCE WITH LAWFUL ORDERS**

Employees of the BHPD are organized within a clearly defined hierarchy of authority. This is consistent with the agency goal of maintaining efficient law enforcement operations. It is expected that compliance with lawful orders will be positive and reflect a willingness to serve. However, negative

discipline may be applied when there is a willful disregard to lawful orders, command or directives.



<b>Title:</b>	<b>USE OF INTOXICANTS &amp; DRUGS</b>	<b>Order #</b>	<b>1-111</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
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### **I-111 USE OF INTOXICANTS AND DRUGS**

The use of intoxicants and drugs by members of the BHPD can result in an immediate reduction of effectiveness and public support. Therefore, members of the BHPD are held to comply with the following requirements:

- Employees are prohibited from consuming intoxicants while on duty and never in uniform, either on duty or off. Exception: As is necessary to execute an official assignment and only with prior approval of the Chief of Police.
- Employees are prohibited from reporting for work impaired by or under the influence of any intoxicant and any odor upon the breath of the employee or

about their person will be presumptive evidence of violation of this section.

- Employee will not possess, bring into, or keep an intoxicant on agency premises and/or agency vehicle; except as is necessary to execute an official assignment.
- Employee are prohibited from using and drugs whether prescription or non-prescription which will negatively impact their abilities to perform the essential functions of their position. It is incumbent upon every employee to notify his/her supervisor immediately upon reporting for work if he/she has consumed or must continue to consume such drug for medical purposes.

<b>Title:</b>	<b>ATTENTION TO DUTY</b>	<b>Order #</b>	<b>1-112</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
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### **I-112 ATTENTION TO DUTY**

All employees of the BHPD are expected to maintain a strong personal commitment to the proper performance of their duties. Police Officers are considered subject to duty at all times and in all places within the geographical area of their authority. Police Officers may be considered "off duty" at

times when they are not assigned specific work hours, but are responsible to assume a duty which presents itself and is within their scope of the essential functions of their position. Police Officers are subject to recall to duty at any time to address any situation or emergency which may present itself.

<b>Title:</b>	<b>OBEDIENCE TO DUTY</b>	<b>Order #</b>	<b>1-113</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **I-113 OBEDIENCE TO DUTY**

The Berwyn Heights Police Department is rand structure along para-military lines. All personnel of the BHPD are tasked

with the immediate obedience of the lawful orders of the superior

<b>Title:</b>	<b>FINANCIAL OBLIGATIONS</b>	<b>Order #</b>	<b>1-114</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **I-114 FINANCIAL OBLIGATIONS**

All employees of the BHPD are expected to avoid incurring financial obligations which are beyond their ability to reasonably satisfy from their anticipated earnings. Employees shall pay their just debts and shall not sell or assign their salary. Neither shall employees refuse to promptly pay all indebtedness, claims and judgments and they shall satisfy all executions that may be held against them.



<b>Title:</b>	<b>IMMORAL CONDUCT</b>	<b>Order #</b>	<b>1-115</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **I-115 IMMORAL CONDUCT**

Employees shall maintain a level of moral conduct, in their personal and business affairs, which is in keeping with the highest standards of the law enforcement community and the community at large. Employees shall not participate in any

incident involving moral turpitude which impairs their ability to perform their duties or causes the BHPD to be brought into dispute.

<b>Title:</b>	<b>ASSOCIATIONS</b>	<b>Order #</b>	<b>1-116</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **I-116 ASSOCIATIONS**

All employees of the BHPD shall avoid regular or continuous association or dealings with person whom they know, or should know, are person under criminal investigation or indictment, or who have a reputation in the community or the agency for present or past involvement in felonious or criminal behavior, except as necessary for the performance of official duties, or where unavoidable because of other personal relationships of the employees.

<b>Title:</b>	<b>COOPERATION /COORDINATION</b>	<b>Order #</b>	<b>1-117</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **1-117 COOPERATION /COORDINATION**

Employees shall coordinate their effort with all other employees of this agency and the Town of Berwyn Heights, with the objective of ensuring maximum achievement and continuity of purpose through teamwork. All BHPD personnel

are charged with the responsibility of fostering and maintaining a high degree of cooperation, both within the agency and in association with all other government agencies.

<b>Title:</b>	<b>AID TO FELLOW EMPLOYEES</b>	<b>Order #</b>	<b>1-118</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **1-118 AID TO FELLOW EMPLOYEES**

In the performance of their duties, no employee shall fail to aid, assist or protect a fellow employee to the full extent of the employee's capability, being mindful of established rules

and procedures which may bear upon the existing circumstances.

<b>Title:</b>	<b>REPORTING FOR WORK</b>	<b>Order #</b>	<b>1-119</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
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#### **1-119 REPORTING FOR WORK**

Employees shall report for work at the time and place required by assignment or instruction. They shall communicate with the officer going off duty and give undivided attention to orders, instructions, directions and any other pertinent information directed to them.

<b>Title:</b>	<b>INSPECTIONS</b>	<b>Order #</b>	<b>1-120</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
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#### **I-120 INSPECTIONS**

In order to fulfill the responsibilities of office, the Chief of Police must at all times be familiar with the condition of facilities, equipment and personnel within the BHPD. To maintain this familiarity and awareness, there is established a system of inspections. The system includes the inspection of personnel, equipment, vehicles, supplies, office space and other physical locations used or occupied by the BHPD. All supervisory personnel are charged, on both a random and schedule basis, to continually inspect all that falls within their respective areas of responsibility. All equipment, uniforms, weapons, supplies, vehicles, physical spaces and anything else owned or under control of the BHPD, which is assigned to the keeping on an individual employee is subject to inspection. In

an individual employee under these circumstances places any personal security device in place, the employee's immediate supervisor will be supplied with the means to access the security device for purpose of inspection. Any personal property of any kind which is placed within the vehicles or physical spaces owned or controlled by the BHPD is the responsibility of the individual employee placing it there. The BHPD assumes no responsibility or liability for such items. All such items are subject to the inspection procedure of this agency. No item, which would violate any rule, policy or law by its possession or use, will be allowed in vehicles, physical space or in the possession of employee of the BHPD..

<b>Title:</b>	<b>TRAINING</b>	<b>Order #</b>	<b>1-121</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
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#### **I-121 TRAINING**

The training process is critical to the continued effectiveness of any organization. All employees are encouraged to utilize available training program to improve their knowledge and skills in the area of their respective career responsibilities. Some training will be mandatory for sworn officers. Failure in this regard could and may result in loss of job requirements

and subsequent termination of employment. Any and all training that does not pertain to mandatory certification must be submitted through the chain of command structure starting with the supervisor. mindful of established rules and procedures which may bear upon the existing circumstances.

<b>Title:</b>	<b>FITNESS FOR DUTY</b>	<b>Order #</b>	<b>1-122</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
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#### **1-122 FITNESS FOR DUTY**

The position of police officer requires that a person be able to perform certain essential functions relating to physical condition and skills. All BHPD personnel must be able to perform the essential functions of their respective positions. It is therefore the responsibility of individual employee who has position requiring physical skills and activities to maintain a level of physical conditioning which allows them to perform as required. The BHPD may from time to time, both by

observation in the daily performance of actual duties, or through the testing of essential functions in simulations, determine the ability of individual to perform the essential functions of their position. Any person who is unable to perform any essential function of their position is subject to loss of employment. Employees are, therefore, encouraged to practice skills and maintain fitness for duty.

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Title:	<b>Light-Duty Policy</b>	Order #	<b>1-142</b>
New/Amends/Resc:	New	Page:	01
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 01, 2011		
Review Date:			

#### **01 PURPOSE:**

It is the purpose of this policy to establish the authority for temporary light-duty assignments and procedures for granting temporary light-duty to eligible employees within the BHPD.

**02** Temporary light-duty assignments, when available, are for eligible personnel in this agency who, because of injury, illness or disability are temporarily unable to perform their regular assignments but who are capable of performing alternative duty assignments. Use of temporary light-duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise their health and safety or the safety of others by remaining duty when physically unfit for their regular assignment. Therefore, it is the policy of the Berwyn Heights Police Department that eligible personnel are given a reasonable opportunity to work in temporary light-duty assignments where available and consistent with this policy.

#### **03 DEFINITIONS:**

##### **A. Eligible Personnel:**

For the purpose of this policy, any full-time sworn or civilian employee of this agency suffering from medically certified illness, injury or disability requiring treatment of a licensed healthcare provider and who, because of injury, illness or disability, is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.

##### **B. Family and Medical Leave Act (FMLA):**

Federal law providing for up to 12 weeks of annual leave for workers-in addition to leave provided by this agency-due to ss, injury or certain other family conditions/situations.

#### **04 PROCEDURES:**

##### **A. General Provision:**

Temporary light-duty positions are limited in number and variety. Therefore,

- a. Personnel injured or otherwise disabled in the line-of-duty shall be given preference in initial assignment to light-duty; and,
- b. Assignments may be changed at any time, upon approval of the treating physician, if deemed in the best interest of the employee or the agency.

This policy in no way affects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.

Assignments to temporary light-duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.

No specific position within this agency will be established for use as a temporary light-duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light-duty.

Light-duty assignments shall not be made for disciplinary proposes.

Depending upon the nature and extent of the disability, an employee on temporary light-duty may be prohibited or restricted from wearing the departmental uniform, carrying the service weapon, driving a marked vehicle, riding with another sworn officer in a marked vehicle or otherwise limited in employing police powers as determined by the Chief of Police, so long as such limitations are consistent with the provisions of this policy.

Decisions on temporary light-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of light-duty assignments; and the physical limitations imposed on the officer or employee.

Every effort shall be made to assign officers and employees to positions consistent with their rank and pay classification. However, where appropriate, personnel deemed may be assigned to positions designated for personnel of lower rank or pay classification. Employees thus assigned shall:

- a. Retain the privileges of their rank but shall answer to the supervisor of the unit to which they are temporarily assigned with regard to work responsibilities, scheduling and performance; and,
- b. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light-duty.

**B. Employees may request light-duty for injuries that are subject to worker compensation.**

Employees who are injured on the job and who are eligible for worker's compensation benefits will be assigned to temporary light-duty subject to the following conditions.

- a. The employee is temporarily unable to perform the full range of his/her regularly assigned duties;
- b. There is no risk of contagion or infection to other employees; and,
- c. The Town's designated physician approves temporary light-duty for that employee.

The duration of temporary light-duty for an injury covered under the Town's Worker's Compensation program will be prescribed by the attending physician. After six months, personnel on temporary light-duty who are not capable of returning to their original duty assignment shall:

- a. Present a request for extension of temporary light-duty, with supporting documentation, to the Chief of Police or his/her designee; or,
- b. Pursue other options as provided by employment provisions of this agency or federal or state law.

Employees who have requested light-duty may not refuse temporary light-duty assignments that are supported by and

consistent with the recommendations of an attending physician or certified healthcare provider.

An employee on Worker's Compensation will not return to regular duty without first receiving approval from the Town's designated physician. Upon receiving approval, the employee must notify his/her immediate supervisor before returning to regular duty.

Employees under this section are prohibited from engaging in uniformed secondary employment.

**C. Employees may request temporary light-duty for off-duty injuries or temporary disabilities that are not subject to Worker's Compensation.**

1. Prior to any light-duty assignment, and at such intervals as the Department may thereafter require, a medical doctor, satisfactory to the Town must certify that:

- a. The employee is unable to perform the full range of his/her regular duties;
- b. That the inability to perform and the conditions causing it are temporary; and,
- c. That there is no risk of contagion or infection to other employees.

Temporary light-duty will be limited to ninety (90) consecutive calendar days with the exception of employees on light-duty due to pregnancy. The Chief of Police or his/her designee may extend this time period on a case-by-case basis.

The status and physical condition of any employee on temporary light-duty will be evaluated at least every thirty (30) days by the Chief of Police or his/her designee. The employee may be required to provide a statement from a medical doctor satisfactory to the Town, that the employee is still unable to perform the full range of his/her regular duties.

At the conclusion of the authorized temporary light-duty, the employee must either return to full duty or utilize other forms of leave.

Acceptance of temporary light-duty will be voluntary on the part of the employee involved. Sick leave or other available leave may be used if the employee so desires, subject to Town and Department policy.

Temporary light-duty is not intended to replace other available leave but to assist the employee from totally depleting leave time. The Town has a long-term disability program.

**D. Request For and Assignment to Temporary Light-Duty:**

1. Requests for temporary light-duty assignments shall be submitted to the employee's immediate supervisor. Requests must be accompanied by a statement of medical certification to support a request reassignment, which must be signed by either the treating physician or other licensed healthcare provider. The certificate must include:

- a. An assessment of the nature and probable duration of the disability;
- b. Prognosis for recovery;
- c. Nature of work restrictions; and,
- d. An acknowledgement by the healthcare provider of familiarities with the light-duty assignment and the fact that the employee can physically assume the duties involved.

The request for temporary light-duty and the physician's statement shall be forwarded, through the chain-of-command, to the Chief of Police or his/her designee, who shall make the light-duty assignment.

The Department may require the employee to submit to an independent medical examination by a health provider of the agency's choosing. In the event the opinion of the second health provider differs from the foregoing health

provider, the employee may request a third opinion at the employee's expense.

The employee and representative of this agency shall cooperate and act in good faith in selecting any third healthcare provider, and both parties shall be bound by that medical decision.

**E. Pregnant Employees:**

Pregnant employees are eligible for temporary light-duty assignments as available and as appropriate to their physical capabilities and well being.

On a monthly basis or other time frame determined by the Chief of Police, pregnant employees shall submit a physician's medical certificates that documents:

- a. The employee's physical ability to perform the present assigned duties; and,
- b. The physician's appraisal that the type of work being performed will not injure the employee or her expected child; and,
- c. Any recommended duty restrictions or modifications including temporary light-duty.

Pregnant employees shall be permitted to continue working on regular duty or temporary light-duty assignments as long as the present monthly physician certificates or until such time as a physician recommends that work be curtailed.

**F. Vehicle Assignment:**

Officers on light-duty are not eligible to participate in the Take Home Car Program. The Program was initiated to create a greater police presence. If an employee cannot function as an officer due to injury, the effectiveness of the program is negated. Secondly, placing an officer in a cruiser may imply in a legal sense that the officer is capable of taking action which could further injure the officer.



<b>Title:</b>	<b>FITNESS FOR DUTY</b>	<b>Order #</b>	<b>1-122</b>
<b>New / Amends / Resc:</b>	<b>New</b>	<b>Page:</b>	<b>01</b>
<b>Approved by:</b>	<b>Chief Ken K. Antolik</b>	<b>Officer Signature:</b>	
<b>Effective Date:</b>	<b>July 01, 2011</b>		
<b>Review Date:</b>			

#### **1-122 FITNESS FOR DUTY**

The position of police officer requires that a person be able to perform certain essential functions relating to physical condition and skills. All BHPD personnel must be able to perform the essential functions of their respective positions. It is therefore the responsibility of individual employee who has position requiring physical skills and activities to maintain a level of physical conditioning which allows them to perform as required. The BHPD may from time to time, both by

observation in the daily performance of actual duties, or through the testing of essential functions in simulations, determine the ability of individual to perform the essential functions of their position. Any person who is unable to perform any essential function of their position is subject to loss of employment. Employees are, therefore, encouraged to practice skills and maintain fitness for duty.

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<b>Title:</b>	<b>TRUTHFULNESS</b>	<b>Order #</b>	<b>1-123</b>
<b>New / Amends / Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-123 TRUTHFULNESS**

One of the most critically important issues that define the effectiveness of any organization is the perception that it is a credible organization. Central to that image is the integrity and truthfulness of the department's employees, from the newest entrant through the top-level managers.

The need for honest, impartial and accurate representation of facts is nowhere more vital than within law enforcement agency where success or failure rests with the degree of public support it receives. Public support can quickly erode where there is a lack of credibility in existence within an organization.

The very best of an individual's integrity, as perceived by the public, friends and fellow workers is at stake whenever the truth is not told. The loss of integrity by an individual or group of individuals can quickly spread throughout the department.

As the Chief of Police, it is my responsibility to maintain the effectiveness of the Police Department as a viable law enforcement agency. This document serves notice that I will not tolerate lying of any kind by any member of this department, including applicants. You are therefore advised that all information disclosed or gleaned during the application process may be verified by means of polygraph examination.

Any statement or omissions, either written or verbal, which are given by any applicant with the intent to deceive, will result in rejection from further consideration for employment with the Berwyn Heights Police. There is no substitute for the truth.

<b>Title:</b>	<b>LOITERING, SLEEPING, LOAFTING ON DUTY</b>	<b>Order #</b>	<b>1-124</b>
<b>New / Amends / Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-123 LOITERING, SLEEPING, LOAFTING ON DUTY**

No employee shall loiter, sleep or loaf on duty, or in any other manner shirk his/her responsibilities in the performance of duty.

TO: BHPD Applicant

SUBJECT: General Order # 1-123 [Truthfulness]

On of the most critically important issues that define the effectiveness of any organization is the perception that it is a credible organization. Central to that image is the integrity and truthfulness of the department's employees, from the newest entrant through the top-level managers.

The need for honest, impartial and accurate representation of facts is nowhere more vital than within law enforcement agency where success or failure rests with the degree of public support it receives. Public support can quickly erode where there is a lack of credibility in existence within an organization.

The very best of an individual's integrity, as perceived by the public, friends and fellow workers is at stake whenever the truth is not told. The loss of integrity by an individual or group of individuals can quickly spread throughout the department.

As the Chief of Police, it is my responsibility to maintain the effectiveness of the Police Department as a viable law enforcement agency. This document serves notice that I will not tolerate lying of any kind by any member of this department, including applicants. You are therefore advised that all information disclosed or gleaned during the application process may be verified by means of polygraph examination.

Any statement or omissions, either written or verbal, which are given by any applicant with the intent to deceive, will result in rejection from further consideration for employment with the Berwyn Heights Police. There is no substitute for the truth.

Col. Kenneth K. Antolik

Chief of Police

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Applicant's Signature

<b>Title:</b>	<b>MALINGERING</b>	<b>Order #</b>	<b>1-125</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **1-125 MALINGERING**

An employee shall be absent from duty because of sickness, only when suffering from an illness or injury which would prevent the proper performance of duty. The employee shall not feign sickness or disability, nor attempt to deceive a

supervisor concerning that employee's physical or medical condition. Employee may be ordered to see a physician of the choosing of the Chief of Police, at the expense of the BHPD, and if so, must cooperate fully with the examining physician.

<b>Title:</b>	<b>USE OF SICK LEAVE</b>	<b>Order #</b>	<b>1-126</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>	August 24, 2011		

#### **1-126 USE OF SICK LEAVE**

Notification of the necessity to use sick leave must be made to the employee's supervisor or the Chief of Police a minimum of five (5) hour prior to the schedule reporting to work. Unless an exigent circumstances beyond control. The use of sick leave is also delineated in the Town Personal Policy. Employee must consider that the employee, who keeps the use of sick leave at a necessary minimum, is looked upon as being a more valuable employee than those who do not. Consideration to such employee in matters such as promotions, favorable job and training assignments, scheduling and vacations to include performance evaluations as well as merit increases in an accepted management practice. Abuse of sick leave creates an unfair burden on the abuser's co-worker, who then has to cover the abuser's share of the work load.



<b>Title:</b>	<b>SICK LEAVE USAGE [HOME CONFINEMENT POLICY]</b>	<b>Order #</b>	<b>1-126[a]</b>
<b>New/Amends/Resc:</b>	New Amended	<b>Page:</b>	01 of 03
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2015		
<b>Review Date:</b>			

### Introduction

This policy specifies sick leave eligibility, accrual, and usage provisions.

### 1. Annual Leave

Annual leave must be requested and approved by your immediate supervisor, or the Chief of Police in advance, minimum advance is two weeks. Emergency situations will be given consideration on a case by case basis. Advance notice is required to avoid any conflict in scheduling. Leave must be requested **personally** and leave can **ONLY** be approved by your immediate supervisor, or the Chief of Police. Leave should always be requested verbally, followed by submission of the Leave Approval Request Form. All denials of leave will be returned to you in writing, explaining the reason for the denial.

### 2. Sick Leave

You must follow the department's call-in procedures to be eligible for paid sick leave. Your failure to follow the call-in procedures will result in leave without pay. Sick leave must be personally requested and can only be approved by your immediate supervisor, or the Chief of Police. A certificate from your physician may be requested prior to approval of sick leave. A physician's certificate may be required for each occasion of absence after the use of three (03) days (30 hours) of sick leave in a calendar year.

Your failure to provide the physician's certificate upon request will result in time recorded as leave without pay. A physician's statement may also be required if sick leave is for more than three (3) days duration. Before granting Family Medical Leave (FMLA), the employee must furnish a statement from his/her physician and complete a written request for approval through the Chief of Police. Likewise, a physician's statement must be obtained prior to the employee's return to work.

### Eligibility

The following employee classifications are eligible for sick leave: All full-time employees of the BHPD.

### Accrual

Employees accrue annual leave bi-weekly at 3.08 hours, if less than five [05] year, 4.62 hours between five [5] to nine [9] years and 6.15 hours after ten [10] years. Sick leave credit at the rate of 3.7 hours per pay period, or biweekly per month for a full month of employment. There is no maximum accrual limit to sick leave hours. Separation from employment shall cancel all unused accrued sick leave.



## **Conversion of Sick Leave to Vacation Credit**

*Unavailable at this time [purposely leave blank]*

### **Usage**

Sick leave pay may be granted on satisfactory evidence of illness or injury presented to the employee's supervisor or the Chief of Police. Sick leave may be used in half-hour units. Sick days may not be used immediately prior to or following annual leave or holidays unless a doctor's excuse is provided and or approval from the Chief of Police.

Part-time employees are not entitled to paid sick leave.

Employees who resign during a medically-related disability leave will be allowed pay for sick leave up to the effective date of resignation, or to the end of the accumulated sick leave entitlement, whichever occurs first.

Sick leave may be utilized by employees when they are unable to perform their duties because of:

- Sickness or injury, or when the individual is quarantined;
- Medical, dental or optical examinations and/or treatment;
- Pregnancy or adoption;
- Required care of a sick or injured member of their immediate
- family for reasonable period of time; or
- Death in an employee's immediate family.

### **Exhaustion of Accumulated Sick Leave**

An employee who is incapacitated after exhausting all accumulated sick leave will be eligible to use accumulated vacation credits to

extend their paid medically-related disability status. Employees who are still incapacitated after exhausting all accumulated sick leave and vacation time, may request to be placed on a medical leave without pay.

### **Other Use of Sick Leave Not Due to Employee's Illness or Injury**

#### **Medical, Dental, and Optical Appointments**

Routine medical, dental, and optical appointments should be scheduled outside working hours. When impractical, occasional absences for such reasons may be charged to sick leave.

#### **Funeral, Pallbearer, Emergency Leave**

BHPD supervisor or the Chief of Police will, when satisfied by evidence presented, grant an employee time off with pay as follows:

##### **Funeral**

Not to exceed three days for each occurrence in the case of death in employee's immediate family.

##### **Pallbearer**

Not to exceed one day for each occurrence for service as pallbearer at the funeral of a person not a member of the employee's immediate family.

##### **Emergency**

Not to exceed five days per calendar year (up to 40 hours) plus prior year carryover hours, if available, for the care of and necessary attention to ill or injured members of the employee's immediate family.

*[For the purpose of this policy, immediate family is defined as and limited to the employee's spouse, children, grandchildren, foster children, step children, legal wards, parents, grandparents, foster parents, step parents, brothers, foster*

*brothers, step brothers, sons-in-law, brothers-in-law, sisters, foster sisters, step sisters, sisters-in-law, daughters-in-law, aunts, uncles, nieces, nephews, first cousins, corresponding relatives of the employee's spouse and other persons who are members of the employee's household.]*

### **Adoption Leave**

A newly adoptive parent is entitled to five days paid leave chargeable to accrued sick leave as approved by the Chief of Police.

### **Civil, Emergency or Special Leave Performing jury duty**

The employee must present the subpoena to serve as a juror to his/her immediate supervisor (*upon receipt and prior to the scheduled court date*).

### **Appearing as witness in court not associated with the official BHPD duty**

When appearing as a witness in court, the employee must present court order or subpoena to his/ her immediate supervisor, or the Chief of Police. When appearing as the plaintiff (one who commences a lawsuit) or defendant (a person required to make answer to a legal action), annual leave must be taken.

### **Order to National Guard Duty**

Employee shall be granted special leave for National Guard Duty. Employee must present military orders from the National Guard for approval of special leave.

### **Home confinement provisions.**

Under these provisions, an officer on sick leave must generally remain at his or her residence for the entire sick leave period. However, the officer may leave his or her home to;

- vote;
- participate in religious activities;
- obtain medication;
- undergo medical care, rehabilitative or therapeutic exercise, or other therapeutic activities; and
- obtain food or meals.

The officer need not first obtain permission to engage in any of these enumerated activities.

See *Taylor v. City of Shreveport*

### **Supervisor home visit.**

The sick leave regulation also provided that "When a member of the BHPD is using sick leave, their supervisor or the Chief of Police may visit or contact the member to ascertain if the department can do anything to assist the member and verify information" regarding the officer's health status.



<b>Title:</b>	<b>MEMBERSHIP IN ORGANIZATIONS</b>	<b>Order #</b>	<b>I-127</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **I-127 MEMBERSHIP IN ORGANIZATIONS**

No employee shall become affiliated with any organization which in any way would prevent an employee from rendering proper service to the Berwyn Heights Police Department.

Membership in an armed force reserve component of the United States is specifically accepted.

<b>Title:</b>	<b>POLITICAL ACTIVITY</b>	<b>Order #</b>	<b>I-128</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

Employee may participate or refrain from participating, during off-duty hours, in partisan political activities, except where expressly prohibited by Federal or State statute. There shall be no campaigning, fund-raising or electioneering on BHPD property. Employees shall not engage in partisan

political activity during their hours of employment. Police equipment, e.g., uniforms, vehicle, badges or business cards, shall not be used for political campaigning, fund-raising or electioneering activities.

<b>Title:</b>	<b>PERSONAL PREFERMENT</b>	<b>Order #</b>	<b>1-129</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **1-129 PERSONAL PREFERMENT**

Employee shall not seek the influence or intervention of any person outside the BHPD for purpose of personal preferment, advantage, transfer, advancement or to gain favor or preferential treatment of any kind. Nothing in this section shall prohibit appealing a grievance to the Town Council in

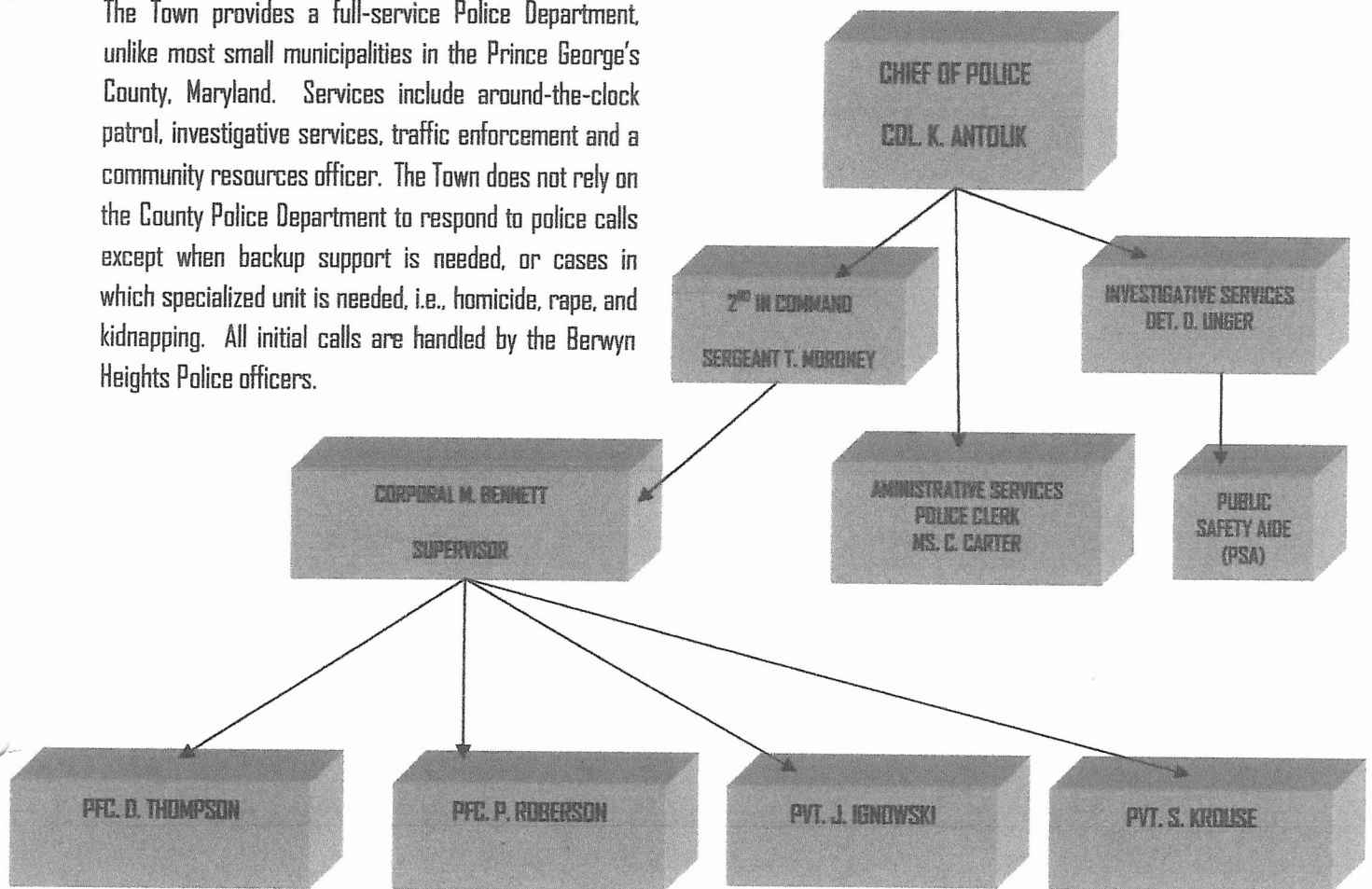
accordance with the established Town Personnel Policy, however this must take place in strict accordance with the established guidelines, and discussion with an immediate supervisor. An appeal to the Chief of Police must take place prior to Town Council contact.

<b>Title:</b>	<b>ADDRESSING RANKING OFFICER</b>	<b>Order #</b>	<b>1-130</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

Officers of a superior rank or a supervisor will be addressed with respect, using their rank or title in the address.

## POLICE YEAR 2011

The Town provides a full-service Police Department, unlike most small municipalities in the Prince George's County, Maryland. Services include around-the-clock patrol, investigative services, traffic enforcement and a community resources officer. The Town does not rely on the County Police Department to respond to police calls except when backup support is needed, or cases in which specialized unit is needed, i.e., homicide, rape, and kidnapping. All initial calls are handled by the Berwyn Heights Police officers.





<b>Title:</b>	<b>RECOMMENDING LAWYERS/BONDSMEN</b>	<b>Order #</b>	<b>I-131</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **I-131 RECOMMENDING LAWYERS / BONDSMEN**

Police officers are prohibited from recommending or suggesting to anyone the employment or name of any person, firm or corporation, attorney, council or bondsmen, except

that nothing herein shall be construed as restricting the rights of members of the BHPD in connection with the administration of their private affairs.

<b>Title:</b>	<b>FALSE INFORMATION IN RECORDS</b>	<b>Order #</b>	<b>I-132</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **I-132 FALSE INFORMATION IN RECORDS**

No member of this agency shall make false official reports, knowingly, or willingly enter or cause to be entered in any agency books, records or reports any inaccurate, false or improper police information or material matter.

<b>Title:</b>	<b>DUTY TO REPORT INFORMATION</b>	<b>Order #</b>	<b>I-133</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **I-133 DUTY TO REPORT INFORMATION**

All personnel of the BHPD shall properly report any information received in good faith from any citizen regarding matters indicate the need for action by this agency.

<b>Title:</b>	<b>CONFIDENTIAL INFORMATION</b>	<b>Order #</b>	<b>I-134</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **I-134 CONFIDENTIAL INFORMATION**

BHPD officers shall treat as confidential the official business of the agency. They shall not discuss or impart the same to anyone except those for whom it is intended, or as directed by their superior officers or under due process of the law. Nothing in this section shall prevent the discussion of policy

with counterparts in other organizations or employment status, performance, salary or any personnel information concerning any employee of the BHPD. All such inquiries shall be directed to the Chief of Police.

<b>Title:</b>	<b>DUTY TO GIVE STATEMENT</b>	<b>Order #</b>	<b>I-135</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **I-135 DUTY TO GIVE STATEMENT**

During the course of any official investigation by the agency, all members shall be required to give a full, complete and truthful statement when requested.

<b>Title:</b>	<b>HARASSMENT AND DISCRIMINATION</b>	<b>Order #</b>	<b>1-136</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **1-136 HARASSEMNT AND DISCRIMINATION**

No BHPD officers shall sexually harass another person. No employee may commit any act which would create a "hostile working environment" for another employee. No employee shall unfairly treat or discriminate against another because

of that person's race, sex, national origin, religious beliefs, sexual preference, or any other reason not based upon merit and/ or performance.

<b>Title:</b>	<b>VIOLATION OF FEDERAL/STATE/LOCAL LAWS/ORDINANCES</b>	<b>Order #</b>	<b>1-137</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **1-137 VIOLATION OF FEDERAL/STATE/LOCAL LAWS/ORDINANCES**

The violation of any Federal, State, or Local Law and / or Ordinances shall not be considered consistent with employment by the BHPD and will subject the employee to

disciplinary action which may result in termination of employment.

<b>Title:</b>	<b>PERFORMANCE OF DUTY</b>	<b>Order #</b>	<b>1-138</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **1-138 PERFORMANCE OF DUTY**

When any employee of the BHPD becomes aware of facts matters or circumstances which indicate specific action or attention is required by the BHPD, then that employee shall not disregard, circumvent, or carelessly attend to the duty required by the nature of that employee's assignment. Every employee shall at times be attentive and responsive to citizens who seek information or assistance or desire to register a complaint. It is recognized that encounters, problems and experiences confronting those persons

entrusted with providing public safety are many diverse. Policies and procedures cannot be precisely enacted in explicit detail that would dictate at all times and in all circumstances the manner and course in which the duties of law enforcement personnel with the BHPD will proceed. Consequently, all personnel are expected to possess and maintain a practical understanding of their obligations as public servants and perform accordingly.

<b>Title:</b>	<b>TAMPERING WITH POSTED MATERIAL</b>	<b>Order #</b>	<b>1-139</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

### **1-139 TAMPERING WITH POSTED MATERIAL**

No member of the BHPD shall alter, deface, destroy or remove any official memorandum, notice, or written material that has been duly posted within the police facility. Nothing in

this policy will prevent the orderly removal, by supervisor, of out of date or obsolete materials.



Title:	<b>Station Cleanliness</b>	Order #	<b>1-141</b>
New/Amends/Resc:	New	Page:	<b>01</b>
Approved by:	Chief Ken K. Antolik	Officer Signature:	
Effective Date:	July 01, 2011		
Review Date:			

#### **01 PURPOSE:**

To ensure that the police station and all its offices are maintained and remain in a reasonable state of cleanliness.

#### **02 POLICY:**

All BHPD employees will strive to maintain the station in an orderly manner, free of unsightly, unclean, or harmful conditions.

#### **03 DISPOSAL OF REFUSE:**

- A. All employees will dispose of refuse in proper receptacles.
- B. All refuse from food or drink will be promptly disposed of and the area where the food or drink was consumed will be wiped clean.

#### **04 DESIGNATED WORK AREA:**

- A. Employees will be responsible for the orderly upkeep of their assigned work areas.
- B. The tops of desks, counters, file cabinets, etc., are to be kept in order, free of excess accumulation, and clean.
- C. Clothing and other personal property will be stored either in a designated locker. This does not prohibit hanging of outer apparel on coat racks.

#### **05 GENERAL WORK AREA:**

A. For the purpose of this Procedure, general work areas include, but are not limited to, Sergeants' desk, Squad Room, Investigative Services Unit, employees break-room, Interview Rooms, Property and Evidence Storage, Locker Rooms, Chief's office, Police Clerk's area, as well as hallways, front and rear entrance areas and the Department's parking areas.

B. Employees of the Department using general work areas will leave them in a neat and orderly condition, free from trash, unused forms, or unnecessary clutter.

C. All items of equipment, forms and other Departmental or personal property will be returned to the proper place of storage after use.

D. Personal Property will not be stored in any general work area within or outside of the station.

#### **06 LOCKER ROOMS-EMPLOYEE BREAK ROOM:**

A. Lockers will be maintained in a neat and orderly manner at all times. Uniforms and official equipment, when kept in the station and not in use, will be neatly arranged in lockers or in such other places as may be designated. Employees will supply a lock and their locker will be kept locked at all times.

B. No employee will store or cause to be stored in any locker issued to them any perishable substances or items which in time would cause an annoying or offense condition to exist.

C. The placing of sexual explicit or offensive signs, stickers, and photos, decals of any sort or property or material on the outside of the locker is prohibited.

D. Couch, when not in active use, will remain free of all property.

**07 PARKING AREAS:** All parking areas shall be maintained in a neat and orderly manner. Officers shall not store personally owned vehicles at the station. All police vehicles shall be parked backed-in with the rear of the vehicle towards the parking signs.

**08 STORAGE AREAS-EVIDENCE LOCKERS:** All storage areas shall be maintained in a neat, orderly manner and in compliance with all applicable laws and regulations.



#### **09 EMPLOYEE RESPONSIBILITY:**

A. Employees to whom mailboxes are assigned are responsible for orderly condition of the box. Boxes are to be checked daily when an employee is on duty. The boxes are intended for the use of receiving mail, messages, memorandums and paychecks etc. They are not to be used for storage.

B. Bulletin boards within the station are to be used for police related business only. Miscellaneous jokes, comments, cartoons, insults, crude or vulgar statements, and notices of personal items for sale are prohibited.

C. Supervisors are responsible for ensuring that subordinates abide by this policy.

<b>Title:</b>	<b>Department Messages/Mail</b>	<b>Order #</b>	<b>1-143</b>
<b>New /Amends/ Resc:</b>	<b>New</b>	<b>Page:</b>	<b>01</b>
<b>Approved by:</b>	<b>Chief Ken K. Antolik</b>	<b>Officer Signature:</b>	
<b>Effective Date:</b>	<b>July 01, 2011</b>		
<b>Review Date:</b>			

#### **01 PURPOSE:**

To establish procedures for the recording, storage, and distribution of messages and related correspondence.

#### **02 POLICY:**

The Department will ensure that all employees receive and return messages in a prompt and efficient manner.

#### **03 MAILBOXES:**

A mailbox, in the Department's Mail Room, has been provided to each Departmental employee. It is to be used for incoming interdepartmental messages, incoming mail, and other Departmental-related correspondence. The mailbox is not to be used for storage of any kind.

#### **04 MESSAGE AND MAIL DISTRIBUTION:**

A. Employees answering telephones will attempt to transfer incoming callers to the person that they are attempting to contact. If they are unable to do so, and the caller desires, they will promptly write the messages down and place them in the appropriate mail-box. If the message is urgent or emergency in nature, every attempt possible will be made to locate the employee immediately.

B. The Police Chief's Clerk / PSA personnel will promptly place all incoming mail in the appropriate mail slot as it is received.

#### **05 EMPLOYEE RESPONSIBILITY:**

A. It will be the responsibility of every employee, upon reporting for work, to check their Voicemail, and their mailboxes for messages and other mail.

B. Before leaving the station, officers will check his/her mailboxes located in the BHPD to ensure that they have collected their messages and other mail.

C. Employees are to ensure that messages are returned in a prompt and courteous manner. Whenever possible, telephone messages will be returned the day they are received.

D. Employees who will be off for more than two days shall change their greeting on their voice mail to indicate the date they will return from leave.

E. Employees shall delete saved messages from the voice mail system as soon as reasonably practical. A large amount of saved voice mails can over load the system.

#### **06 ELECTRONIC MAIL:**

A. Employees with electronic mail (e-mail) shall check their e-mail daily.

B. Employees are to ensure that e-mail messages are responded to in a prompt and courteous manner. Whenever possible, e-mails will be returned the day they are received.

C. Employees shall delete saved e-mails from the e-mail system as soon as practical. A large amount of saved e-mails can overload the server and prevent new e-mail messages from being stored.

<b>Title:</b>	<b>BHPD DOOR COMMUNICATION DEVICE</b>	<b>Order #</b>	<b>1-143[a]</b>
<b>New /Amends/Resc:</b>	<b>New Amended</b>	<b>Page:</b>	01 of 01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	May 11, 2016		
<b>Review Date:</b>			

## I PURPOSE

To be familiar with and receive instant alerts when someone presses the button on the Video Doorbell or motion is detected. BHPD officers and personnel will be able to see and speak with person(s) from anywhere using their department issued and or personal smartphone.

## II POLICY

BHPD mission is to reduce potential incident and, or citizens complaining about unresponsiveness when they are attempting to conduct official business at the main BHPD HQ. During normal business hours Monday – Friday between 0900 – 1700 hours excluding holidays the police clerk will be responsible for answering and communicating with any person(s) activating the said device. The following persons will be responsible for answering the security device after hour, or holidays.

- 1700 – 0300 hours – Evening officer [on duty] will answer, or communicate with person(s) aforementioned.
- 0100 – 0700 hours – Midnight officer
- Weekends – Holidays 0700 – 1700 [on duty officer]
- Weekends – Holidays 1700 – 0300 [on duty officer]

- Weekends – Holidays 0300 – 0700 [on duty officer]

The chain of command structure will follow in the event of the on duty officer failing to connect with person(s) activating the device during non-normal business hour, weekends and holidays. Police Private – Police PFC – Police Corporal – Police Sergeant – Chief.

When communicating with the citizens through the video door communicating device, state the department name so that the receiver knows they are talking to a BHPD representative. Always state your name because it is a sign of authority. Stating your name implies that you are accountable. It also creates a personal touch. Lastly, advise the citizen that they are being visually and audibly recorded for their protections.

Example:

*"Good morning – afternoon – evening – this is Corporal Smith of the Berwyn Heights Police Department. For your protection you are being audibly and visually recorded at this time can I assist you?"*

## III TRAINING

All BHPD personnel will be trained and familiarize themselves with the operation of the communication device. Training will be provided by the BHPD Training and Education Section as well as the maintenance and up-keeping of the said device.

#### IV RESPONSIBILITIES & DATA:

The System Administrator shall be designated by the Chief of Police as the Training & Education Section, of whom has the responsibilities to include but not limited to the following:

- I. Training
- II. Evaluation of System
- III. Operation of the System
- IV. Ensure that the Communication Device files are secured and retained no longer than necessary for the purpose for which it was collected for a minimum of one (30) days and files should be deleted after that period unless a recording has been flagged.
- V. Once a recording /file(s) have been flagged, it would then switch to a longer retention schedule for three-year (03).
- VI. Flagging should occur automatically for any incident:
  - a. involving a citizen(s) in distress;
  - b. that leads to emergency notification; or
  - c. where either a formal or an informal complaint has been registered.

Ensure that files are reviewed and released in accordance with the State, Federal and Local Statutes.

- Any subject of a file /recording shall be able to flag a recording, even if not filing a complaint or opening an investigation.
- The Chief of Police, his designee and the Investigative Services Section shall also be able to flag an incident if they have some basis to believe police misconduct has occurred or have reasonable suspicion that the video contains evidence of a crime.
- If any useful evidence were obtained during an authorized use of a recording, the recording would then be retained in the same manner as any other evidence gathered during an investigation.

2. The Training & Education Section of the BHPD shall be responsible for the following:

- Ensuring the battery is fully charged and operating properly.
- Reporting unresolved equipment malfunctions / problems to the Chief of Police or the Investigative Services.
- Monitoring system effectiveness.

#### V PUBLIC ACCESS TO RECORDINGS:

The BHPD Public Communication Device is stationary and located next to the entrance of the BHPD headquarter. Furthermore, the device is solely initiated by the Public to make contact with a representative of the BHPD usually after business hours and or when a representative is unavailable in person. Citizen(s) recorded by BHPD communication device and or any devices should have access to, and the right to make copies of, those recordings, for however long the BHPD maintains copies. This shall also apply to disclosure to a third party if the subject consents with a notarized letter given power of attorney, or to criminal defense lawyers seeking relevant evidence. All other requests for the citizen initiated communicating Recording Device file shall be accepted and processed in accordance with the provisions of the Maryland Public Information Act, State Government Articles. NOTE: A request for a citizen initiated communicating recording device file from the Public Defender's Office shall require going through discovery from the States Attorney's Office, a subpoena, or a public record's request. The citizen initiated communicating recording device policies of the BHPD shall be made available to the public within the guideline of this police. Any copies under the MPIA shall be attached with an administrative fee.

#### VI CONFIDENTIALITY

1 All purchased citizen initiated communicating recording device file equipment and all recordings are the property of the BHPD, and only citizen initiated communicating recording device equipment approved by BHPD shall be utilize.

2. Except as authorized by the BHPD, copying, releasing, altering, erasing or allowing unauthorized viewing of an agency video recording (or portion thereof) is prohibited and may subject an officer to disciplinary action.

Department requests, to include requests from the States Attorney's Office, Local Government Insurance Trust (LGIT), and the Town's Attorney, requesting the citizen initiated communicating Recording Device file for investigative purposes, shall forward a written request via email with sufficient information to locate citizen initiated communicating Recording Device file to the Berwyn Heights Police Department's Chief of Police at Chief@BerwyHeightPD.com



<b>Title:</b>	<b>Guess &amp; Visitors at HQ</b>	<b>Order #</b>	<b>1-144</b>
<b>New/Amends/Resc:</b>	<b>New</b>	<b>Page:</b>	<b>01</b>
<b>Approved by:</b>	<b>Chief Ken K. Antolik</b>	<b>Officer Signature:</b>	
<b>Effective Date:</b>	<b>July 01, 2011</b>		
<b>Review Date:</b>			

#### **01 PURPOSE:**

To provide guidelines for visitors in the police station in order to control the flow of people into restricted areas.

#### **02 POLICY:**

The Department will ensure the safety of visitors and control the flow of people into the Department. It will be our policy to restrict all visitors from the HQ unless prior approval from the Chief of Police, his designee or a Supervisor.

#### **03 PROCEDURE:**

All employees will be responsible for logging visitors in and out of the station on their daily log. The information will contain the visitor's name, person or whom they are visiting, and time signed in and out. This procedure will not apply to the following:

**A.** Town Officials;

**B.** Town employees on official business;

**C.** Routine vendors on the approved station entry list (UPS, FedEx, etc.);

**D.** When station tours are given to groups (Boy Scouts, Girl Scouts, etc.) the chaperones will need to be logged in but not the juveniles.

**E.** When witnesses are brought into the station. Witnesses within the confines of the secure facility will be escorted and monitored by police personnel at all times. For the purpose of obtaining statements, the suggested areas include the interview room, and Investigative Services Section. The following rooms are prohibited:

1. Employee break room;
2. NCIC area;
3. Patrol Division Desks / area.

#### **04 ACCOUNTABILITY:**

**A.** The Officers will be responsible for ensuring that the visitors log is kept up to date in the daily log.

**B.** In the absence of a officer, the Police Clerk will ensure that this policy is carried out by notifying Chief of Police.

**C.** Sworn or civilian personnel having a visitor will be responsible for completing their individual log.

<b>Title:</b>	<b>Inspections</b>	<b>Order #</b>	<b>1-145</b>
<b>New/Amends/Resc:</b>	<b>New</b>	<b>Page:</b>	<b>01</b>
<b>Approved by:</b>	<b>Chief Ken K. Antolik</b>	<b>Officer Signature:</b>	
<b>Effective Date:</b>	<b>July 01, 2011</b>		
<b>Review Date:</b>			

### **01 POLICY:**

All employees and physical resources of the Berwyn Heights Police Department shall be subject to inspections.

### **02 PROCEDURES:**

Inspection is the process by which supervisors review and observe subordinates' activities to ensure the proper compliance with Departmental procedures, rules, and regulations. These inspections are not limited to persons, but also include all physical resources and facilities used by the Berwyn Heights Police Department. In such inspections, the supervisor will, upon observing substandard conditions, take immediate corrective action.

#### ***A. Personal Appearance.***

The inspection of personal appearance is the duty of all supervisors, made on a daily basis to ensure proper appearance of assigned personnel. If substandard appearance is observed, the supervisor will take whatever corrective action is necessary.

#### ***B. Police Facility Inspection.***

A Supervisor is responsible for the ongoing inspection of the general condition and cleanliness of the

Department's facilities and furniture, and for reporting any problems to their Commander, with a memorandum describing any problem and recommending a solution.

#### ***C. Tour Inspections.***

A Tour Inspection is to be conducted at the discretion of a Supervisor during the working day and evening shifts.

Tour inspections include:

- a. Daily visual inspections of uniforms and appearance;
- b. Daily visual inspections of work areas to ensure they are neat and clean;
- c. Daily visual inspections of cruisers for cleanliness;
- d. During every specified tour inspection the Supervisor will ensure that the officers are within Department guidelines.
- e. The Supervisor is responsible for inspecting the interview area. This inspection shall be documented if a weapon or dangerous item(s) is to be found.

<b>Title:</b>	<b>Use of Tobacco Products</b>	<b>Order #</b>	<b>1-146</b>
<b>New/Amends/Resc:</b>	New	<b>Page:</b>	01
<b>Approved by:</b>	Chief Ken K. Antolik	<b>Officer Signature:</b>	
<b>Effective Date:</b>	July 01, 2011		
<b>Review Date:</b>			

#### **01 PURPOSE:**

To clarify the locations of smoking areas in and around the BHPD and regulate the use of chewing tobacco.

#### **02 POLICY:**

The Department encourages employees to participate in a cessation of smoking program. Chewing tobacco and smoking causes adverse health effects to the smoker/chewer and those who are forced to inhale second hand smoke. The Department wishes to provide reasonably healthy air inside its buildings without excessively penalizing those who smoke.

#### **03 SMOKING:**

**A. Prohibited Areas:** Smoking is prohibited by employees and visitors in all Town owned buildings and Department vehicles.

**B.** Employees may smoke outside in front of the Headquarters. However, all cigarette butts must be disposed of properly.

**C.** Officers will use discretion when smoking in public view. Officers will not smoke while directing traffic, actively interviewing witnesses, victims or suspects. Officers will refrain from smoking when doing so would likely bring the Department under criticism.

#### **04 CHEWING TOBACCO:**

**A.** Officers will use discretion when using chewing tobacco in public view. Officers will not chew tobacco while actively interviewing witnesses, victims, or suspects. Officers will refrain from chewing tobacco when doing so will bring the Department under criticism.

**B.** Employees who chew tobacco will throw spit cups out immediately after their use.



<b>Title:</b>	<b>Time Sheets</b>	<b>Order #</b>	<b>1-147</b>
<b>New / Amends / Resc:</b>	<b>New</b>	<b>Page:</b>	<b>01</b>
<b>Approved by:</b>	<b>Chief Ken K. Antolik</b>	<b>Officer Signature:</b>	
<b>Effective Date:</b>	<b>July 01, 2011</b>		
<b>Review Date:</b>			

#### **01 POLICY:**

It is the Department's policy to accurately maintain a payroll record for both sworn and civilian personnel.

#### **02 PAY PERIOD:**

The pay period will be for two weeks, starting on Sunday at 0000 hours, and ending on Saturday, at 2359 hours. Pay checks for employees will be issued on the Friday after the end of the pay period.

#### **03 ACCURACY:**

Those officers who fill out their own time sheets are accountable for the accuracy of the document. Officers and Civilian are accountable for the accuracy of the time sheet. It is the responsibility of the Chief of Police's to review all time sheets for errors.

#### **04 PROCEDURES:**

##### **A. Leave slips:**

**Annual Leave/Holiday/Maternity Leave/Compensatory Leave:** If an employee anticipates using annual leave, special holiday, or compensatory leave during the pay period, it is his/her responsibility to have the request completed and approved prior to taking the leave. Except in extraordinary circumstances, employees will fill out their own annual leave, special holiday or compensatory leave slips.

**Sick Leave:** If an employee is sick for the day or an extended period of time, it will be the responsibility of his/her immediate supervisor to complete his/her sick leave request form.

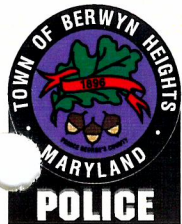
***Overtime Request:*** Whenever an employee is required to work overtime, it will be the responsibility of that employee to complete and submit the request to his/her immediate supervisor for the final approval from the Chief of Police.

***Leave/Overtime Slips:*** All leave and overtime slips will be paper clipped to the employee's time sheet and forwarded to the Chief of Police.

#### **05 TIME SHEET INFORMATION MEMORANDUM:**

The attached Memorandum will be placed behind this Order. The memorandum was designed to assist officers in filling out their payroll sheet correctly.





# BERWYN HEIGHTS POLICE DEPARTMENT

5700 Berwyn Road • Berwyn Heights, MD 20740 • (301) 474-6554 • Fax (301) 474-2417 • [www.BerwynHeightsPD.com](http://www.BerwynHeightsPD.com)

Kenneth K. Antolik  
*Chief of Police*

Berwyn Heights Police Department

## MEMORANDUM

TO: All Departmental Personnel

FROM: Chief Ken Antolik

DATE: February 4, 2011

SUBJECT: Time sheet Information - please read through at least once thoroughly

Please submit all time sheets with overtime, sick, and annual leave forms no later than the Monday morning that payroll is due, although I would appreciate them by Friday morning so that I have adequate time to review them. If you submit the time sheets on Friday, I will be glad to check on overtime worked or leave changes over the weekend and make the appropriate corrections on the time sheets. It is not all that complicated, but it is a lot of detail and errors will be made, and I would like to try to avoid this so that we all get paid properly.

- specify the following type of leave on the time-sheet.

Training - no leave slip required.

Jury duty - leave slip required with court request.

On-duty Injury - leave slip required.

On-duty injury - specify date and nature of original injury on leave slip for tracking purposes.

Family Death Leave - leave slip required - specify family member.

Sick Leave/ illness must have with doctor's note if 3 days or more.

Field Training Compensations- For officers who are field training newly-hired officers, each day these officers will receive 5 hours toward flex leave.