FREDERICK COUNTY SHERIFF'S OFFICE

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SHERIFF

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As of October 1, 2016, all Maryland law enforcement agencies are required to post their policies and procedures on their websites. The law also provides that the Sheriff may prohibit the posting of administrative or operational policies that if disclosed would jeopardize operations or create risk to public or officer safety, including policies related to high-risk prisoner transport, security measures, operational response to active shooters, or the use of confidential informants.

As you review the following pages of our policies and procedures, please note that entire sections or parts of sections that meet this criteria have been removed from public view in accordance with Maryland law. These sections will be indicated as [Redacted].

Please also note that though these policies will be kept up-to-date on a regular basis, there will be times when delays in the posting of new or updated policy will be incurred.

1.1 LAW ENFORCEMENT AGENCY ROLE

This General Order consists of the following sections:

1.1.1 Oath of Office
1.1.2 Code of Ethics

POLICY

The Sheriff's Office command staff shall establish reasonable goals and objectives in the pursuit of professional standards and improved service to the community.

PROCEDURES

1.1.1 Oath of Office

A. All personnel, prior to assuming sworn status, will take and abide by an Oath of Office to enforce the law and uphold the Constitution of the United States, the Constitution of the State of Maryland, and those governmental subdivisions thereof.

B. The oath will be administered by the Clerk of the Circuit Court for Frederick County.

1.1.2 Code of Ethics

A. The Frederick County Sheriff's Office has adopted the National Sheriff's Association's "Code of Ethics of the Office of Sheriff," and the International Chiefs of Police's "Law Enforcement Code of Ethics." All members of the Sheriff's Office will abide by these ethics (with non-sworn personnel governed by applicable provisions).

B. Ethics training will be conducted for all personnel at least every two years

1.2 LIMITS OF AUTHORITY

This General Order consists of the following sections:

1.2.1 Legally Mandated Authority
1.2.2 Use of Discretion
1.2.3 Alternatives to Arrest
1.2.4 Bias-Based Profiling

POLICY

It is the policy of the Frederick County Sheriff's Office to impartially enforce the laws of the United States, the State of Maryland, and the laws and ordinances of Frederick County.

PROCEDURES

1.2.1 Legally Mandated Authority

A. The elective office of Sheriff of Frederick County has been provided for since 1776 in Article IV, Section 44 of the Constitution Volume of the Annotated Code of Maryland. The duties of the sheriff are constitutionally set by common law and by statute.

B. "The Sheriff shall appoint deputies as necessary..." (§2-309 (l)(1) Maryland Courts and Judicial Proceedings Article)

C. The legal authority of the Sheriff defines the traditional function of the Office. These duties include: the operation of the jail, the service of process, the transportation of prisoners, the security of the courthouse, and law enforcement.

1.2.2 Use of Discretion

A. Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias, or corruption.

B. Therefore, it is imperative that members of the Sheriff's Office take into consideration when exercising discretionary power the goals and objectives of the Sheriff's Office, the best interest of the public they serve, any mitigating circumstances, and the volatility of the situation at hand.

1.2.3 Alternatives to Arrest

In lieu of formal action, a deputy may exercise discretion and choose informal action to solve a problem. Such action may take the form of a referral, informal resolution or warning.

1. Referrals - the deputy shall offer referrals to other agencies and organizations when, in their judgment, it is the most reasonable alternative for the offender and the violation.

2. Informal resolution - a deputy at their discretion, may offer informal resolutions to situations and conflicts when in the deputy's judgment they can be adequately resolved by use of verbal warnings, informing the proper agency or organization, advising parents of the juvenile's activity, etc.

3. Warnings - a warning may be issued by a deputy when, in their judgment, it is the most reasonable alternative for the offender and the violation.

1.2.4 Biased Based Profiling

A. Definitions:

1. Biased-Based Profiling - The selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, motorcycle group, immigration status, or any other identification group.

2. Enforcement Action - Activities both on and off duty, undertaken by Office personnel that arise from the authority related to employment, oath of office, state statute, Federal law or county ordinance. Activities such as traffic contacts, field contacts, arrest, investigations, searches, asset seizure and forfeiture, and general law enforcement contact with citizens.

B. As outlined in the National Sheriff's Association, Code of Ethics, the Sheriff's Office prohibits biased based profiling when dealing with the public including but not limited to the following situations:
   1. Traffic Contacts
   2. Field Contacts
   3. Search and Seizure
   4. Asset Seizure and Forfeiture

C. The Sheriff's Office provides entry-level training to agency personnel in bias based profiling issues to include legal aspects.

D. The Sheriff's Office will investigate complaints of bias based profiling and will take corrective measures if biased based profiling was determined to have occurred.

E. The Office of Policy and Compliance will conduct an annual administrative review of agency practices to include citizen concerns. This review will be forwarded to the Sheriff.

1.2.5 Immigration Status

A. Definitions:

1. Immigration Status - The status of a person as it relates to being present in the United States either legally or illegally.

2. Enforcement Action – Activities, both on and off duty, undertaken by Sheriff's Office Law Enforcement Bureau personnel that arise from the authority related to employment, oath of office, state statute, or county ordinance, including activities such as traffic contacts, field contacts, arrests, investigations, searches, asset seizure and forfeiture, and general law enforcement contact with the public we serve.

B. The Sheriff's Office Law Enforcement Bureau prohibits employees from inquiring about a person's immigration status during any Law Enforcement activity to include but not limited to: traffic contacts, field contacts, arrests, investigations, and general law enforcement contacts with the public we serve.

1.3 USE OF FORCE

This General Order consists of the following sections:

1.3.1 The Progressive Use of Force
1.3.2 Use of Deadly Force in Defense of Human Life
1.3.3 Use of Deadly Force in Apprehending a Fleeing Felon
1.3.4 Policy Training
1.3.5 Restrictions on the Use of Firearms
1.3.6 Off-Duty/Backup Handguns
1.3.7 Less-Lethal Weapons
1.3.8 Personal Weapons/Secondary Weapons
1.3.9 Deadly Force Report and Investigation
1.3.10 Special Weapons
1.3.11 Firearms Qualification
1.3.12 Authorized Weapons and Ammunition
1.3.13 Use of Force Report
1.3.14 Administrative Review of Use of Force and Use of Deadly Force Incidents
1.3.15 Relief from Field Duty
1.3.16 Recognition of Plain Clothes Personnel

POLICY

It shall be the policy of the Frederick County Sheriff's Office that deadly force may only be used by members when they reasonably believe that this action is in defense of human life, including the member's own, or in defense of any person in imminent danger of serious physical harm and other means have been reasonably exhausted.

PROCEDURES

1.3.1 Progressive Use of Force

A. Definitions

1. Force - conduct on the part of a deputy, special police officer or correctional officer that is designed to assist the member in controlling a situation, the actions of a person or persons, or a domestic animal.

2. Progressive force - the escalation of force used by a deputy, special police officer or correctional officer in order to control a situation or the actions of persons, from minimal to maximum (i.e., verbal force, physical force, intermediate force, deadly force).

3. Less-lethal weapon - any weapon, other than a firearm, used to control persons or defend a deputy or correctional officer from harm such as a baton. Handcuffs are not considered a weapon but rather a restraining device.

4. Domestic Animal – An animal that has been tamed and/or kept by humans as a pet, work animal, or a food source. It does not include untamed wildlife such as a deer, bear, etc.

B. Members of the Sheriff's Office will use the amount of force which is reasonable to control a situation, effect and maintain an arrest, or defend themselves or others from harm.

C. When force is used, the degree of force that is employed should be in direct relationship to the amount of resistance employed by the person or the imminent threat the person poses to the Sheriff's deputy, correctional officer, or others.

D. The use of force by members of the Sheriff's Office will, whenever possible, be progressive in nature. The force may be in the form of advice, warnings, persuasion, verbal encounters, physical contact, use of a baton or other less lethal weapons, or the use of deadly force.

E. Members must weigh the circumstances of each individual case and employ only the amount of force which is necessary and reasonable to control the situation or persons. No member will use unreasonable or excessive force toward any person.

F. Members of the Frederick County Sheriff's Office will ensure appropriate medical aid is administered where needed.

1.3.2 Use of Deadly Force in Defense of Human Life

A. Deadly force is that force that has a likely consequence of death or grave bodily injury, or such force that a reasonable and prudent person would consider likely to cause death of grave bodily injury.

B. Deadly force may consist of the use of items, articles, instruments, or equipment other than firearms which are designed, intended and routinely used for other legitimate law enforcement purposes, such as vehicles, batons, flashlights, etc. Deliberate use of any such item, article, instrument or equipment for any purpose other than that for which it was designed and intended, or in a potentially deadly manner (i.e., as a club or ramming with a vehicle) is prohibited except in cases where the use of deadly force is specifically authorized in section 1.3.2 of this General Order.

C. A member may use deadly force only when the member reasonably believes that the action is in defense of human life, including the member's own life, or in defense of any person in imminent danger of serious physical injury.

1. Reasonable belief is as defined in Black's Law Dictionary: the words "reasonably believes" are used to denote the fact that the actor believes that a given fact or combination of facts exists, and that the circumstances which he knows, or should know, are such as to cause a reasonable man so to believe.

2. Serious bodily injury is as defined in Black's Law Dictionary: bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

1.3.3 The Use of Deadly Force in Apprehending a Fleeing Felon

A. Sworn deputies, special police officers and correctional officers may employ deadly force in the performance of their official duties to prevent the escape of a felony suspect only when all of the following conditions exist:

1. Where there is direct knowledge or probable cause to believe the perpetrator is a felon, and actually used or threatened the use of deadly force in the commission of a crime; and

2. The Sheriff's Office member has reason to believe the felony suspect poses an imminent threat by using deadly force against the member or others if not apprehended. See definition 1.3.2.C.

3. Where feasible, the Sheriff's Office member has given notice of intent to use deadly force and the felony suspect refuses to obey the order to stop.

B. Deadly force must never be used on mere suspicion that a crime, no matter how serious, was committed or that the person being pursued committed the crime. The member should either have witnessed the crime or should have sufficient probable cause to believe that the suspect had committed, is committing, or is about to commit an offense for which the use of deadly force is permissible.

1.3.4 Policy Training

Sheriff's Office personnel authorized to carry lethal and less lethal weapons must demonstrate proficiency in the use of agency-authorized weapons prior to being approved to carry such weapons. Employees shall be issued a copy of General Order 1.3, Use of Force, and receive classroom instruction on its contents prior to being authorized to carry a weapon. General Order 1.3 shall be an annual component in the Sheriff's Office in-service training program.

1.3.5 Restrictions on the Use of Firearms

A. Frederick County Sheriff's Office personnel authorized to carry firearms shall not discharge their weapon as a warning.

B. Under no circumstances will members of the Frederick County Sheriff's Office display a weapon in a flagrant manner or in any manner which is unsafe or would cause unnecessary alarm to the public.

C. All members of the Frederick County Sheriff's Office are prohibited from carrying weapons off-duty while consuming alcoholic beverages.

D. Members of the Frederick County Sheriff's Office must reasonably anticipate a situation justifying the use of a weapon before removing it from its holster or otherwise displaying it.

The use or display of weapons in circumstances other than those described in this General Order is contrary to Sheriff's Office policy.

1.3.6 Off Duty/Backup Weapons

A. The carrying of firearms by sworn deputies while off duty shall be optional, leaving the decision up to the professional judgment of the individual deputy. When going out into the community while off duty and considering whether or not to arm themselves, personnel should take into consideration their destination, purpose, and dress, as well as any other pertinent variables. Sheriff's Office personnel shall not be armed while consuming or under the influence of alcohol.

B. Sworn deputies may carry an approved personal handgun having a minimum caliber of .380 up to a maximum of .45 so long as the deputy remains qualified with the weapon in accordance with Sheriff's Office policy contained in section 1.3.11 of this order. Off duty and backup weapons shall be approved by the Bureau Chief with recommendations by the Sheriff's Office Armorer.

C. Sworn deputies will be permitted to designate two (2) handguns as off duty and/or on duty backup weapons.

1. Personnel will be permitted to carry only one (1) of the designated weapons at one time while on duty.

2. In cases where either or both weapons are approved backup or secondary weapons, to be carried on duty, personnel shall only be permitted to carry in a manner that will conceal it from view.

3. The range officer shall

a. Record the descriptions, including serial numbers, of the weapons designated as the member's off duty weapons; and

b. Maintain a file of off-duty weapons and qualification dates, with a copy to the Training Specialist.

D. Corrections officers

1. Shall not be permitted to carry weapons while off duty except under provisions of Title 4, Subtitle 2 of the Public Safety Article.

2. May at their own expense obtain a handgun permit from the Maryland State Police under the provisions of Title 5, Subtitle 3 of the Public Safety Article, in which case they shall be subject to any provisions placed on such a permit by either the Maryland State Police or the Sheriff of Frederick County.

E. Only ammunition that is listed on the "Specification Approval Sheet" is permitted to be carried and used by Sheriff's Office personnel.

1.3.7 Less Lethal Weapons

A. While on-duty, uniformed deputies and special police officers (SPOs) at the rank of Sergeant and below, and all uniformed members working Office Extra-Duty, will carry on their person at least two (2) less lethal weapons (issued baton, O.C. aerosol spray, and/or the Taser).

B. While on duty in the field, deputies at the rank of Sergeant and below, working plain-clothes assignments, will have available at least one (1) less lethal weapon (issued baton, O.C. aerosol spray, and/or the Taser).

C. Members actively working undercover assignments are exempt from the requirement to carry a less lethal weapon, but may do so at their own discretion.

D. Deputies, SPOs and correctional officers may be issued and certified in the use of batons which:

1. Are considered less lethal weapons

2. May only be used in accordance with provisions of this General Order and Sheriff's Office training standards

3. Deputies, SPOs and correctional officers will ensure appropriate medical aid if injuries occur during the use of a baton

4. Only less lethal weapons that are listed on the "Specification Approval Sheet" are permitted to be carried and used by Sheriff's Office personnel.

E. Deputies and SPOs shall be issued, and deputies, SPOs and correctional officers shall be trained in the use of O.C. (Oleoresin Capsicum) aerosol spray.

1. O.C. aerosol spray is considered a less lethal weapon which shall only be used in accordance with provisions of this General Order and Sheriff's Office training standards

2. Only the O.C. aerosol spray issued by the Frederick County Sheriff's Office is approved for use by Sheriff's Office personnel.

3. No personnel shall be issued O.C. aerosol spray before the completion of the O.C. aerosol spray entry-level training, in-service training, or a comparable course of instruction.

4. O.C. (Oleoresin Capsicum) is an organically based less-than-lethal aerosol weapon designed to incapacitate, with no lasting after-effects. In most cases it will immobilize an attacker for up to 45 minutes. O.C. is an inflammatory agent that:
   a. Produces rapid physiological and psychological reactions
   b. Affects eyes, respiratory system, skin, lips and face
   c. Causes immediate swelling of mucous membranes
   d. Causes uncontrollable coughing, gagging and gasping for breath
   e. Produces eye irritation
   f. Produces an intense burning sensation on skin, nose and mouth

5. Because O.C. does not produce any permanent injury, it may be introduced into the "ladder of force" much earlier.

    a. O.C. agents are considered an alternate use of less lethal force, and not intended to replace the use of a firearm where deadly force is called for.

    b. With few exceptions (i.e., crowd control, etc.), incidents that necessitate the use of O.C. spray should result in arrest and appropriate charges.

6. After spraying a combative or threatening subject, extreme caution should be used. O.C. is not fail-safe, and subjects may still be dangerous after employing O.C.

    a. The subject who has been sprayed should be
        (1) Ordered to remain still
        (2) Assured they will be treated, and that the effects they are experiencing will dissipate shortly

    b. First aid and/or medical attention must be rendered after the use of O.C. as soon as practical.
        (1) The following measures will help to dissipate the effects of O.C.:
            (a) Removal from the contaminated area
            (b) Facing into the wind or breeze
            (c) Flushing the affected area with cool water
            (d) Blowing the nose
            (e) Washing with a non-oil based soap or detergent
            (f) Use of wet towel or ice packs to reduce inflammation
            (g) Removal and thorough cleaning of contact lenses
        (2) DO NOT use any of the following:
            (a) Lotions, salves or creams
            (b) Commercial eye wash
        (3) If symptoms persist beyond 45 minutes, seek medical attention immediately. If an arrestee wishes medical attention it should be provided.

7. Any use or discharge of O.C. aerosol spray for purposes other than training shall be reported on an incident report.

    a. Accidental discharges shall be reported immediately to the shift or other appropriate supervisor; and in the case of an off-duty accidental discharge, within 24 hours of its occurrence.

    b. The use of O.C. aerosol spray shall be reported on a Use of Force Report (Form 1-B) per this General Order Section 1.3.13. Use of O.C. spray will also be noted in the Incident Report that accompanies the Use of Force Report.

F. Prohibited Weapons

1. Brass knuckles, slappers, saps, sap gloves and black jacks--no member of the Sheriff's Office will carry or use at any time a weapon of the type commonly referred to as brass knuckles, slappers, saps, sap gloves, or black jacks.

2. Karate sticks- no member of the Sheriff's Office shall carry, have in their possession or use any device known as "Kanchaku" also called "numchucks" and karate sticks, while on duty or while on special assignment.

3. Any other weapon which could be considered a defensive weapon unless approved by the Sheriff.

G. Specialized Less-Lethal Weapons

1. Trained personnel have access to specialized less-lethal weapons such as chemical munitions and specialty impact munitions (SIMs).

   a. Chemical Munitions – may only be deployed by SWAT or other trained personnel upon authorization of a commander.

   b. Specialty Impact Munitions (SIMs) – may only be deployed by trained personnel upon the discretion of the on-scene supervisor.

   c. Deputies may only carry and deploy those munitions for which they are specifically trained.

   d. In an emergency situation, where there is reasonable belief that an imminent threat of serious bodily injury or death exists, chemical and/or specialty impact munitions may be deployed without authorization.

2. Only authorized, trained members who demonstrate proficiency in the use of agency-authorized specialized weapons may be approved to carry and use these weapons.

3. In the event that a chemical agent is deployed within a structure, the deputy deploying the chemical munition will ensure that a FCSO Chemical Agent Notification Form (FCSO Form 42-B) is posted on the front door of the structure. If the resident/owner is present, a copy may be also be given to him/her.

H. Tire Deflation Devices

1. Tire Deflation Devices (Stop Sticks) is a non-lethal weapon which shall be used in accordance with Vehicle Pursuit Policy 41.2.5.

2. Only authorized and trained personnel will be allowed to carry and use the Stop Sticks.

3. Personnel will be trained in the use of the Stop Sticks according to manufacturers' specifications and guidelines.

4. Any death or injury which occurs as a direct result or deployment of the non-lethal weapon (Stop Sticks) will be handled according to Frederick County Sheriff's Office Use of Force Policy 1.3.

5. Any injuries incurred as a result of the use of a controlled tire deflation device will have the appropriate medical aid rendered immediately.

6. Use of the Stop Sticks will be reported on an incident report per this General Order Section 1.3.13 - Use of Force Report.

7. Patrol Operations Sergeants are responsible for maintaining a record of who is assigned the Stop Sticks on their team.

    a. Supervisors will inspect the Stop Sticks during monthly line inspections. Any problems or damage occurring to the Stop Sticks will be documented and immediate action will be taken to replace or repair the damaged Stop Sticks.

    b. Supervisors will coordinate annual Roll Call Training with the Training Services Supervisor for personnel authorized to carry the Stop Sticks. Personnel not receiving the annual training will not be authorized to carry the Stop Sticks.

I. Conducted Electrical Weapon (CEW)

1. The current Conducted Electrical Weapons (CEW) utilized by the Frederick County Sheriff's Office is the Taser X-26, Taser X2 and Taser X-26P. All of which will be referred to as a CEW.

2. All of the CEW's utilized by the FCSO are a less-lethal weapon that emits an electrical energy charge which causes neuromuscular incapacitation that disrupts the sensory and motor functions of the central nervous system. Taser is a copyrighted trademark symbol and shall be treated accordingly. For reporting purposes, the following terms will be utilized:

    a. Display/Deployment – The visible presence of the CEW outside the holster to include: public display, sparking the Taser or "painting the target" with the CEW's red laser sight, to gain compliance.

    b. Discharge – The delivery of an electrical energy charge via the probes or a Drive Stun.

3. The CEW may be utilized to gain control of a subject who is violent (active aggression), or who may imminently become violent, or who is actively resisting by fighting.

4. Electrical charges may be released from the CEW in two (2) ways:

    a. Probe Mode – Firing two (2) probes up to twenty-one (21) feet from a disposable cartridge, which are connected to the Taser, by insulated wires and release electrical pulses into the body. This is the primary option for discharging the CEW.

    b. Drive Stun Mode – the CEW is applied directly to the body, consistent with training. This mode is not the preferred method of deployment, unless completing a three point contact after probe mode has been utilized. Deputies must be able to justify the usage of the Drive Stun mode in all situations and should attempt probe mode first if feasible.

5. Deployment

   a. The CEW will only be assigned to and used by sworn deputies and SPOs who have been specifically trained on the model of CEW selected and are currently certified on its use.

   b. The use of the CEW shall be consistent with current case law and the latest training provided by Taser International and the Training Services Section.

   c. Deputies and SPOs will always wear the CEW on their support side, utilizing either a support-side draw or cross-draw position.

   d. Deputies and SPOs may use their CEW when confronted with dangerous or violent subjects and those offering active resistance or active aggression.

   e. The CEW may be utilized to defend against attack from a dangerous or aggressive animal which poses a threat to the deputy, another person, or which is attacking another animal. If a domestic animal is subdued with the CEW, Frederick County Animal Control will be notified and the circumstances will be documented in a Use of Force report.

   f. If a deputy or SPO is faced with less than active resistance but, there is reasonable and articulable expectation that it will be unsafe to achieve contact range, and attempts to control the suspect using other tactics would be unsafe, inappropriate, or ineffective; then the deputy or SPO may discharge the CEW. (e.g. known police fighter, known differences in size and strength, known disparity in relative skill level, prior knowledge of subject)

   g. A CEW shall not be considered for use against subjects engaged in passive resistance. (e.g. civil disobedience, peaceful "sit in" protest)

   h. Deputies and SPOs should give a warning to the suspect when/if practical before the CEW is discharged. The deputy who is discharging the CEW should announce "Taser, Taser, Taser" (As Taser is commonly known as the standard for CEW's) to other deputies and SPOs before the CEW is discharged. This will let the deputies and SPOs know that the CEW is being discharged so it is not mistaken by sight or sound as a firearm discharge.

   i. The CEW shall only be used to accomplish the legitimate objective of stopping the resistive or assaultive behavior and bringing the subject under control. As with any use of force, the deputy must continually reassess the situation to ensure the level of force is appropriate. When discharging the CEW, only the minimal number of cycles of energy should be administered to accomplish control. Deputies and SPOs should be aware that the subject may not be able to respond to commands while an electrical charge is being released from the CEW or immediately following the CEW cycle. The subject should be secured as soon as practical to minimize the number of energy cycles. (e.g. cuffing under power)

j. In certain situations, multiple CEWs discharges may occur, however, as a general rule, only one (1) CEW should actively deliver electrical charges to a single subject at one time.

k. [Redacted]

l. [Redacted]

m. [Redacted]

n. [Redacted]

o. [Redacted]

p. [Redacted]

q. A deputy or SPO will immediately notify Emergency Communications and the on-duty supervisor after they discharge a CEW.

r. Supervisors will ensure that photographs are taken of the suspect as soon as practical after the use of a CEW. Particular attention will be taken to photograph the impacted area and any obvious physical injuries.

s. [Redacted]

6. After Care

a. Deputies and SPOs will complete an initial medical assessment of all subjects who have received a CEW discharge. The subject will be monitored and if necessary, deputies will administer first aid to the subject until emergency medical personnel have arrived on the scene.

b. All subjects, upon whom a CEW has been discharged, will be evaluated or treated by competent medical personnel (Department of Fire and Rescue Services - DFRS). All arrestees and persons subject to Emergency Petition procedures will be transported to a hospital by DFRS for medical evaluation or treatment following a CEW discharge.

c. Any persons, upon whom a CEW has been discharged, will be kept under observation for a period of two (2) hours following exposure. In the unlikely event that the subject is not criminally charged or subject to Emergency Petition procedures, deputies shall ensure that appropriate advice regarding medical treatment/observation is provided and documented. If the subject declines transportation to the hospital, he should sign the DFRS refusal or medical treatment form and the deputy or SPO will secure a copy of said form to accompany the use of force report.

d. Deputies and SPOs will notify Frederick County Adult Detention Center Central Booking/Holding personnel if their prisoner was subject to a CEW discharge. Deputies and SPOs will note the name of the notified FCADC personnel and the time of the notification in their Use of Force Report.

7. [Redacted]

8. Reporting

   a. Display/Deployment: The visible presence of a CEW shall be considered a "display" of weapon. Deputies will complete section "A" of the agency Use of Force Report (FCSO Form #1-B), checking the "Display of Weapon Only" box at the top of the form, and complete section "A." Upon completion of section "A" by the involved deputy or SPO, they will electronically transmit the form to their supervisor.

   b. Discharge: The delivery of an electrical energy charge via probes or Drive Stun shall be considered a CEW "discharge". Deputies discharging a CEW must complete section "A" of the agency Use of Force form (FCSO Form #1-B) checking the "Forced Used" box at the top of the form, and complete section "A." Upon completion of section "A" by the involved deputy or SPO, they will electronically transmit the form to their supervisor.

   c. CEW data will be downloaded after each discharge by the on-duty supervisor/commander, prior to re-issuance, and included with the Use of Force report. Deputies and SPOs should review the downloaded data with the supervisor/commander, prior to completing all required written reports.

   d. The Use of Force Report will include the following CEW-specific information:
      (1) Probe mode or Drive Stun application
      (2) Number of cycles (taken from download report)
      (3) If multiple cycles, how much time between cycles (taken from download report)
      (4) Warning given prior to discharge – if not explain
      (5) Number of law enforcement personnel on scene at time of discharge
      (6) Points of contact (specific with photos)
      (7) If subject had a weapon – note weapon type
      (8) CEW effectiveness – success or failure – explain
      (9) Name of Supervisor/Commander who downloaded the CEW and date and time of download
      (10) Name of personnel collecting evidence – AFIDs, blast doors, wires and spent cartridge (if applicable)

   e. Any accidental discharge of a CEW will be reported on an incident report. The CEW will be brought to Training Services for inspection and to be downloaded. Any remedial training will be addressed at that time.

9. Spark Testing

   Prior to each shift, deputies and SPOs assigned a CEW will conduct a 5-second spark test to ensure that the device is working properly. Personnel must remember to remove the cartridge prior to spark testing so that an accidental discharge does not occur. If the CEW is not working properly it will be taken out of service and forwarded for repair or replacement by the Training Services supervisor.

10. Bi-annual Inspections

    Each supervisor will inspect and download all issued CEW's in their command to ensure that all recorded discharges have been properly reported. The inspections will be conducted by January 15 and July 15 of each calendar year.

11. CEW Equipment

    a. Only CEW instructors may make adjustments to a deputy's CEW or holster.

    b. Each deputy and SPOs authorized to carry a CEW will maintain two (2) cartridges for duty use.

    c. Any CEW that appears to be malfunctioning will be taken out of service and inspected by the Training Services supervisor.

J. Deputies may be trained and certified in the use of Impact Munitions (IMs). Impact Munitions are a various group of firearm-delivered projectiles that have a low probability of causing serious bodily injury or death when they strike human targets.

1. Impact Munitions are deployed as an additional law enforcement tool and is not intended to replace firearms or self-defense techniques. The IMs may be used to control a dangerous or violent subject when deadly physical force does not appear to be justified and/or necessary; or attempts to subdue the subject by other conventional tactics have been, or are likely to be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for deputies to approach within contact range of the subject.

2. Use and Procedure:

    a. Impact Munitions shall only be issued to and used by deputies who are properly trained and certified. Issuance may be limited by availability.

    b. Only properly functioning shotguns that have been dedicated to and clearly marked as "Less Lethal" shotguns, indicated minimally by orange stocks and fore grips, shall be utilized for SIMs delivery by Patrol personnel. SST personnel may deploy SIMs from non-dedicated shotguns.

    c. Every use of Impact Munitions, excluding training and qualification, shall be investigated and documented utilizing a Use of Force Report (FCSO Form #1-B) and an Incident Report Form (ILeads/FCSO Form 82-A). Accidental discharges will be documented on an incident report. The involved deputy will contact the Training Services Supervisor to review the incident report and any necessary remedial training.

    d. When possible, two people should be present for and observe the loading of the less lethal shotgun to ensure that lethal rounds are not inadvertently loaded into the weapon. The authorized drag stabilized bean bag round has a clear shotgun shell casing through which one can view the yellow bean bag.

3. Deputies deploying Impact Munitions shall:

    a. [Redacted]

    b. [Redacted]

    c. [Redacted]

    d. [Redacted]

    e. Provide necessary medical treatment (see #6. below) for the suspect.

    f. Document the incident by submitting a Use of Force report with the Incident Report.

    g. If they can be retrieved, the bean bag and the shotgun shell should be collected and placed into evidence. The deputy should be aware that, if the SIMs struck bare skin it could possibly have traces of blood on it. The deputy should wear protective latex gloves when collecting and handling the beanbag. If the round struck bare skin, a biohazard sticker should be placed on the envelope when placing the beanbag on property.

4. [Redacted]

5. [Redacted]

6. Treatment: Persons who have been subjected Impact Munitions shall be treated as follows:

    a. Once in custody, the deputy(s) shall advise the supervisor that the person has been subjected to a IMs deployment and relate the approximate time the action occurred.

    b. Examine the impact site(s) in order to determine if there are any readily apparent significant injuries requiring treatment.

    c. Photograph the impact site(s) for injuries, or lack thereof.

    d. Summons EMS if requested by the suspect or if the deputy feels injury may have resulted from the deployment.

    e. If the suspect is transported to the hospital, clearance from the emergency room physician shall be obtained prior to departing the hospital.

    f. Deputies should be aware that an easily overlooked aspect of injury as a result of Impact Munitions is secondary injuries from falling. An examination with particular emphasis to secondary injuries should be performed by the on-scene supervisor, or by paramedics if they are on scene.

    g. Submit a Use of Force Report with a copy of the Incident Report.

K. Additional Restraint Device

1. When a deputy deems it reasonable to restrain the legs of a violent or potentially violent person during the course of detention, arrest and/or transportation, only the department-approved restraint device will be used. The device will be used only in a manner that is approved and trained for the temporary immobilization of the legs/arms.

2. In determining whether to use the hobble restraint, deputies should consider the following:

   a. Whether the deputy and/or others are subject to harm due to the assaultive behavior of a violent, resisting and/or attacking person.

   b. Whether it reasonable to protect the person from his or her own actions which place them in danger, i.e. hitting his head against the interior of the patrol vehicle, kicking at objects or deputies, or reduce the person's potential for escape by running away while handcuffed.

   c. The hobble restraint shall be used only after a person has been handcuffed.

3. The hobble is designed to prevent injury to the person in custody or another person, or to prevent property damage caused by the person in custody using their legs in a manner likely to result in injury or damage. Only those officers trained in the use of the hobble restraint are authorized to employ it on any person. The following guidelines shall be used when applying the Hobble Restraint:

   a. [Redacted]

   b. [Redacted]

   c. [Redacted]

   d. Absent a medical emergency, the person being restrained shall remain in the hobble restraint until the deputy arrives at central booking or another facility, or the person no longer poses a threat.

   e. The person will not be left immobilized on his/her stomach as this reduces the free flow of air to the lungs. Once restrained, the person will be placed on their side (recovery position) until ready for transport.

   f. The person will be monitored at all times while the hobble restraint is attached.

   g. [Redacted]

   h. [Redacted]

   i. Any time the hobble restraint is used, a supervisor shall be notified as soon as practical.

4. When transporting a person(s) who has been restrained, deputies shall observe the following procedures:

    a. Hobbled persons may be transported in a police car. They shall be seated in an upright position and secured by a seatbelt. Never leave the strap hanging out of the car door during transport. When the person cannot be transported in a seated position, he/she will be taken by ambulance if they are being transported to a local hospital for an emergency evaluation.

    b. When taken by ambulance, the person shall be accompanied by a deputy.

5. Anytime the hobble is used, the circumstances requiring the use shall be documented in a Use of Force Report. The deputy will include the following information in the report:
    a. The amount of time the person was restrained.
    b. How the person was transported and the position of the person.
    c. Observations of the person's physical and physiological actions.
    d. Any known or suspected drug use or other medical problems.

6. Deputies shall only use a hobble restraint supplied by the agency.

1.3.8 Personal Weapons/Secondary Weapons

A. No Sheriff's Office personnel shall carry a personally owned firearm, second or back-up firearm, or Law Enforcement rifle while on duty without written permission from the Bureau Chief.

1. Requests for such permission shall be in writing to the Sheriff, through the chain of command, with adequate justification for the need to carry a personally owned firearm or more than one firearm.
2. Personal and/or secondary weapons shall be subject to all the provisions of off-duty weapons contained in this and any other relevant general orders.

3. Only ammunition that is listed on the "Specification Approval Sheet" is permitted to be carried and used by Sheriff's Office personnel.

B. Constables

1. Frederick County Sheriff's Office Constables may, at their own expense, obtain a handgun permit from the Maryland State Police under the provisions of Title 5, Subtitle 3 of the Public Safety Article. Constables authorized to carry a handgun under the provisions of the statute may carry an approved personal handgun in the performance of their duties subject to the provisions placed on such a handgun permit by either the Maryland State Police or the Sheriff of Frederick County.

2. Constables meeting the definition of "qualified retired law enforcement officer," as defined in US Code Title 18, Section 926C, under the authority of the Law Enforcement Officers Safety Act (LEOSA) may carry an approved personal handgun in the performance of their duties subject to the provisions of the statute and the Sheriff of Frederick County.

3. Constables authorized to carry a handgun under the provisions of this section shall carry the handgun in a concealed manner.

4. Constables authorized to carry a handgun under provisions of this section shall be subject to all the provisions of General Order 1.3.

5. Constables authorized to purchase at their own expense and carry a handgun under provisions of this section shall carry only the handgun approved in accordance with section 1.3.6 of this General Order, and qualify in accordance with section 1.3.11.

6. Constables who carry under the authority of LEOSA may elect to use their FCSO qualifications to satisfy the requirements of that statute. However, qualifications performed at another agency may not substitute for the annual FCSO requirements of section 1.3.11.

C. Sworn deputies may carry an agency-approved semi-automatic rifle so long as the deputy has successfully completed the Frederick County Sheriff's Office Patrol Rifle Class and remains qualified with the weapon in accordance with agency policy contained in section 1.3.11 of this order. Personally owned rifles will be a.223/5.56 caliber carbine or rifle with front and rear iron sights and a barrel length between 14 ½ and 20 inches. The only approved optional components are a sling, a stock-mounted spare magazine carrier, an optical/electronic sight, and a weapon-mounted light.

1.3.9 Deadly Force Report and Investigation

A. Any sworn deputy, SPOs or correctional officer involved in an incident involving the use of deadly force or whose action(s) result in, or is alleged to have resulted in, death or serious injury shall immediately notify the on-duty Patrol Operations shift supervisor.

B. Any sworn deputy, SPOs or correctional officer who witnesses or has knowledge of a sworn deputy, SPO or correctional officer being involved in an incident involving the use of deadly force or whose action(s) result in, or is alleged to have resulted in, death or serious injury shall immediately notify the on-duty Patrol Operations shift supervisor.

C. Any incident involving the accidental/negligent discharge of a weapon, on or off duty shall immediately be reported to the on-duty Patrol Operations shift supervisor.

1. Personnel involved in accidental/negligent discharges of a weapon, if capable, shall submit a complete an incident report to their immediate supervisor before the end of their tour of duty, or in the case of an off duty incident, within 24 hours of its occurrence.

2. A complete investigation into the accidental/negligent discharge shall be conducted by the member's immediate supervisor and submitted through the chain of command to the Sheriff.

D. Sheriff's Office personnel authorized to carry firearms shall submit a written explanation, in the form of a detailed incident report, to their commander each time a firearm is discharged. The detailed incident report shall obtain all specific facts and circumstances relating to the

incident, and will be submitted before the close of the tour of duty in which it occurred. In an instance where the member is injured, incapacitated or otherwise unable to prepare a detailed incident report, the specific facts and circumstances surrounding the incident will be summarized by the commander from facts obtained through investigation. The involved member will, when capable, submit the required detailed report or sign a transcript of verbal information. Unless otherwise directed by their commander, any member who discharges a firearm on an approved firing range will not be required to report such activity. Any member who discharges a firearm to kill a non-domestic animal need only submit an incident report.

E. A copy of all reports on investigations into firearms discharges will be forwarded to the Sheriff's Office of Policy and Compliance and Training Services.

F. Sheriff's Office personnel involved in shooting incidents or any use of deadly force incidents shall refrain from discussing the incident with anyone other than their commander, the investigators assigned to conduct the criminal and administrative investigations, or their selected counsel, until authorized to do so by their commander or higher authority.

G. Personnel involved in any shooting incident or any use of deadly force incidents shall be afforded their rights as provided by law. Particular attention will be paid to ensuring that involved personnel are allowed legal representation should it be desired. Personnel involved in an incident resulting in death or serious injury will be required to meet with a Sheriff's Office designated psychologist as soon as practical, after the incident.

1.3.10 Special Weapons

The Frederick County Sheriff's Office has in its possession certain specialized weapons, such as shotguns, long-range sniper rifles, sub-machine guns, and automatic rifles. Only properly authorized and trained personnel, demonstrating proficiency in the use of these weapons are permitted to possess or use these weapons. The Patrol Commander shall designate who is qualified to possess or use these specialized weapons.

1.3.11 Firearms Qualification

A. Agency personnel of the Frederick County Sheriff's Office authorized to carry firearms will comply with the Maryland Police and Correctional Commission regulations. These regulations state that all sworn personnel will qualify at least once a year with their issued firearm. All firearms proficiency training must be monitored by a certified firearms instructor.

1. The minimum passing score for qualification for handgun and shotgun will be 70% for the practical exercise. The minimum passing score for qualification for Law Enforcement Rifle will be 80% for the practical exercise. If an employee is dissatisfied with his/her initial score he/she will be allowed to shoot one more time. The higher score will be used for qualification purposes, however both scores will be recorded.

2. It is also required that a written examination covering firearms safety, care, cleaning and use of the weapon, as well as the use of deadly force, be given prior to participating in the practical exercise. A minimum of 70% correct answers will be required to pass the written examination.

3. All Sheriff's Office personnel authorized to carry or use personal and/or Sheriff's Office firearms shall qualify with each authorized weapon in the following courses each calendar year as scheduled:
   a. Five (5) day-fire shoots (2 handgun, 1 shotgun, and 2 rifle)
   b. One (1) reduced light shoot (handgun)
   c. Two (2) judgment/stress course shoots (handgun)

4. All personnel obtaining written permission for the use of personally owned weapons must maintain these annual qualifications. Personnel must qualify with approved weapons when scheduled for qualifications issued weapons. Failure to comply will result in automatic rescindment of authorization. The employee and Sheriff will be notified of rescindment via the chain of command by the Training Services Commander.

B. All personnel wishing to carry an authorized weapon off duty shall qualify with the off-duty weapon based on the same standards and course of instruction as prescribed for Sheriff's Office issued weapons.

C. Corrections personnel authorized to carry firearms shall comply with the Maryland Police and Correctional Training Commission regulation 06-1, A-C. Yearly qualification as outlined in "A" above shall be mandatory.

D. Firearms instructors shall provide the Training Specialist (sworn) or Director of Administrative Services (corrections) with a legible list of all sworn personnel with their range scores for both day and night fire, and the original copy of each deputy's or correctional officer's written examination. All range scores and examinations will be maintained in the deputy's or correctional officer's training file.

E. During a scheduled firearms qualification day - exclusive of the handgun stress course - Sheriff's Office personnel authorized to carry firearms will have a maximum of three (3) attempts to qualify. Failure to qualify in the allotted three (3) attempts will result in the affected member losing Sheriff's Office certification to carry and/or use a firearm in the performance of their duties.

1. Corrections officers failing to qualify shall be reassigned to duties not requiring the carrying of a firearm. Corrections officers may, at the discretion of the Corrections Bureau Chief, receive remedial training outlined in this directive. After successful remedial training and re-qualification they may be reassigned to duties requiring the carrying/use of firearms.

2. Sworn deputies and SPOs failing to qualify shall be relieved of their issued weapon by the range officer.

   a. Such deputies or SPOs shall respond directly to their duty assignment and report to their immediate supervisor.

   b. The affected deputy's or SPO’s supervisor (sergeant or above) shall suspend their police powers and immediately prepare a report to the Sheriff through the chain of command. If the deputy's or SPO’s immediate supervisor (sergeant or above) is not available due to day off, tour of duty, vacation, etc., the Patrol Operations

Commander shall act on their behalf, copying the deputy's supervisor on the report to the Sheriff.

c. The affected deputy's Bureau Chief shall be notified immediately.

d. Affected deputies or SPOs shall be temporary assigned administrative duties until remedial training and re-qualification can be achieved.

3. Remedial training shall be provided before the deputy, SPO or correctional officer returns to duties requiring the carrying/use of a firearm. Remedial firearms training shall consist of a one day course of instruction on a one-on-one basis (one instructor for one student) including, but not limited to:

a. Problem identification
   (1) Jerking of trigger
   (2) Poor sight alignment
   (3) Flinching, etc.

b. Corrective action
   (1) Dry firing exercises
   (2) Sight alignment exercises
   (3) Trigger pull exercises, etc.

c. Re-qualification

4. Upon completion of remedial training and re-qualification, a report shall be forwarded from the range officer to the Sheriff outlining the problem that was identified, remedial training methods employed, attempted re-qualification scores, and the final score.

5. Failure to re-qualify after remedial training will continue the affected employee in their special duty status and assignment until the Sheriff renders a decision on further action. Sworn personnel that fail to qualify may be separated from service.

1.3.12 Authorized Weapons and Ammunition

A. No member of the Frederick County Sheriff's Office, while in the normal exercise of their duties, shall carry, use or discharge any firearm except those authorized by the agency and which the member has qualified with and met agency requirements.

1. While on duty, deputies, special police officers (SPOs) and correctional officers shall carry their issued weapon with the caliber ammunition the weapon is designed for.

a. Plainclothes personnel may carry an approved off-duty weapon while in an on duty status, with the approval of the Law Enforcement Bureau Chief.

b. Authorized single action weapons will NOT be carried in the cocked position.

c. [Redacted]

2. Members will only use the ammunition that is issued by this office in their issued weapons. Ammunition for off-duty weapons will be purchased by the officer. Only ammunition that is listed on the "Specification Approval Sheet" is permitted to be carried and used by Sheriff's Office personnel.

B. All weapons shall be inspected by a Sheriff's Office Armorer prior to being issued. Off duty weapons shall be inspected by an armorer before approval.

C. No modification shall be made, or accessories added to, any approved weapons carried or used by Sheriff's Office personnel without the express written permission of the Bureau Chief. Requests will be submitted on FCSO Form 42-C.

1. Modifications and accessories shall include any alteration to the weapon, or attachment of any object, including but not limited to:
   a. Shotgun magazine extension tubes
   b. Shotgun slings
   c. Ammunition carriers
   d. Pistol grips
   e. Laser sights
   f. Scope sights

2. Any modification or accessory approved by the Bureau Chief shall be installed or added by a competent gunsmith or armorer. Any expense incurred as a result of a modification permitted under this order shall be the responsibility of the member.

D. When a Frederick County Sheriff's Office issued weapon has been damaged or is in need of repair, the member shall immediately report to a departmental armorer.

1. The armorer will determine if the weapon is in need of repair or is to be replaced.

2. The damaged or unserviceable weapon will then be removed from service and a comparable weapon issued. If a weapon is repaired and not permanently removed from service, it will then be re-issued to the same person.

3. If a comparable weapon is issued to the member, he/she must qualify with the temporarily issued weapon.

E. Carrying of Weapons by Retired Personnel

1. The United States Congress passed "The Law Enforcement Officers Safety Act" (LEOSA) in 2004, which allows retired members of the Sheriff's Office to carry personally owned weapons without a State of Maryland gun permit. There are regulations that govern the carrying of these weapons by retired agency personnel.

2. The regulations require retired members of the agency to qualify with their weapons at least once a year and meet the state-mandated, off-duty, minimum qualification score as defined by the Maryland Police and Correction Training Commission.

3. In addition, members must carry credentials issued by the agency they retired from documenting that they have met these standards. In response to this, the agency has adopted the following policies:

    a. Anyone meeting the definition of "qualified retired law enforcement officer" (as defined in US Code Title 18, Section 926C) who wishes to carry a weapon under the authority of the Law Enforcement Officers Safety Act, must contact the agency in writing in order to receive a packet of information. This packet will include:

    b. A copy of the law review

    c. An application form designed by the Training Services Section to be completed, signed, and notarized

    d. A waiver of liability form to be signed and notarized

    e. A listing of range dates/times available for the appropriate calendar year

    f. Notice that a $10.00 fee will be imposed to cover the cost of range materials and administrative costs.

4. Once the application and waiver are returned to the Training Services Section, the retired member will be contacted and informed of his/her range qualification date.

    a. The Sheriff's Office will make the range available to retired personnel at least two times per calendar year, and will staff the range with agency-approved firearms instructors.

    b. All weapons will be subject to inspection and approval prior to qualifications. No unauthorized or unapproved weapons will be allowed on the range.

    c. As per MPCTC regulations, retired personnel will be allowed three attempts to qualify, and must obtain a minimum score of 70% or higher.

5. The qualification scores of all retired agency personnel will be forwarded to the Training Services Section, who will be responsible for the keeping of all records concerning this policy.

6. Once a retired member has met the minimum qualification requirements, the Training Services Section will issue an ID card to that member documenting that they have met the minimum state mandated standards. The ID card will contain the following:
    a. Name and date of birth of retired member
    b. Date of Expiration
    c. Signature of Sheriff
    d. Agency contact number

7. The Training Services Section will be responsible for mailing the cards to the retired members.

8. Once a retired member qualifies the first year, they will be contacted on an annual basis by the Training Services Section. The retired member will be given the new range dates in order to keep their qualification current. The $10.00 fee will be imposed every year.

1.3.13 Use of Force Report

A. Any agency personnel who are involved in or witness an incident involving the use of force shall notify the on-duty shift supervisor as soon as practical in their respective division or bureau. If their supervisor is not available, the on-duty shift supervisor in Patrol Operations will be contacted.

B. A Use of Force Report (FCSO Form #1-B)

1. Shall be completed when any Sheriff's Office personnel:

a. "Displays" a firearm or less lethal weapon while acting in an official capacity and threatens its use either explicitly or implicitly to one or more persons. The Sheriff's Office member will check the "Display of Weapon Only" box at the top of the form and complete all applicable sections.

b. Employs the use of force, in which case the involved deputy will check the "Force Used" box at the top of the form and complete Section "A". Upon completion of Section "A" by the involved deputy, they will electronically transmit the form to their supervisor. The supervisor will then complete Section "B" of the report. Use of Force includes:

(1) Discharging a firearm, for other than training, destroying an injured non-domestic animal, agency approved competition, or off-duty practice at an approved range.

(2) Taking an action that results in, or is alleged to have resulted in, injury or death of another person or domestic animal.

(3) Applying force through the use of lethal or less lethal weapons.

(4) Applying weaponless physical force upon another to the extent it is likely to cause or lead to injury, claim of injury, or allegations of excessive force.

c. If multiple deputies are involved in the use of force, the primary deputy will complete the use of force form (section "A"); other involved deputies will check [Supplement] at the top of the form and complete the use of force form (Section "A") detailing their observations and actions. All supplements will be included with the use of force report.

2. Section "B" is to be completed by the on-duty supervisor and forwarded through the chain of command for review and completion of Section "C".

C. All Use of Force Reports shall contain:

1. The date, time, and place the use of force occurred

2. The names and addresses of all persons who witnessed or were involved in the incident

3. A detailed description of the type and amount of force used, and by whom

4. A description of the incident and relevant events that led up to and followed the use of force incident

5. A description of the injuries sustained by any and all parties to the incident

6. The signature of the deputy, special police officer, correctional officer, or constable completing the report.

7. A description of all steps the supervisor took in conducting the review and insuring that the information provided in the review was complete and accurate, including but not limited to:
   a. Interview with
      (1) The deputy/special police officer/correctional officer/constable involved
      (2) Witnesses involved
   b. Written statements by
      (1) The deputy/ special police officer/correctional officer/constable involved
      (2) Witnesses
   c. Photographs of injuries
   d. Collection of relevant physical evidence
   e. Signature of the supervisor conducting the review and the date of the review

D. The Use of Force Report shall conclude one of the following in the supervisor's assessment section of the report (Section "B"):
   1. The use of force/display of weapon was consistent with training and policy.
   2. The use of force/display of weapon appears to be not consistent with training and policy.

E. Whenever a supervisor or administrator has been involved in the use of force incident, the 'Supervisor Assessment' of Section "B" and the "Supervisory Review' of Section "B" will not be completed by them. In Section "B" the word, "involved" will be entered in the signature area, along with the supervisor's or administrator's signature. Section "B" will be completed by a non-involved supervisor, or in the case of a single supervisor on-duty, the on-call commander can be contacted or the senior deputy/officer can acquire the required information and complete this section. If necessary, additional explanation can be provided in an endorsement to the report.

F. The Use of Force Report for all incidents of force or display of weapons shall be completed within 24 hours of the incident.

G. All such reports shall be forwarded to the Bureau Chief with the chain of command assessment and Training Services review completed. Each commander in the review process will evaluate the use of force and can refer the incident, whether consistent or not consistent with training

and policy, for additional review by the Office of Policy and Compliance, Training, or the Patrol Commander.

H. The Bureau Chief will forward the original report to the Personnel Services Commander.

I. The Use of Force Report for all incidents of force or display of weapons shall be in addition to any other reports related to the original incident.

J. The Support Services Commander will conduct an annual analysis of all use of force/display of weapon incidents and identify any problems or trends that indicate specific training needs, equipment upgrades, and/or policy modifications.

1.3.14 Administrative Review of Use of Force and Use of Deadly Force Incidents

A. Personnel Services will be the central repository for all information concerning the use of force and the use of deadly force.

B. Every discharge of a firearm by members of this agency in the performance of their duties and every use of force incident that results in death, serious injury, or where there is a high probability of litigation, including incidents involving domestic animals, are subject to administrative review to determine whether such action was in conformance with Sheriff's Office policies and procedures. Pursuant to section 1.3.14 C. (below), the Office of Policy and Compliance (OPC) will be notified immediately.

C. Unless indicated elsewhere in this General Order, the member's shift commander will, when notified of the firearm discharge, use of force or use of deadly force, immediately contact the OPC officer who will conduct the administrative investigation. The OPC should allow time for the involved member to seek psychological, medical, and legal assistance prior to conducting an interview unless circumstances dictate otherwise.

D. After completion of the OPC investigation of the discharge of a firearm or use of deadly force incident by an agency member, the OPC investigator will send the investigative report directly to the involved member's commander. The report's investigative summary shall include a recommended finding that the incident either conformed or did not conform with Sheriff's Office policies and procedures.

E. Each commander in the review process will evaluate the incident and make recommendations through the chain of command to determine whether the force was in conformance with Sheriff's Office policies and procedures.

1.3.15 Relief from Field Duty

A. When death or serious injury has resulted from action(s) or the use of force in an official capacity by a member of the Frederick County Sheriff's Office, that member will be relieved from field duty by the supervisor pending a full investigation into the incident by the Sheriff's Office.

B. During the period of time an investigation into the incident is being conducted, the Sheriff may, at his option, assign the member involved to administrative duties. Such a relief from

duty will not be considered a suspension or disciplinary action taken against the member, but rather an administrative course of action for the purpose of relieving the member from field duties while undergoing the extreme emotional stress of having used deadly force, and permitting the Sheriff's Office time to conduct an objective investigation.

C. The period of time spent on administrative leave or inside duty will be determined by the Sheriff.

1.3.16 [Redacted]

2.1 AGENCY JURISDICTION AND MUTUAL AID

This General Order consists of the following sections:

2.1.1 Geographical Boundaries
2.1.2 Concurrent Jurisdiction
2.1.3 Interagency Cooperation
2.1.4 Mutual Aid Agreements
2.1.5 Providing Available Aid
2.1.6 Emergency Federal Law Enforcement Assistance
2.1.7 National Guard Assistance
2.1.8 Mutual Aid Agreement Contents
2.1.9 Mutual Aid/Prisoner Detention Assistance
2.1.10 Extra-Jurisdictional Authority

POLICY

The Frederick County Sheriff's Office is committed to a cooperative working relationship with the law enforcement community both within and outside Frederick County. To this end the Sheriff's Office will enter into formal agreements that provide mutual benefit to Frederick County residents as well as our neighboring jurisdictions.

PROCEDURES

2.1.1 Geographical Boundaries

A. Triangularly located between Washington, D.C., Baltimore and points west, Frederick County is bordered on the north by the Mason Dixon line which divides Adams County Pennsylvania from Maryland; on the east by Carroll and Howard Counties; on the east and south by Montgomery County; on the south and west by the Potomac River, the border between Maryland and Loudon County, Virginia; and on the west by Washington County.

B. When there is a question of jurisdiction, the on-duty supervisor will be consulted. Emergency Communications can also be contacted for verification.

C. Deputies should familiarize themselves with the geographical boundaries of Frederick County. All deputies are provided maps of Frederick County.

2.1.2 Concurrent Jurisdiction

A. Other agencies having jurisdiction within Frederick County are Maryland State Police, Frederick Police, Brunswick Police, Mt. Airy Municipal Police, Thurmont Police, Maryland Natural Resources Police, Federal Park Rangers, and the Federal Bureau of Investigation.

B. Members of the Frederick County Sheriff's Office will offer complete cooperation when situations arise where these agencies enlist the aid of the Sheriff's Office.

2.1.3 Interagency Cooperation

Effective law enforcement is not a solitary effort but one requiring the cooperation and interaction of many agencies. The Frederick County Sheriff's Office supports this concept and will cooperate fully with other agencies in the discharge of duties.

2.1.4 Mutual Aid Agreements

A. The Frederick County Sheriff's Office has executed mutual aid agreements with the Washington, D.C. Metropolitan Area Council of Governments, Baltimore City Police, and several allied agencies and political subdivisions within Frederick County.

B. Copies of the agreements and policy are kept in the office of the Sheriff, and by the Fiscal Services Director.

2.1.5 Providing Available Aid

A. In the event the Sheriff's Office is contacted by another agency requesting mutual aid, the highest ranking Operations Division official on duty will immediately be notified so the situation can be reviewed and a determination made as to how many deputies and what equipment will be sent to the requesting agency.

B. The safety and security of Frederick County is the first concern of the Frederick County Sheriff's Office, and only that manpower and equipment which can be spared without leaving the county unprotected will be sent to the requesting agency.

C. No commitment of manpower or equipment is to be made outside Frederick County without the express permission of the Sheriff or in his absence the ranking member of the Sheriff's Office based on the following chain of command:
   1. Chief Deputy
   2. Law Enforcement Bureau Chief
   3. Operations Division Commander
   4. Corrections Bureau Chief

D. In the event the authorizing official is not the Chief Deputy or Sheriff, the Chief Deputy or Sheriff will be advised of the commitment of manpower and equipment as soon as practical. If the Chief Deputy is not available, the normal chain of command as stated in General Order # 12.1 will be followed until a member of the command staff is notified.

E. The Law Enforcement Bureau Chief or other member of the command staff will determine whether any special manpower adjustments are necessary.

2.1.6 Emergency Federal Law Enforcement Assistance

A. In the event of an emergency which, in the opinion of the highest ranking Operations Division Official, requires federal law enforcement assistance, command officials are authorized to solicit aid from the appropriate federal agency.

B. If an Operations Division commander is not available, then any member of the Sheriff's Office command staff available will be briefed on the situation and will make the decision on the aid request.

2.1.7 National Guard Emergency Assistance

An emergency may arise necessitating the call-out of the Maryland National Guard. If so, the Sheriff or his designee must request the call-out according to General Order # 46.1, section 46.1.2 of this manual.

2.1.8 Mutual Aid Agreement Contents

A. The Mutual Aid Agreements provide all the necessary information to initiate mutual aid activities either on behalf of the Sheriff's Office or at the request of the neighboring law enforcement agency. This information addresses the following details:

1. The legal status of agencies and agency personnel responding to mutual aid requests

2. Procedures for investing provider agency personnel with the legal authority to act within the receiver agency jurisdiction

3. Procedures for requesting mutual aid

4. Identity of those persons authorized to request mutual aid

5. Identity of persons to whom outside personnel are to report

6. Procedures for maintaining radio communication with outside personnel

7. Expenditures, if any, should be borne by the receiver agency to compensate for the use of the provider agency's resources

B. The Frederick County Sheriff's Office will review and revise all law enforcement mutual aid agreements on an as needed basis.

2.1.9 Mutual Aid Prisoner/Detention Assistance

Provisions are addressed in the Mutual Aid Agreements governing the assistance of outside agency personnel in:

1. Mass processing of arrestees
2. Transporting prisoners
3. Operating temporary detention facilities

2.1.10 Extra-Jurisdictional Authority

A. The Frederick County Sheriff's Office advocates the use of the extra-jurisdictional police powers granted by law. When exercising this authority, Sheriff's Office personnel must act in conformance with the provisions of the law, and the rules and regulations of this Office.

B. A sworn member of the Frederick County Sheriff's Office has the authority to make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the State without limitation as to jurisdiction.

C. A deputy may exercise the powers granted under in MD Code, Criminal Procedure, § 2-202 when:
   1. Participating in a joint investigation with officials from other state, federal, or local law enforcement agencies having local jurisdiction
   2. Rendering assistance to a police officer
   3. Acting at the request of a local or state police officer
   4. An emergency exists.

      Note: An "emergency" is defined as a "sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act."

D. Personnel acting under the authority of extra-jurisdictional police powers:

   1. Shall abide by the rules and regulations of the Frederick County Sheriff's Office. A violation of Office policy does not, and is not intended to, abrogate the legality of any law enforcement action taken pursuant to the authority granted by law.
   2. May not enforce the provisions of the Maryland Vehicle Law beyond the deputy's sworn jurisdiction

   3. Must be serving in a full duty capacity, without restrictions or limitations; e.g., deputies assigned to administrative duty, or medical leave, or with suspended police powers, among others, shall be prohibited under this section except in life or death situations

   4. Must act in a professional manner so as not to reflect discredit upon themselves or this Office

   5. Must be carrying their badge and identification card, and be suitably armed, in compliance with Office policy, unless circumstances dictate otherwise

   6. May not serve arrest warrants, unless in conjunction with the lawful exercise of jurisdictions under this authority

   7. Shall not utilize personal vehicles or unauthorized equipment

   8. Shall not use extra-jurisdictional authority to facilitate or solicit secondary employment activities that would require or place the member in a position to make arrests for a prospective employer

9. Shall not act under this authority while working within the scope of a security-type secondary employment position, except if acting at the request of or rendering assistance to another police officer

E. When acting under authority of this law, deputies shall:

1. Consider notifying on-duty police law enforcement officers to take the necessary enforcement action.

2. Assess the consequences of taking action, including the possibility of injury to self, the suspect, or a third party.

3. Consider whether adequate information is available to arrest the suspect at a later time.

4. If practical, identify himself/herself to the suspect as a police officer by displaying the badge and identification card, and announcing the intent to arrest.

5. Be prepared to identify himself/herself to citizens in the vicinity.

6. Arrest the suspect in a lawful manner by securing him/her in a safe, efficient way that assures the arrestee's safety and security, without unnecessarily endangering the suspect, self, or others.

7. Seize and protect any evidence.

8. Ensure that proper notification is made to the law enforcement agency having primary jurisdiction of the area of arrest, and request assistance in securing and transporting the arrestee.

    a. Except in extreme circumstances, the deputy shall not attempt to transport the arrestee, but should wait for assistance from local jurisdiction.

    b. If necessary to transport without local jurisdiction support, the deputy shall transport only so far as necessary to obtain adequate assistance.

9. Protect their own safety by:

    a. Identifying themselves to law enforcement officers responding to the scene by displaying their badge and identification card.

    b. Following the orders of law enforcement officers arriving on the scene who probably do not know that they are law deputies.

10. Take direction from the on-scene local police officials exercising supervisory control over the incident.

11. Cooperate and participate in the handling of the arrestee and handling of the evidence.

12. As soon as practical, ensure notification of the following:
    a. Per statute:
        (1) The head of the law enforcement agency with primary jurisdiction according to the following:
            (a) When in an incorporated municipality, to the Chief of Police, if any, or the Chief's designee
            (b) When in a county that has a county police department, to the Chief of Police or the Chief's designee
            (c) When in a county without a police department, to the Sheriff or the Sheriff's designee
            (d) When in Baltimore City, to the Police Commissioner or the Police Commissioner's designee
            (e) When on any property owned, leased, operated by, or under the control of the Department of Natural Resources, to the Secretary of Natural Resources or the Secretary's designee
            (f) When on any property owned, leased, operated by, or under the control of the Maryland Transportation Authority or the Maryland Port Administration, to the respective Chief of Police or the Chief's designee
        (2) The Maryland State Police Barrack Commander or designee having concurrent jurisdiction, unless there is an agreement otherwise with the Maryland State Police, and except in Baltimore City

    b. Per Sheriff's Office policy:
        (1) The Sheriff
        (2) Chief Deputy
        (3) Respective bureau chief
        (4) Operations Commander
        (5) Immediate supervisor
        (6) Police Information Specialist
        (7) Frederick County Emergency Communications Center

13. Prepare court documents ensuring the placement of all proper charges against the arrestee; and cooperate with the court officer, as directed.

14. Cooperate with the local jurisdiction in preparing the necessary reports, including administrative reports, and the submission of evidence. Normally, the local jurisdiction will have responsibility for completing offense reports of the incident, one copy of which should be left with the local jurisdiction, one copy filed with this Office and one copy kept by the deputy.

15. Obtain copies of the local jurisdiction's field and investigative reports, and any other pertinent documentation, and submit copies to this Office along with their report.

16. Complete any other applicable reports, forms or documents required by this Office under these circumstances, such as overtime slips, use of force reports, first report of injury, etc.

F. Joint Investigations

1. The statute requires that notice of a joint investigation be given to the designated individual in the jurisdiction in which the investigation will be conducted a "reasonable time in advance". What constitutes a reasonable time in advance may depend on the nature and object of the investigation.

2. Where notice in advance would endanger the life and safety of personnel, or seriously compromise the effectiveness of the investigation, a "reasonable time in advance" may be abbreviated. In such cases, the delay in notifications must be approved by the supervisor of the investigative team. Notice should be given to the local jurisdiction at the first reasonable opportunity, as determined by the supervisor of the investigative team.

3. Notice must be given to each jurisdiction in which it is probable that an investigation will occur. In the event an investigation occurs unexpectedly in a jurisdiction for which no advance notice has been given, notice must be given at the first reasonable opportunity.

4. Normally, deputies should be designated by the employing agency as a participant in the joint investigation. Therefore, before participating in any joint investigation with another state, local, or federal law enforcement agency, deputies shall obtain permission from their commanding officer before taking any investigative or enforcement actions under the authority granted.

5. Personnel shall observe the policy of this Office in the course of the investigation.

6. Personnel shall notify their immediate supervisor when the investigation terminates, and submit a final report.

G. Generally, deputies taking action outside their sworn jurisdiction pursuant to this authority have the same responsibilities as they would in their own jurisdiction. If an officer from a foreign jurisdiction makes an arrest, the responding Frederick County deputy shall follow usual arrest procedures, including:

1. Upon notification of an arrest, shall respond promptly to the scene and assume control of the situation, including giving direction to the arresting officer.

2. Render assistance to injured parties.

3. Secure the scene.

4. Preserve evidence.

5. Take custody of the prisoner from the arresting officer.

6. Arrange for transport, medical attention - if necessary - and processing of the prisoner.

7. Have the arresting officer accompany the deputy to the processing facility. Obtain all information necessary to complete reports.

8. Complete and submit all pertinent reports.

H. Miscellaneous Issues

1. Deputies injured while taking action pursuant to this law shall be entitled to workers' compensation, disability, death benefits, life insurance and all other benefits to the same extent as if the injury had been sustained in Frederick County.

2. Deputies who take action pursuant to this law shall be compensated by this Office just as if they had taken action in Frederick County.

3. Damage to or loss of equipment shall be handled in accordance with existing procedures.

3.1 CONTRACTUAL AGREEMENTS

This General Order consists of the following sections:

3.1.1 Assessment of Recipient Needs
3.1.2 Written Agreements
3.1.3 Services to Be Provided
3.1.4 Financial Agreement
3.1.5 Contract Service Records
3.1.6 Contract Duration, Modification, and Termination
3.1.7 Legal Contingencies
3.1.8 Personnel Control
3.1.9 Equipment and Facility Use
3.1.10 Rights of Personnel

POLICY

When providing contract services to government entities within Frederick County the Sheriff's Office shall enter into a written contractual agreement outlining the duties and responsibilities of all parties concerned.

PROCEDURES

3.1.1 Assessment of Recipient Needs

A. When a request is made of the Frederick County Sheriff's Office to provide contract services to a government entity within Frederick County, Fiscal Services will:

1. Analyze the problems of the local jurisdiction requesting contract services.

2. Analyze the capabilities of the Sheriff's Office concerning the provision of services to the recipient government.

3. Prepare an analysis of the costs.

4. Submit a written report incorporating all of the above to the Sheriff for consideration.

3.1.2 Written Agreements

A. Any agreement to provide contract services shall be in writing and signed by the Sheriff and the chief executive of the recipient government. The agreement shall cover the subjects discussed in sections 3.1.3 through 3.1.10 of this general order.

B. Contract for will be reviewed annually by Fiscal Services to ensure that services contracted are being provided and to accommodate any necessary changes.

3.1.3 Services to Be Provided

Any contract for services entered into by the Frederick County Sheriff's Office will include a statement of the specific services to be provided. Services to be included are:

1. Personnel requirements.
2. Equipment and facilities to be used.
3. Functions and activities to be performed.
4. Responsibilities for planning, organizing and scheduling of services.
5. Guidelines for local ordinance enforcement by Sheriff's Office personnel.
6. Guidelines concerning legal authority of Sheriff's Office personnel.

3.1.4 Financial Agreement

A detailed statement will outline all financial agreements entered into when contracted services are provided.

3.1.5 Contract Service Records

Fiscal Services shall maintain records for contract services provided by the Sheriff's Office. These records will include the nature and extent of the service provided under the contract.

3.1.6 Contract Duration, Modification, and Termination

All contracts entered into by the Sheriff's Office for the provision of contract services shall contain specific information concerning the beginning, duration, modification and termination of the contract. Beginning date, termination date and conditions shall be specifically addressed. Procedures for suspension, termination, amendment, and renewal shall be addressed.

3.1.7 Legal Contingencies

Contractual agreements for services will specify legal contingencies in the cases of law suit arising from the provision of law enforcement services, provision for the payment of compensation in the case of a law suit, and procedures to be followed if a tort action is taken against the Sheriff's Office, Sheriff's Office personnel or Frederick County.

3.1.8 Personnel Control

The Frederick County Sheriff's Office will maintain authority and control over its personnel in any arrangement to provide contract services. The Sheriff's Office shall maintain responsibility for hiring, training, assignment, and disciplining of its personnel.

3.1.9 Equipment and Facility Use

Any use of Frederick county Sheriff's Office equipment and/or facilities shall be clearly defined in agreements for contract services.

3.1.10 Rights of Personnel

All Sheriff's Office personnel engaged in carrying out agreed upon terms of a contract arrangement shall retain all the rights of Sheriff's Office personnel.

4.1 LIASION

This General Order consists of the following sections:

4.1.1 Liaison with Criminal Justice Agencies
4.1.2 Liaison with Other Law Enforcement Agencies
4.1.3 Liaison with Fire and Rescue Services
4.1.4 Courts Liaison
4.1.5 Referral Criteria
4.1.6 Public and Social Service Agencies

POLICY

The Frederick County Sheriff's Office shall maintain liaison with the various components of the public safety and social services communities in Frederick County, and neighboring jurisdictions. Periodic meetings with other agency personnel will enhance the provision of criminal justice services in Frederick County.

PROCEDURES

4.1.1 Liaison with Criminal Justice Agencies

A. The goals and objectives of the Frederick County Sheriff's Office cannot be achieved without the assistance and cooperation of all criminal justice agencies.

B. Assistance and cooperation can only be achieved by positive exchange with the local juvenile and adult courts; prosecutors; probation and parole agencies; and adult and juvenile correctional agencies.

C. Sheriff's Office members are encouraged in the course of their duties to establish contact with the various criminal justice agencies when such contact will aid either the criminal justice agency or the Sheriff's Office.

4.1.2 Liaison with Other Law Enforcement Agencies

A. Cooperative or joint law enforcement operations are important functions for effective crime fighting and order maintenance; however such undertakings can incur liabilities upon the law enforcement personnel, agencies, and governments involved.

B. The Frederick County Sheriff's Office will assist outside agencies with warrant and summons service within our county as well as conduct investigations outside our county of criminal acts that occurred within our county.

C. In situations where assistance or cooperation is provided to other agencies in joint surveillance, stakeouts, vice or drug operations and enforcement action is likely, it will be with prior approval of the Sheriff.

1. If the operation is one wherein no contact with suspects or enforcement action is anticipated or likely, then approval from the Law Enforcement Bureau Chief will suffice.

2. If the assistance or cooperation is requested by an outside agency in fresh pursuit of a suspect within Frederick County nothing in this section shall preclude this enforcement action, and no prior approval is required.

D. The Sheriff will meet monthly with the Chief Executive Officers of the law enforcement agencies operating in Frederick County.

4.1.4 Courts Liaison

The Patrol Operations Administrative Lieutenant is designated as the person responsible for courts liaison as described in General Order 13.1.7.

4.1.5 Referral Criteria

A. Law enforcement officers, in the course of performing their duties, often encounter people in need of help that can be best provided by another criminal justice agency or social services agency.

B. Exercising sound discretion based on one or more of the following criteria should guide those in need of help to the appropriate agency:

1. Assessment of the subject's need through discussion and observation.

2. Request by the subject's relatives for specific assistance.

3. The necessity of immediate aid

4.1.6 Public and Social Service Agencies

A. All patrol deputies will be issued a list of the various public and social services available in Frederick County to assist people in need of such service. Deputies are encouraged to familiarize themselves with these agencies and utilize their services when necessary.

B. In the event that intervention from the law enforcement sector is needed by the Frederick County Hotline (FCH) on behalf of a client, the FCH will contact the Frederick County Sheriff's Office for assistance.

1. The Frederick County Hotline will:

a. Assess the client circumstances and determine if the client is either suicidal, homicidal or both.

b. Assess the client's ability to act on his/her own behalf.

c. Contact the Frederick County Sheriff's Office for consultation, assistance in intervention and to initiate call trace procedure when the client is assessed as suicidal, homicidal, or both and is unable to act in his/her own behalf and will not reveal identity or location.

d. Supply pertinent information to assist in planning for intervention, including whether the threat of firearms is involved.

e. Inform the Frederick County Sheriff's Office if the call is terminated while it is being traced.

f. Request the Sheriff's Office to cause dispatch of appropriate law enforcement agencies or ambulance to effect intervention.

g. Provide a follow-up call to the client or the appropriate agency after intervention.

2. The Frederick County Sheriff's Office will:

a. Consult with the Frederick County Hotline to determine intervention procedures and will contact Bell Atlantic - MD, Inc. to implement call tracing when deemed appropriate.

b. Supply the Frederick County Hotline with the client's name, address, and telephone number when trace of the telephone call is completed for the purpose of follow-up.

c. Cause dispatch of appropriate law enforcement/emergency personnel following the determined intervention plan.

d. Contact law enforcement/emergency personnel in the appropriate region to arrange for intervention when the client is located in a county other than Frederick.

e. Cause transport of a client to the nearest emergency room for medical treatment or psychological evaluation if circumstances justify such action under the Maryland statutory guidelines.

11.1 ORGANIZATIONAL STRUCTURE

This General Order consists of the following sections:

11.1.1 Organizational Structure
11.1.2 Organizational Chart

POLICY

It is the policy of the Frederick County Sheriff's Office to maintain an organizational structure that is based on function, unity of command, and the delineation of responsibility, accountability, and the delegation of authority.

PROCEDURES

11.1.1 Organizational Structure

The Frederick County Sheriff's Office is divided into three major components: the Office of the Sheriff, Law Enforcement Bureau and the Corrections Bureau. Each component is further sub-divided into divisions, sections, units, and teams.

A. The Office of the Sheriff is under the direct command of the Sheriff. It consists of:
   1. Citizens Advisory Board
   2. Chief Deputy (rank of colonel)

B. The Law Enforcement Bureau, commanded by the Law Enforcement Bureau Chief (rank of lieutenant colonel) consisting of:

   1. The Administrative Services Division, commanded by a major and consisting of:

      a. Fiscal Services, supervised by the Fiscal Services Director and consisting of:
         (1) Budget
         (2) Capital Improvement Projects
         (3) Purchasing
         (4) Planning and Research

      b. Personnel Services, supervised by the Personnel Services Commander (rank of lieutenant) and consisting of:
         (1) Backgrounds and Recruiting
         (2) Records Section, supervised by the Records Supervisor
         (3) Police Information Specialists, supervised by the P.I.S. Supervisor
         (4) Fleet management

c. Support Services, supervised by the Support Services Commander (rank of lieutenant) and consisting of:
   (1) Community Services Section is comprised of:
      (a) Crime Prevention Unit
      (b) Volunteers
   (2) Training Services, supervised by a Training Supervisor
   (3) Building management
   (4) Fingerprint Technicians

d. Technology Section, supervised by a civilian Director

2. Operations Division, commanded by a major and consisting of:

a. Special Operations, supervised by the Special Operations Commander (rank of captain) and consisting of:

   (1) Criminal Investigations Section, supervised by the Criminal Investigations Commander (rank of lieutenant) and comprised of:
      (a) Criminal Investigations, supervised by a sergeant and corporal of Persons Crimes and a Sergeant and a corporal of Property Crimes.
      (b) Pawn Unit
      (c) Fire Task Force
      (d) Sex Offender Registrar
      (e) Crime Analyst
      (f) Evidence Section comprised of:
         (i) Crime Scene Unit Supervisor
         (ii) Forensic Services Technician
         (iii) Evidence Custodian
      (g) Victim Services Unit
      (h) Crisis Negotiations
      (i) ICAC (Internet Crimes Against Children)

   (2) Narcotics Investigations Section, supervised by the Narcotics Investigations Commander (rank of lieutenant) comprised of:
      (a) Narcotics Investigation Section, supervised by a sergeant and two corporals
      (b) HIDTA Group

   (3) Judicial Services Section, supervised by the Judicial Services Commander (rank of lieutenant) and consisting of:
      (a) Civil Process Unit, supervised by a sergeant
      (b) Court Security Unit, supervised by a Special Police Officer sergeant and corporals

b. Patrol Operations, supervised by the Patrol Operations Commander (rank of captain) and consisting of:

   (1) Two Assistant Patrol Commanders (rank of lieutenant) and consisting of:
      (a) Patrol shifts, six teams supervised by sergeants and corporals
      (b) K-9 Program, supervised by a corporal

(c) Traffic Unit, supervised by a sergeant and corporal
(d) Honor Guard
(e) Community Deputies, supervised by a sergeant
(f) PACE Team, supervised by a sergeant and two corporals
(g) SWAT
(h) School Resource Officer Unit

(2) Administrative Patrol Lieutenant - Patrol Operations administrative functions and programs

3. Office of Policy and Compliance Commander (rank of lieutenant), supervised by the Law Enforcement Bureau Chief, Lieutenant Colonel and consisting of:
   a. Internal affairs
   b. Accreditation

4. Spokesperson, supervised the Law Enforcement Bureau Chief, Lieutenant Colonel

5. Polygraph, supervised by the Law Enforcement Bureau Chief, Lieutenant Colonel

11.1.2 Organizational Chart

The Personnel Services Commander from each Bureau will be responsible for updating the organization chart monthly or as changes occur

11.2 UNITY OF COMMAND

This General Order consists of the following sections:

11.2.1 Accountability to Supervision
11.2.2 Command of Organizational Components

POLICY

Members of the Frederick County Sheriff's Office shall be accountable to the Sheriff's Office method of supervision.

PROCEDURES

11.2.1 Accountability to Supervision

A. Each employee is accountable to only one immediate supervisor at a time.

B. Occasions may arise requiring a supervisor to issue an order to an employee outside the supervisor's immediate responsibility. Nothing in this section will prevent this.

11.2.2 Command of Organizational Components

Each organizational component is under the direct command of only one supervisor.

11.3 SPAN OF CONTROL

This General Order consists of the following sections:

11.3.1 Span of Control

POLICY

Supervisory personnel of the Frederick County Sheriff's Office shall not have an excessive number of employees under their immediate personal supervision.

PROCEDURES

11.3.1 Span of Control

Command personnel in the Frederick County Sheriff's Office are given specific areas of assignment over which they are in command at all times.

Supervisors will not have under their immediate control an excessive number of employees for effective direction, coordination, and control, as determined by the Sheriff. As a general policy, this will not exceed twelve **(12)** employees. **The only exception is for Patrol supervisors who may have a maximum of fifteen (15) employees assigned to them.**

The span of control does not in any way relieve command personnel from ultimate responsibility for the actions or inactions of personnel within their command.

12.1 DIRECTION

This General Order consists of the following sections:

12.1.1 Authority and Responsibility of the Sheriff
12.1.2 Command Protocol
12.1.3 Obedience to Orders
12.1.4 Communication, Coordination, and Cooperation

POLICY

The Sheriff is responsible for the management, direction, and control of the Frederick County Sheriff's Office. The Sheriff may delegate these responsibilities in his absence.

PROCEDURES

12.1.1 Authority and Responsibility of the Sheriff

The Office of Sheriff is a constitutional office which has the powers and duties of a sheriff at common law except as modified by statute.

A. Under common law, the Sheriff is the principal conservator of peace - i.e., the chief law enforcement officer - within the county.

B. Through case law and statute, some specific duties have been enumerated such as: "…attending in person or by deputy the law courts of ...the county;" "...keeping all persons committed to his custody by lawful authority until such persons are discharged by due course of law"; and "serving all papers directed to him according to their instructions, within the time set by the court."

C. In the Courts and Judicial Proceedings volume of the Annotated Code of Maryland, § 2-309 gives the Sheriff the authority to appoint deputies and jail wardens as necessary, as well as a chief deputy.

12.1.2 Command Protocol

A. In the absence of the Sheriff, the order of precedence for command authority is as follows:
   1. Chief Deputy
   2. Law Enforcement Bureau Chief
   3. Operations Division Commander
   4. Administrative Services Division Commander

B. Refer to General Orders 46.1 and 46.2 for additional procedures that establish command protocol during exceptional or "Unusual Occurrences."

C. Command protocol in single operations involving members of different divisions or units normally will be determined by rank, but a commander's appearance on the scene does not automatically place him in charge of the scene, unless he assumes control and announces he is taking control.

D. Joint Patrol deputy - detective investigations

1. The deputy assigned the call will be in charge unless:

(1) Relieved by a detective called to the scene.

(2) Relieved by a superior.

2. The detective assigned the crime will be in charge of the crime scene unless relieved by a superior.

3. In all instances where a supervisor relieves the officer or detective at the scene, that supervisor will then assume control of the situation.

E. Normal, day-to-day agency operations will follow each respective bureau's chain of command with the chiefs reporting directly to the Executive Officer who reports to the Sheriff.

F. All incidents requiring the command and control of multiple units will be managed in accordance with the Incident Management Standard Operating Procedure utilizing the Incident Command System mandated by the National Incident Management System.

12.1.3 Obedience to Orders

A. Employees are required to obey any lawful order of a supervisor, including any order relayed from a supervisor by an employee of the same or a lesser rank.

B. An employee who receives an order that conflicts with any previous order or instruction will advise the person who issued the second order.

1. Responsibility for countermanding the original order rests with the supervisor issuing the second order.

2. In the event neither issuing supervisor can be readily advised, the employee will carry out the most recent order and advise a supervisor of the conflict as soon as practical.

12.1.4 Communication, Coordination, and Cooperation

A. The Sheriff will conduct regular meetings with his command staff.

1. The Sheriff will meet monthly with the Chief Deputy, Law Enforcement Bureau Chief, and Corrections Bureau Chief.

2. The Chief Deputy will meet weekly with both the Law Enforcement Bureau Chief and the Corrections Bureau Chief.

3. The Bureau Chiefs will provide pertinent information from these meetings to subordinates in each bureau.

B. The Law Enforcement Bureau Chief meets weekly with the Operations Division Commander and the Administrative Services Division Commander.

1. Division Commanders then meet with their Lieutenants as needed to solicit and disseminate information.

2. Lieutenants and Directors meet monthly with personnel in their organizational component.

3. Team meetings are held by supervisors at least quarterly.

4. A permanent record of meeting minutes is maintained by the Law Enforcement Bureau Chief, distributed to command staff, and posted for staff information.

C. Civil Process Unit meetings are held every month.

1. All available Unit members are required to attend.

2. Personnel from other components within the agency attend as needed, and are encouraged to attend on a voluntary basis.

3. A permanent record of meeting minutes is maintained by the Civil Process supervisor, distributed to command personnel, and posted for staff information.

D. A 24-hour activity log is available from the calls-for-service data base. Any agency employee who can run this report at any time for the preceding 24 hours.

E. Administrative and operational information which is of interest to more than one person or component is posted on bulletin boards throughout the agency.

F. Because of the size of the Sheriff's Office, as well as the fact that most of the employees work out of the same building informal exchange of information among personnel from various components is both extensive and encouraged.

G. Commander On-Call and Regular Work Schedules

1. Unless approved by their supervisor, all Commanders are on 24-hour call for purposes of their respective areas of responsibility in the chain of command. All will be issued cellular telephones which are to be activated unless the Commander can be reached by telephone at their residence. When approved to be out of contact, Commanders will ensure a designate is assigned and made known to the P.I.S. desk for Law Enforcement or the Control Center for Corrections.

2. Regular work hours will be 0800-1600 Monday through Friday, except holidays, for all Commanders with exception to the Patrol Team Commanders and Corrections Night Teams Commander. The Night Teams Commander's regular schedule will be 1500-2300 Monday through Friday, except holidays. A daily command schedule will be maintained

by the Bureau Chief's Administrative Specialist. It will be each Commander's responsibility to ensure their daily schedule of assignments and changes in regular work hours are approved by their supervisor, and logged with the Administrative Specialist. This daily schedule will be copied to the Sheriff by 0830 hours Monday through Friday, except holidays.

12.2 WRITTEN DIRECTIVES

This General Order consists of the following sections:

12.2.1 Written Directives System
12.2.2 Dissemination and Storage of Directives

POLICY

Written directives of various types are issued by the Sheriff or other Sheriff's Office personnel to agency members to announce adoption or revision of policies, procedures, rules and regulations that govern either a specified period of time, or the indefinite future.

PROCEDURES:

12.2.1 Written Directives System

A. The written directives system for Frederick County Sheriff's Office consists of all written and electronic orders, which provide direction to agency personnel.

1. Directives will be maintained, updated, and stored in an electronic format by the Accreditation Coordinator. Written Directives will be made available for agency personnel on the county computer's shared R-drive.

2. The Sheriff's Office will not issue printed manuals. Commanders are encouraged to save a copy of the General Orders to an external storage device in the event of a network shutdown and the "R" drive is not accessible. The Judicial Services Commander and the Patrol Administrative Commander will save an electronic copy of the General Orders throughout the year as new directives and special orders are issued.

3. The manuals include:

a. General Orders
   (1) Administrative Manual
   (2) Operations Manual

b. Special Orders

c. Job Descriptions

d. Organization Chart

e. The Law Enforcement Bureau and the Corrections Bureau will maintain separate versions of their respective manuals.

f. The Sheriff has the sole authority to approve, revise, rescind, or issue the required contents of these manuals.

4. Personnel orders:

   Are written directives issued by the Sheriff, or the appropriate Bureau Chief, to a specified employee or group of employees concerning:

   a. Appointment of new personnel

   b. Assignment or transfer of personnel from one component to another

   c. Promotion or demotion

   d. Suspension

   e. Dismissal, or restoration to duty

   f. Termination by resignation or retirement

5. Training Orders - written directives issued by the Training Services Supervisor to a specified employee or group of employees assigning them to mandatory or elective training.

6. Memoranda - staff-generated notices and information of a limited or agency-wide interest or relevance

7. Standard Operating Procedures Manuals are an extension of the Operations Manual and contain:

   a. Policy - a broad statement of the Frederick County Sheriff's Office principles

   b. Plans - contain specific instructions for an anticipated event. Plans also contain specific goals and timetables and may outline areas of responsibilities outside the normal chain of command.

   c. Procedures - step by step guidelines that address who, what, when, where, why, and how established policy and written directives are to be carried out.

   d. Rules and Regulations - specific guidelines to which qualified personnel must adhere.

8. The Sheriff has the sole authority to approve, revise, rescind, or issue the required contents of these manuals.

B. Procedures for amending the contents of the manuals are as follows:

1. Rules of Conduct, general orders, current special orders, standard operating procedures, and job descriptions are all amended via a manual revision special order.

a. Any member who recommends an addition, deletion, or revision to any of these directives will forward a written request for the change through the member's chain of command to the Sheriff.

b. The Sheriff will forward his decision to the Accreditation Coordinator.

c. Recommendations of a minor nature - e.g., grammatical corrections, updating legal cites/phone numbers, and formatting - may be addressed by the Accreditation Coordinator. Significant recommendations will be presented to the Sheriff for a decision.

2. Job descriptions are revised as needed via special orders.

3. Occasionally, an entire general order will be revised. When this occurs, it may be issued as a revised general order instead of a special order. Procedures for adoption and issuance will be the same as those for special orders.

12.2.2 Dissemination and Storage of Directives

Administrative and Operations Manuals

1. Upon employment, each member of the Sheriff's Office shall receive an orientation to the on-line Administrative and Operations Manuals. Members shall sign-off that they have received this orientation training and this will act as their acknowledgment of their responsibility to familiarize themselves with the contents of the manuals.

2. New and newly revised written directives / special orders will be electronically distributed to members of the agency through the current document management system. Members will be prompted to acknowledge the receipt of the Orders, Memoranda, and Manual Revisions.

3. Supervisors shall conduct roll call training and/or ensure the dissemination of the contents of each newly issued directive. A member's electronic acknowledgement of the Orders, Memoranda, and Manual Revisions shall serve as the member's knowledge of and review of the material presented.

4. The Accreditation Coordinator will routinely check and track through the current document management system to ensure all members have reviewed and acknowledge receipt of the orders / revisions

13.1 GENERAL MANAGEMENT

This General Order consists of the following sections:

13.1.1 Management Information System
13.1.2 Administrative Reporting
13.1.3 Sheriff's Office Forms
13.1.4 Accreditation Compliance
13.1.5 Deputy Presence at Preliminary Court Proceedings
13.1.6 Agency Role in Criminal Justice and Social Service Diversion Programs
13.1.7 Court Liaison
13.1.8 Court Attendance

POLICY

It is the policy of the Frederick County Sheriff's Office to ensure accuracy and security in data collection, data management and the storage of all data and records.

PROCEDURES

13.1.1 Management Information System

A. The Frederick County Sheriff's Office will continually gather data on its various activities. The data will include but not be limited to the following:
   1. Part I and Part II criminal offenses
   2. Criminal arrests
   3. Traffic violations
   4. Traffic collision summary
   5. Calls for service summary
   6. Response times
   7. Manpower usage
   8. Criminal investigations
   9. Legal process statistics
   10. Corrections Bureau population & related statistics

B. It is the responsibility of all command personnel to ensure the accuracy of the information and data that are gathered.

C. The information system is essential for determining manpower needs and resource needs as well as predicting work load and planning budgets.

13.1.2 Administrative Reporting

The Accreditation Coordinator will maintain a written table detailing the agency's administrative reporting program which includes:

A. Listing of all administrative reports

B. Position(s) responsible for preparing the report

C. Purpose of the report

D. Frequency of the report

E. Distribution of the report

13.1.3 Sheriff's Office Forms

A. Sheriff's Office forms are divided into two classes:

1. Strict accountability - accountability is required for both blank and completed forms, and is subject to audit; e.g., Property Held forms.

2. General accountability - accountability is required for completed forms only.

B. When the need for a new or revised form arises, the following procedures shall apply:

1. The member recommending the new or revised form shall review existing forms to ensure that no form currently in use can fulfill the need.

2. After confirming the need, the member shall forward the recommendation

a. Through the chain of command to the Sheriff if the proposal affects agency policy.

b. To the Accreditation Coordinator, if the proposal does not affect agency policy.

(1) The Accreditation Coordinator will confirm the need for the new or revised form by reviewing existing forms with the designated Records personnel who will assign a form number, if needed.

(2) The Accreditation Coordinator will then forward the form through the chain of command to the Sheriff for approval.

3. Form numbers will be assigned by Records based on the general order in which related directives are located, and the next sequential letter available. For example, if a proposed form is referenced in General Order 42.1 or 42.2 and there have been three forms assigned to that chapter, the new form would be "FCSO Form #42-D."

4. The Sheriff will, upon approval, forward it to the Accreditation Coordinator to be issued as a special order (see GO 12.2.1).

5. The person who has the new/revised form printed shall ensure that the Records Section receives a final copy for the master file.

C. It is essential that approved forms are used consistently throughout the agency.

13.1.4 Accreditation Compliance

A. The Accreditation Coordinator maintains a system for ensuring that periodic reports, reviews, and other activities mandated by accreditation are accomplished.

1. PowerDMS is the online program utilized to track agency compliance and individual standard status. The program is capable of tracking compliance levels, individual assignments, task reminders, report frequencies, due dates, completion dates, and annual proof status.

2. Standards requiring the completion of periodic reports, reviews, and other activities are assigned to specific individuals within the agency based upon functional responsibility. Other documentation is provided by the appropriate function upon request.

3. Standards involving time-sensitive activities are reviewed monthly. All files are reviewed for appropriate compliance documentation at least annually.

4. Notification is made to any individual(s) who has not submitted appropriate documentation prior to the established due date.

5. Notification is made to appropriate Command personnel in any instance(s) where a requirement is not met and/or corrective action may be needed.

B. Bureau chiefs will be notified in writing by the Accreditation Coordinator when personnel within their bureau have been assigned periodic activities, and will ensure compliance by such personnel.

13.1.5 Deputy Presence at Preliminary Court Proceedings

A. Written reports and arrest documents will be used during the initial bond hearing at the district court commissioner's office.

B. Frederick County courts do not permit the use of written reports, sworn affidavits, or complaints at a preliminary hearing in lieu of a deputy's presence except in certain juvenile cases as explained in General Order 44.2.8.

13.1.6 Agency Role in Criminal Justice and Social Service Diversion Programs

The Sheriff's Office administers four diversion programs through the Corrections Bureau: Pre-trial Release, Alternative Sentencing, Home Detention, and Work Release. Also within the Corrections Bureau, classification diversion also exists within the mental health and substance abuse programs. Written directives associated with these programs are developed, revised, and maintained within the Corrections Bureau.

13.1.7 Court Liaison

A. The Patrol Operations Administrative Commander or his/her designee is the Court Liaison for the Law Enforcement Bureau. The commander will liaison between the Sheriff's Office, the District and Circuit Courts and the State's Attorney's Office as the primary person contacted to mediate problems between the agencies.

B. The Law Enforcement Bureau Chief's Administrative Specialist is the person designated to receive all computer listings of traffic court dates and all other summonses and/or subpoenas not mailed directly to members, and is responsible for tracking their receipt and dissemination to individual members. The Administrative Specialist will develop a database and maintain an effective tracking system of court dates on FCSO Form #13-A.

1. The Administrative Specialist will forward the summons to the member's supervisor. The supervisor will have the deputy sign the Form #13-A acknowledging their individual summonses/subpoenas. This signed form will be maintained by the supervisor.

2. If the summons/subpoena is received less than a week prior to the court date, the Administrative Specialist will scan and email the summons to the deputy and his/her supervisor. A copy of the summons/subpoena will also be placed in the deputy's mailbox.

3. Only Command staff and/or the on duty supervisor will accept service of any civil process or any subpoena from an allied or governmental entity or a private process agent on behalf of another agency employee. The summons/subpoena will then be forwarded to the Administrative Specialist to be distributed as indicated above.

13.1.8 Court Attendance

A. Employees testifying in court shall give proper attention to their person and clothing to ensure they present a neat, clean and professional appearance. Personnel will wear either the uniform of the day or proper business attire.

B. Employees will leave their assignments in time to arrive at court at least fifteen minutes before their scheduled appearance. When the court appearance is completed, members, if still on-duty, will report back on assignment notifying their supervisor or dispatch that they are now available.

C. If for any reason a member is unable to appear in court at the required time, the member shall inform the Patrol supervisor on duty. The supervisor will notify the State's Attorney's Office (ext. 32573, and the court (ext. 32001) as far in advance as possible. If the member arrives late, through unexpected causes, the member shall make explanation to the State's Attorney or clerk in charge of the case or the court. The member shall not leave until the conclusion of the case, unless given permission by either the State's Attorney or the court.

D. Missed Court

1. The District Court Clerk will notify the Court Liaison when a deputy is not present for a court appearance.

2. The Court Liaison will notify the deputy of the missed court incident.

3. The deputy will complete the deputy section of FCSO Form 13-B outlining the circumstances of their absence and forward the form to their supervisor.

4. The supervisor will complete the supervisor section of the 13-B and determine if the absence was legitimate. If it was not a legitimate absence, then the supervisor will ascertain if the deputy has a past history of missing court and recommend an appropriate punishment. The supervisor will forward the completed 13-B to the Court Liaison.

5. The Court Liaison will review the 13-B and make a final determination on the incident. A file of all missed court incidents will be maintained by the Court Liaison.

E. When an employee is subpoenaed/summoned to appear in two different courts at the same time the member shall notify the State's Attorney, victim/witness coordinator, or court clerk of the cases in the other courtrooms.

F. It shall be the responsibility of each deputy to check the. State's Attorney's Office webpage for updates on cases the night before court to determine if they are needed for court. The SAO updates this site each night after 1600 for the next day's court cases.

G. When a summons or subpoena is received with less than seven days before the court date the Court Liaison will be notified. The deputy and their supervisor will be emailed a copy of the summons/subpoena. The summons/subpoena will also be distributed as normal to the deputy.

H. When a deputy needs to have a court case(s) continued or when they need to block a court date or range of court dates, they will complete FCSO Form #42-J and follow this procedure. All requests must be made at least ten business days prior to the requested dates(s) unless it is an emergency situation.

1. If the request involves continuing payable traffic citations or civil marijuana citations, then each defendant must be listed on a separate 42-J form.

   a. The form(s) will be given to their supervisor for review. The supervisor will either approve or deny the request(s). If denied, the form(s) will be returned to the deputy with an explanation. If approved, the supervisor will sign the form(s) and return the form(s) to the deputy. The deputy is then responsible for either mailing or hand delivering the form(s) to the District Court Clerk.

   b. The District Court Clerk will notify the deputy when cases are continued or not continued. The deputy is not to assume that a case is continued until and unless they are notified by the Court.

2. If the request involves continuing criminal case(s), criminal citation(s) or must appear traffic citation(s) in either District Court or Circuit Court, then the deputy will list all the defendants for an individual date on a single 42-J form.

   a. The form will be given to their supervisor for review. The supervisor will either approve or deny the request. If denied, the form will be returned to the deputy with

an explanation. If approved, the supervisor will sign the form and scan it into an email to the Court Liaison. The Court Liaison will email the form to the State's Attorney's Office established distribution list.

b. The State's Attorney's Office will notify the deputy when cases are continued or not continued. The deputy is not to assume that a case is continued until and unless they are notified by the Court.

3. If the request involves blocking a single court date or range of court dates due to pending leave, vacation, training, etc. then the deputy will list the specific date or entire date range of the request on a 42-J form.

   a. The form will be given to their supervisor for review. The supervisor will either approve or deny the request. If denied, the form will be returned to the deputy with an explanation. If approved, the supervisor will sign the form, make a copy and return the original to the deputy. The deputy is then responsible for either mailing or hand delivering the original form to the District Court Clerk. The supervisor will scan the form into an email to the Court Liaison. The Court Liaison will email the form to the State's Attorney's Office established distribution list.

4. The State's Attorney's Office is responsible for requesting postponements for must appear traffic cases, criminal citations and criminal cases from the Court. The District Court Clerk is only responsible for postponements involving payable traffic cases and payable marijuana civil cases.

5. The deputy is responsible for determining if civilian witnesses are required to attend court for payable citations. The deputy is the only one who can excuse that witness from appearing in court. Do not refer the witness to the court clerk's office, as they have no jurisdiction to excuse a witness. If the witness is needed and can't appear, then the deputy needs to request a continuance for the case.

I. If a deputy is assigned to restricted/light duty, they are required to attend all court cases as assigned.

14.1 PLANNING AND RESEARCH

This General Order consists of the following sections:

14.1.1 Planning and Research Responsibilities
14.1.2 Authority and Responsibility
14.1.3 Analytical Reports

POLICY

It shall be the policy of the Frederick County Sheriff's Office to have a full-time planning and research component. Planning and research activities are essential for the continued development of an agency experiencing growing demands.

PROCEDURES

14.1.1 Planning and Research Responsibilities

Fiscal Services is responsible for the planning and research component as follows:

A. Fiscal activities, including development and management of all Bureau budgets

B. Purchasing for the Law Enforcement Bureau

C. Grants management

D. Capital improvement programs

E. Coordination of multi-year planning

F. Analysis of various statistical data

G. Conducting research on specific issues as assigned

H. Preparation of Sheriff's Office annual report

14.1.2 Authority and Responsibility

The organizational placement of Fiscal Services is directly under the Administrative Services Division Commander who ensures that the Director of Fiscal Services has access to:

A. All necessary information resources

B. The Sheriff

14.1.3 Analytical Reports

Various analytical reports used within the Sheriff's Office are referenced throughout the general orders and are distributed to affected organizational components.

A. Analysis of Use of Force Incidents to indicate Training Needs and/or Policy Modifications - to Sheriff and Chief Deputy

B. Crime Patterns/Trends - through chain of command to Sheriff and all command staff

C. Crime Analysis - through chain of command to Sheriff, Chief Deputy, and distributed to Operations Command personnel

D. Analysis of Agency Employment Policies, Practices, & Procedures Impact on Women & Minorities - to Sheriff, Chief Deputy, and Frederick County Human Resources Director

E. Critique of Motor Vehicle Pursuits - through chain of command to the Sheriff

F. Analysis & Dissemination of Intelligence Info - to Sheriff and when needed to all sworn personnel

G. Analysis of Traffic Accidents - Law Enforcement Bureau Chief, State and County Highway Departments

14.2 AGENCY PLANNING

This General Order consists of the following sections:

14.2.1 Multi-year Planning
14.2.2 Planning in Conjunction with Fiscal Activities
14.2.3 Personnel Input into Development of Plans

POLICY

The Sheriff's Office Fiscal Services Director will coordinate the planning process within the agency through the annual planning retreat, the budget process, and the capital improvements program.

PROCEDURES

14.2.1 Multi-year Planning

A. The Sheriff's Office will maintain a multi-year plan which includes:

1. Long-term goals and operational objectives

2. Anticipated workload and population trends

3. Anticipated personnel levels

4. Anticipated capital improvements and equipment needs

B. Annually, between the months of August and October, the command staff and any other members designated by the Sheriff shall participate in a planning session.

1. The plan currently in effect will be reviewed and evaluated on the progress made toward the attainment of goals and objectives. Reasons should be given for any lack of progress, which in some cases could be very legitimate; e.g., lack of funding or development of higher priorities. This discussion will be taken into consideration and made a part of the updated plan.

2. The plan will be revised as necessary, and extended for another year.

C. The multi-year plan will be made available to all personnel through Fiscal Services.

14.2.2 Planning in Conjunction with Fiscal Activities

A. In developing the operating budget requests each year, individual agency components will develop more detailed goals and objectives based on the updated multi-year plan and a review of those for the previous year. These goals and objectives will be available to all personnel on the R drive.

B. Requests for funding for capital improvement projects will be prepared concurrently with those for the operating budgets, and will include projected human resource and equipment needs.

14.2.3 Personnel Input into Development of Plans

Division Commanders will ensure that all personnel have an opportunity to offer input into the formulation of goals and objectives.

15.1 CRIME ANALYSIS

This General Order consists of the following sections:

15.1.1 Crime Analysis
15.1.2 Identifying Factors

POLICY

It shall be the policy of the Frederick County Sheriff's Office to regularly collect data relating to crime and collate, analyze and disseminate this information to appropriate personnel.

PROCEDURES

15.1.1. Crime Analysis

A. Crime Analysis Function

1. Crime analysis is a shared functional area. Responsibilities for carrying out crime analysis activities are jointly shared by Special Operations, Patrol Operations, Support Services, and Fiscal Services. The Operations Division Commander and the Special Operations Commander have the overall responsibility for the crime analysis function.

2. Crime analysis responsibilities include the collection, collation, and analysis of crime data received by the Frederick County Sheriff's Office, to aid the operational personnel in meeting their tactical crime control and prevention objectives by:

   a. Identifying and analyzing the methods of operation of individual criminals.

   b. Providing crime pattern recognition.

   c. Providing analysis of data from field interrogations and arrests.

3. Information developed through the crime analysis process can be more appropriately used by this agency in its long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

B. Crime Analysis Procedures

1. Collection of crime data will be from the following sources:
   a. Offense reports
   b. Investigative reports
   c. Arrest reports
   d. Field interrogations
   e. Monthly statistical reports

f. Intelligence reports from other agencies
g. Citizens' input

2. Offense reports, investigative reports, and arrest reports that include the following crimes require a Supplemental Crime Analysis Report (Form 15-A) to be completed in addition to the incident report:
   a. Robbery or attempt
   b. Car Jacking
   c. Burglary or attempt
   d. Sex Offense
   e. Vehicle Theft or attempt
   f. Rape
   g. Recovered Stolen Motor Vehicle from any Agency
   h. Theft from Motor Vehicle

3. Analysis of crime data will include:
   a. Comparison of incident characteristics with similar data on file.
   b. Identification of developing patterns or trends.

4. Analyzed crime information will be disseminated to the Operations Division Commander on a monthly basis. Specific timely information will be disseminated as needed or upon request.

C. Crime Analysis Reporting to Sheriff

The Crime Analyst shall forward a monthly crime analysis report to the Sheriff via the chain of command, outlining patterns or trends of crime.

D. Dissemination of Crime Analysis Information

1. Crime analysis information will be forwarded to the Sheriff on a monthly basis after review by the Special Operations Commander. The Special Operations Commander will be responsible for distribution to the other appropriate commanders.

2. Information that is relevant to the operational and tactical plans of specific units will be sent directly to them. Crime Bulletins will be prepared by the Crime Analyst if a trend or series has been identified and it would be beneficial to other divisions.

3. Information that is relevant to the development of the Sheriff's Office strategic plan will be provided to the appropriate command staff personnel.

E. Analysis of Crime Patterns and Problems

1. Crime analysis should identify similarities and patterns of crime, screen and categorize suspects, and aid in assembling and categorizing specific crimes that may involve an offender.

2. To accomplish effective crime analysis, the following factors are to be included:

   a. Frequency by type of crime
      (1) Felony offenses
      (2) Misdemeanor offenses
      (3) All offenses

   b. Geographic factors
      (1) Beat
      (2) Reporting areas

   c. Chronological factors
      (1) Date
      (2) Time
      (3) Day

   d. Victim and target descriptors
      (1) Victim demographics
      (2) Target demographics

   e. Suspect description and demographics
      (1) sex
      (2) age
      (3) race
      (4) unique characteristics

   f. Suspect vehicle descriptors
      (1) Vehicle make, model, year
      (2) Color
      (3) License number, state
      (4) Unique characteristics

   g. Modus operandi factors
      (1) Suspect yet to be identified
      (2) Suspects that have been identified
      (3) Unsolved crimes
      (4) Solved crimes

   h. Physical evidence information
      (1) Unique tools or instruments
      (2) Latent fingerprints
      (3) Other crime scene trace evidence

F. Time and Location of Specific Crimes

   1. The Crime Analyst will compile a monthly computer generated printout documenting calls for service by reporting area, time and day of the week.

2. Specific crimes such as burglaries may be charted on a spot map indicating locations of offenses during the current and preceding month.

G. Distribution of Information to Outside Agencies

1. Information developed through crime analysis may be released to sources outside this agency after review by the Operations Division Commander.

2. Crime analysis data will be provided no less than once a month to the Community Services Section for the purpose of identifying crime targets and reducing potential victimization.

H. Crime Suppression Strategies

1. Special Operations shall participate in the development of crime suppression strategies by providing necessary crime analysis data for the development of strategies and long range plans.

2. Data analysis will include crime patterns, including days of the week, geographic location, time of occurrence, and possible suspects.

I. Effectiveness and Use of Crime Analysis

1. Recipients of crime analysis information are encouraged to submit written comments to the Crime Analyst regarding the effectiveness of the information received or make recommendations for better utilization of the system.

2. Further input as to the benefit or criticism of crime analysis information will be received from discussions held during roll calls and staff meetings.

J. Special Attention and Hazardous Conditions: Collection and Dissemination of Information

1. A law enforcement hazard is any situation, person, property, or place that may create or contribute to an incident calling for some police or law enforcement action.

2. Information regarding current and ongoing hazards may be received by the Sheriff's Office from various sources. However received, should the information be considered of interest or value to patrol units in the field, it will generally be passed on to them over the radio or telephone contact, as appropriate. The information may also be posted on the Patrol Operations bulletin board, and/or distributed to patrol personnel.

3. Severe weather bulletins received by communications from the U.S. Weather Bureau will be broadcast over the police radio to inform patrol units in the field. Patrol deputies may also be responsible for advising the Emergency Communications Center of severe road and weather-related conditions which they encounter during patrol.

15.1.2 Identifying Factors

A. Analysis of Crime Patterns and Problems

1. Crime analysis should identify similarities and patterns of crime, screen and categorize suspects, and aid in assembling and categorizing specific crimes that may involve an offender.

2. To accomplish effective crime analysis, the following factors are to be included:

   a. Frequency by type of crime
      (1) Felony offenses
      (2) Misdemeanor offenses
      (3) All offenses

   b. Geographic factors
      (1) Beat
      (2) Report districts

   c. Chronological factors
      (1) Date
      (2) Time
      (3) Day

   d. Victim and target descriptors
      (1) Victim demographics
      (2) Target demographics

   e. Suspect description and demographics
      (1) Sex
      (2) Age
      (3) Race
      (4) Unique characteristics

   f. Suspect vehicle descriptors
      (1) Vehicle make, model, year
      (2) Color
      (3) License number, state
      (4) Unique characteristics

   g. Modus operandi factors
      (1) Suspect yet to be identified
      (2) Suspect that have been identified
      (3) Unsolved crimes
      (4) Solved crimes

   h. Physical evidence information
      (1) Unique tools or instruments
      (2) Latent fingerprints

(3) Other crime scene trace evidence

i. Problem oriented/community policing strategies
(1) Neighborhood watches
(2) Home security surveys
(3) McGruff Houses

B. Time and Location of Specific Crimes

1. The Patrol Operations Commander will compile a monthly computer generated printout documenting calls for service by reporting area, time and day of week.

2. Specific crimes such as burglaries may be tracked utilizing computer programs or charted on a spot map indicating locations of offenses during the current and preceding month.

C. Distribution of Information to Outside Agencies

1. Information developed through crime analysis may be released to sources outside this agency after review by the Operations Division Commander.

2. Crime analysis data will be provided no less than once a month to the Crime Prevention Unit for the purpose of identifying crime targets and reducing potential victimization.

D. Crime Suppression Strategies

1. Special Operations shall participate in the development of crime suppression strategies by providing necessary crime analysis data for the development of strategies and long range plans.

2. Data analysis will include crime patterns, including days of the week, geographic location, time of occurrence and possible suspects.

3. The crime analysis information will be used for long-range planning by gathering, organizing, and interpreting data; forecasting future needs; making predictions on the basis of current trends; and offering ideas and suggestions for improvements.

E. Effectiveness and Use of Crime Analysis

1. Recipients of crime analysis information are encouraged to submit written comments to the Operations Division Commander regarding the effectiveness of the information received or make recommendations for better utilization of the system.

2. Further input as to the benefit or criticism of crime analysis information will be received from discussions held during roll calls and staff meetings.

16.1 ALLOCATION OF PERSONNEL

This General Order consists of the following sections:

16.1.1 Position Management
16.1.2 Workload Assessment
16.1.3 Patrol Personnel Allocation
16.1.4 Computer Assisted System

POLICY

The Frederick County Sheriff's Office strives for maximum efficiency of its personnel resources through allocation of manpower based on a combination of factors, including specific needs verses available resources.

PROCEDURES

16.1.1 Position Management

A. The Frederick County Sheriff's Office maintains an organizational chart that provides the total personnel strength as authorized by the County Council (see 11.1.2).

B. The number and types of positions within the Sheriff's Office are set and controlled by the County Council through the approved budget for each fiscal year.

C. The County Human Resources Director is responsible for ensuring that positions authorized are not exceeded; that persons on the payroll are legally authorized; and that positions are maintained in accordance with budget authorization.

D. The Personnel Services Commander will ensure that all personnel actions regarding additions, changes in status, or removals from the payroll are prepared for the Sheriff's signature and submitted to the County Human Resources Department.

E. The Personnel Services Commander will maintain position status information as to whether authorized positions are filled or vacant.

16.1.2 Workload Assessment

A. Basing allocation of personnel on workload demands has a significant influence on the efficiency and effectiveness of the Sheriff's Office. The Sheriff's Office will attempt to prevent over or under staffing by ensuring that the personnel strength of an organizational element is consistent with the workload.

B. Workload statistics will be included in the sergeants' monthly reports, and sent up the chain of command for review. The division commanders will complete annual analysis/assessments in January.

C. Other types of workload assessments can be used during the budget preparation cycle by the command staff. Recommendations in staffing levels based on these assessments will be submitted to the Sheriff for budgeting consideration. Consideration will be given to the following information:
   1. Outstanding programs and projects
   2. Job analyses
   3. Personnel strength authorized by the County Council
   4. Number of incidents/tasks handled by hour of day and day of week
   5. Average time required to handle incidents/tasks
   6. Time lost through days off, holidays and other leaves compared to the total time for each assignment

D. Every three years, the Sheriff's Office will complete an assessment of all functions, except Patrol, utilizing the Workload Assessment Report. An assessment of Patrol Personnel Allocation will be performed in accordance with 16.1.3. Workload Assessment Report forms identifying each function will be distributed to the supervisors of each of the Sheriff's Office's organizational components for completion. Fiscal Services will receive the reports for analysis after chain of command approval. The report will be based on the functionality of each component (program) and the tasks necessary to accomplish workload demands.

E. The Workload Assessment Report will specify the:
   1. Nature of the Task
   2. Complexity of the Task
   3. Location of the Task
   4. Number of Times the Task is performed annually
   5. Number of Hours per Task

F. Prior to budget submission, the Director of Fiscal Services will analyze the Workload Assessment reports to ensure that the personnel strength of each component is consistent with its workload.

16.1.3 Patrol Personnel Allocation

Every three years, the Patrol Operations Commander will conduct a workload assessment for Patrol Operations personnel.

16.1.4 Computer Assisted System

The Frederick County Sheriff's Office utilizes an automated or computer assisted system to develop a data base which is used in part for allocating and distributing personnel.

16.2 SPECIALIZED ASSIGNMENTS

This General Order consists of the following sections:

16.2.1 Specialized and Lateral Assignments
16.2.2 Advertising Specialized and Lateral Assignments
16.2.3 Criteria for Selection for Specialized and Lateral Assignments
16.2.4 Request For Transfer: Specialized or Lateral Assignment

POLICY

Specialized and lateral assignments are an integral part of the Frederick County Sheriff's Office operation. Services provided by the Sheriff's Office require trained and qualified personnel. The Sheriff's Office will assign personnel to specialized and lateral assignments who are the most capable and qualified for the assignment. Specialized assignments will be reviewed and monitored to determine their usefulness with the Office.

PROCEDURES

16.2.1 Specialized and Lateral Assignments

A. Specialized Assignments

The Frederick County Sheriff's Office has specialized assignments requiring additional training and experience. Personnel must satisfactorily complete any training related to these assignments prior to performing the job duties whether the assignment is full-time or part-time. Failure to successfully complete required training as scheduled will result in reassignment.

1. Some specialized assignments are full-time, and included in both the agency budget and the organizational chart. These specialized assignments and any newly created specialized assignments will be posted, and transfer requests accepted as vacancies occur.

    a. Non-supervisory specialized assignments are:
        (1) K-9 handler
        (2) Polygraph Operator

    b. Supervisory specialized assignments are:
        (1) K-9 Unit Supervisor
        (2) Traffic Unit Supervisor

2. Part-time specialized assignments are duties that are performed in addition to the employee's regular, full-time position. These assignments are not necessarily delineated separately on the organization chart, but are functions of the different organizational

components. These specialized assignments and any newly created part-time specialized assignments will be posted, and transfer requests accepted as vacancies occur.

a. Non-supervisory specialized assignments are:
   (1) Collision reconstructionist
   (2) Evidence technician
   (3) Crisis negotiator
   (4) Motorcycle operator
   (5) S.W.A.T. Team member

b. Supervisory specialized assignments are:
   (1) Crisis Negotiations Team Leader
   (2) S.W.A.T. Team Leader

3. These specialized assignments are reviewed annually in conjunction with the calendar year annual reports.

   a. The commander in charge of the specialized assignment will prepare a written report which includes:

      (1) The title of the specialized assignment

      (2) A statement of purpose for the specialized assignment

      (3) An evaluation of the initial need or condition that required the implementation of the specialized assignment

   b. These reports will be forwarded up the chain of command to the bureau chief with endorsements added at each level. The bureau chiefs will consider these reports when formulating budget proposals for the following fiscal year; and will include a copy of each report in the annual report package submitted to the Director of Fiscal Services.

B. Lateral Assignments

There are lateral assignments within the Frederick County Sheriff's Office to which employees may be assigned without requisite training prior to functioning in those capacities. Advanced training for these lateral assignments may be completed as it becomes available, and will not preclude employees from performing these functions prior to receiving the training. Employees may request a transfer to these positions at any time, even if no current vacancy exists. Newly created lateral assignments may be posted at the Sheriff's discretion.

1. Full-time lateral assignments
   a. Non-supervisory assignments
      (1) Civil Process Unit - Child Support
      (2) Community Deputy Program
      (3) Community Services Section
      (4) Court Security Unit
      (5) Criminal Investigations
      (6) School Resource Section

(7) Narcotics Unit Deputy
(8) Training Specialist
(9) Training Instructor
(10) Patrol Operations Deputy
(11) P.A.C.E. Team Deputy

b. Supervisory assignments
(1) Civil Process Supervisor
(2) Criminal Investigations Supervisor
(3) School Resource Supervisor
(4) Narcotics Investigations Supervisor
(5) Patrol Operations Corporal
(6) Patrol Operations Sergeant

2. Part-time lateral assignments
a. Non-supervisory assignments – Honor Guard member
b. Supervisory assignments - Honor Guard coordinator

16.2.2 Advertising Specialized and Lateral Assignments

A. Specialized assignments will be posted within the Office with a job description, duties and responsibilities, required qualifications, the selected method for candidate assessment, and the date that assessments will begin for 10 days during which time interested members may submit a Request for Transfer: Specialized and Lateral Assignments (Form 16-A). If the response lacks qualified respondents, or no respondents, the option exists for the Sheriff to appoint a member to fill the vacancy in the interest of Office operations.

B. Personnel may submit for lateral assignment opportunities on a Request for Transfer: Specialized and Lateral Assignments (Form 16-A) between June 1 and May 30 of the following year, regardless of whether or not a vacancy exists.

1. Selection may be made from requests on file, by selective process, or by assignment by the Sheriff.

2. These files will be purged each June 1st by the Personnel Services Commander. Staff must submit requests each year for lateral assignments they have an interest in.

C. Newly created specialized assignments will be advertised. Newly created lateral assignments may be advertised at the Sheriff's discretion.

D. A temporary appointment to a specialized or lateral assignment may be made at the Sheriff's direction, depending on the urgency and need to immediately fill the vacancy.

16.2.3 Criteria for Selection for Specialized and Lateral Assignments

A. The Sheriff shall select the assessment technique(s) he feels most appropriately judges the candidates for assignment openings. These may include interviews, practical exercises, written tests, etc. In addition, the following criteria will be considered:

1. Length of service with the Sheriff's Office

2. Special skills, general knowledge, and experience in the area of the assignment

3. Interest and attitude toward their current assignment

4. Level of performance as determined by the review of performance evaluation, discipline records, employee logs, and other material deemed appropriate

5. A review of comments from the employee's former supervisors.

B. The Sheriff may waive the length of service and/or probationary status for assignment to specialized units when needed, based upon the unit and specific training requirements, when the assignment is in the best interest of the agency.

C. Personnel who are involved in a special investigation or project may be given a temporary assignment.

D. If manpower permits, personnel of the Sheriff's Office holding the rank of deputy first class or correctional officer and below may be temporarily rotated through the lateral assignments as part of the Sheriff's Office career development program.

1. The lateral assignments listed in 16.2.1, subsection II are eligible for temporary transfer.

2. The maximum duration for a temporary assignment under this section will be thirty (30) days. The assignment may be extended at the discretion of the Sheriff.

3. Criteria for selecting eligible personnel will be the same as is used for permanent transfers.

4. Selection Procedures

a. Interested personnel should submit a Request for Transfer: Specialized and Lateral Assignments (Form 16-A) through the chain of command adding the word "TEMPORARY" next to the Requested Assignment in Section I.

b. Personnel will be selected for temporary assignments if manpower in their current assignment is not adversely affected as determined by the division commander.

c. Supervisors in the deputy's chain of command will attach endorsements to the request.

d. The Sheriff will authorize the temporary transfer and will have a Personnel Order issued to the affected sections to include the effective dates of the temporary assignment.

e. The Sheriff may waive the length of service and/or probationary status for temporary lateral assignments to specialized units when the assignment is in the best interest of the agency.

16.2.4 Request for Transfer: Specialized or Lateral Assignment

A. Initial Request

1. Personnel requesting a transfer in assignment shall complete part I of form 16-A Request for Transfer: Specialized and Lateral Assignments form.

2. When additional space is needed under the Reason for Request, the requesting member shall type the information on a separate page, attach it to the original request and indicate on page 1 that there is an attachment.

B. Review/Endorsements

Each supervisor in the chain of command shall complete Part II, the review section of the transfer request form. If deemed necessary, additional endorsements shall be typed on a separate page, attached to the original request and signed by the supervisor.

C. Action Summary

1. Bureau chiefs may approve intra-divisional transfers, such as from one patrol team to another. All administrative action at this level will be initiated by the bureau chief and documented in the appropriate areas, and then to the Sheriff for review and final disposition.

2. The Bureau Chief's action is required for all other requested/non-requested transfers.

3. Upon approval, a Personnel Order will be issued to the requesting member indicating the requested transfer has been approved and the effective date of transfer. Upon approval, one copy of the transfer request shall go to the requesting member and one copy shall be retained in the employee's personnel file.

4. When requests are denied the requesting member will receive a copy of the completed form reflecting the denial. Receipt of the form will serve as notification of the request denial and a copy filed in employee's personnel file.

5. Requests for Transfer which are not approved will be maintained in a pending file by the Personnel Services Commander for each specialized or lateral assignment in the event that a vacancy occurs during the current filing period between June 1 and May 30 of the following calendar year for lateral assignments; or within sixty (60) days for specialized assignments.

6. Upon completion of the request for transfer process all original requests shall be maintained by the Personnel Services Commander.

16.4 COMMUNITY ASSISTANCE PATROL PROGRAM AND CIVILIAN/VOLUNTEER PROGRAMS

This General Order consists of the following sections:

16.4.1 Program Administration
16.4.2 Utilization of Civilian Volunteer Personnel
16.4.3 Duties of Civilian Volunteer Personnel
16.4.4 Training of Civilian Volunteer Personnel
16.4.5 Identification of Civilian Volunteer Personnel
16.4.6 Volunteer Application Process
16.4.7 Performance Evaluation
16.4.8 Recognition of Service
16.4.9 Vehicles
16.4.10 Radio Communications
16.4.11 Operation of Agency Vehicles
16.4.12 Agency Equipment

POLICY

The Sheriff's Office shall recruit and utilize the skilled services of citizens who are willing to volunteer their time and skills in an effort to improve the overall efficiency and productivity of the Sheriff's Office while promoting community involvement.

PROCEDURES

16.4.1 Program Administration

A. The Community Services Section shall administer civilian volunteer programs in the Operations Bureau. The Corrections Bureau volunteer programs are administered by the Director of Inmate Services and maintained in the Corrections Bureau Operations manual. Each shall be responsible for the recruitment, screening and training of prospective volunteers.

B. Civilian Volunteer Program Coordinator

1. A volunteer may be appointed by the Community Services Section to assume the position of Civilian Volunteer Program Coordinator. The selection of the Civilian Volunteer Program Coordinator shall be approved by the Sheriff.

2. The Civilian Volunteer Coordinator will be responsible for the following tasks:

a. Assist in the areas of recruitment, orientation and training.

b. Assist in the establishment of program goals, organizational changes, operating procedures, preparation of written materials and other assigned tasks.

c. Assist in the development and modification of participant assignment descriptions.

d. Act as a liaison with other public and private organizations in recruitment efforts.

e. Monitor the performance of volunteers and offer suggestions to the Community Services Section regarding personnel.

f. Issue and collect volunteer identification cards.

16.4.2 Utilization of Civilian Volunteer Personnel

Civilian Volunteer personnel do not have sworn status, are not authorized, and shall not participate in any activities that require sworn officer status.

16.4.3 Duties of Civilian Volunteer Personnel

The following descriptions are examples of positions or duties that have been identified within the Sheriff's Office that may be performed by Civilian Volunteer personnel.

A. Civilian Volunteer Crime Prevention Assistants

These volunteers will assist in the development, implementation and maintenance of crime prevention programs. These duties will include data collection, analysis, reporting, and some training activities.

CAP units will utilize the vehicle radio to call in/out of service to Central Dispatch.

B. Civilian Volunteer Crime Analyst

These civilian volunteers will extract information from police reports and other documents, i.e., computerized records, to assist in crime information dissemination. Other duties may include maintenance of pin maps, charts, and other clerical functions.

C. Civilian Volunteer Clerical Assistance

These civilian volunteers will perform various clerical duties that may include typing, word processing, data entry, searching files, writing reports, library maintenance, and receptionist duties.

D. The Frederick County Sheriff's Office has a Chaplaincy Program. Refer to the Frederick County Sheriff's Office approved Standard Operating Procedures for the organization, qualifications, procedures, and responsibilities.

16.4.4 Training of Civilian Volunteer Personnel

A. All civilian volunteers will receive orientation, to include a general outline of the program's description as well as duties and responsibilities of the civilian volunteer.

B. All civilian volunteers shall receive "on the job" training as directed by the Community Services Section. Training shall be coordinated through the Training Services Supervisor to include but not be limited to: traffic direction and control, escorts, fingerprinting, crime/prevention/detection, emergency first aid, neighborhood watch programs, AIDS and blood borne pathogens, and driver training.

C. All civilian volunteers shall receive training pertaining to working conditions and regulations, and will include specific tasks to be performed within a designated assignment.

D. All civilian volunteers will adhere to and comply with office policy and procedures.

E. All Community Assistance Patrol (C.A.P.) volunteers will be issued C.A.P. volunteer manuals (books 1, 2, 3), policies, procedures, & vehicle use.

16.4.5 Identification of Civilian Volunteer Personnel

A. All civilian volunteer personnel who are accepted into civilian volunteer programs shall be issued an identification badge which will clearly identify them as civilian volunteer members.

B. At no time and under no circumstances will civilian volunteer personnel wear or display the uniform or identifying attachments of a sworn officer of this or any other law enforcement agency.

C. All Community Assistance Patrol civilian volunteers accepted into the program shall be issued the prescribed uniform along with an identification badge which will clearly identify them as civilian volunteers of the Community Assistance Patrol Program.

1. Class "A" - Brown trousers and long sleeve shirt with pink/tan tie. Light tan straw Stetson hat. Winter jacket worn seasonally.

2. Class "B" - Brown trousers and short sleeve shirt. Light tan straw Stetson hat. Spring jacket worn seasonally.

3. A gold name tag identifying the volunteer shall be worn above the right breast pocket.

4. Black belt with Sheriff's Office belt buckle.

5. Black shoes shall be worn with black hosiery or socks.

6. Hats will be worn at all times for identification purposes while on-duty in uniform.

7. A Frederick County Sheriff's Office embroidered patch will be worn on the left shoulder of all uniform shirts and jackets.

D. Purchasing of the uniforms, with the exception of footwear, will be the responsibility of the Frederick County Sheriff's Office. Maintenance and care will the Community Assistance Patrol volunteer's responsibility.

E. Community Assistance Patrol volunteer's uniforms will only be worn while assigned to on-duty status with the Sheriff's Office.

F. Upon leaving the program, all Sheriff's Office equipment and uniforms will be turned into the Property Purchasing Coordinator.

16.4.6 The Volunteer Application Process

A. Applicants for general volunteer must be at least 18 years of age. Applicants for the Community Assistance Patrol Program must be at least 21 years of age; a Frederick County, MD resident or have significant ties to Frederick County; a U.S. citizen; possess a high school diploma or G.E.D.; possess a valid Maryland Driver's License; and possess the ability to perform duties required. Citizens interested in participating in civilian volunteer programs shall be required to submit a letter of interest, a Volunteer Application Form, Waiver of Liability Form, Release of Information Form, Applicant Confidentiality Agreement Form, and provide references.

B. Applicants for the Community Assistance Patrol may not be employed by a Private Investigation firm or a Civil Process Service agency.

C. All applicants will be screened by an assigned background investigator prior to acceptance into the program. The screening shall include a criminal records check, fingerprinting, Motor Vehicle Administration records check, two personal reference checks, and additional reference checks and records verification as necessary to determine suitability. The process will include an interview between the volunteer applicant, Administrative Services Commander, Support Services Commander, and the Community Services Section. Recommendations shall be forwarded to the Sheriff for final decision.

D. Affected Commanders will receive notification from the Civilian Volunteer Program Coordinator when the civilian volunteer may begin service and what their schedule will be.

E. Applicants for the Community Assistance Patrol Program shall be required to submit to a drug test prior to acceptance.

F. At no time will there be more than twenty (20) civilian volunteers assigned to the Community Assistance Patrol Program. An eligibility list shall be maintained by the Community Services Section Supervisor for all interested personnel. In the event a civilian volunteer leaves the program, the next person on the list will fill the vacancy.

G. Community Assistance Patrol volunteers shall be required to actively serve a minimum of ten (10) hours per month.

H. Applicants for the position of Community Assistance Patrol should successfully complete a Citizen's Police Academy when one is available, or have prior law enforcement experience.

16.4.7 Performance Evaluation

A. A Civilian Volunteer Performance Evaluation form shall be used by the Community Services Section. This form shall be completed quarterly and will indicate the number of hours worked, type of assignment and an assessment by the section of the volunteer's progress and work habits.

B. Upon completion of this review, the Community Services Section will maintain all documentation in the Volunteer's personnel file.

C. Civilian volunteers whose performances are not satisfactory and who project a negative image for the Sheriff's Office will be removed from the program.

16.4.8 Recognition of Service

A. Any civilian volunteer who provides a minimum of 300 hours of service in one (1) year will receive a certificate from the Sheriff.

B. Certificates will be presented at ceremonies approved by the Sheriff.

C. Supervisors are encouraged to report superior and/or special services provided by a civilian volunteer to the affected Bureau Chief.

16.4.9 Vehicles

A. Vehicles will be provided for Community Assistance Patrol Volunteers assigned to the program and shall be distinctly identified in order to distinguish them from a marked patrol vehicle.

B. The Community Assistance Patrol vehicle shall be black with a white roof and doors. Identifying logos will be “Volunteer" (on front fenders), "Community Assistance Patrol" (on rear panels), and “Sheriff’s Volunteer” (on rear).

C. Sheriff's emblem (star) will not be placed on the vehicle.

D. Vehicles will be equipped with amber light bars.

E. Sirens shall not be installed in the vehicles

F. At no time shall the Community Assistance Patrol vehicle be used in an emergency mode of operation.

16.4.10 Radio Communications

Radio call numbers for the Community Assistance Patrol volunteers shall be assigned according to Office Policy. Designated numbers shall be in the 900 series. (CAP # to Frederick)

16.4.11 Operation of Agency Vehicles

A volunteer will operate agency vehicles in a careful and prudent manner, and will not through negligence or careless operation incur or cause damage to be incurred to agency property or to the property of another. Volunteers will obey all laws of the State of Maryland and all local ordinances, and conform to all agency procedures and regulations pertaining to operation of an agency vehicle. Any damage to vehicles or property occurring while operated by a volunteer will be immediately reported to a Frederick County Sheriff's Office Supervisor. Civilian volunteers must be approved by the Frederick County Loss Prevention Officer and possess a valid Maryland driver's license prior to county vehicle use.

16.4.12 Agency Equipment

Agency equipment will be used and maintained in accordance with established agency procedures and will not be abused, damaged, or altered through negligence. Damage to, or loss of equipment will be reported immediately to a Frederick County Sheriff's Office Supervisor.

16.5 CIVILIANS

This General Order consists of the following sections:

16.5.1 Civilian Positions
16.5.2 Review of Sworn/Non-Sworn Positions

POLICY

In the interest of efficiency and fiscal responsibility the Frederick County Sheriff's Office shall whenever practical make use of civilian employees in positions not requiring sworn deputies.

PROCEDURES

16.5.1 Civilian Positions

A. Whenever practical, positions not requiring certification as a law enforcement officer will be specified as a civilian position and staffed accordingly.

B. The following positions within the Sheriff's Office are specified as civilian:
   1. Agency Spokesperson
   2. Accreditation Coordinator
   3. Administrative Specialists
   4. Administrative Aides
   5. Administrative Assistants
   6. Background Investigators
   7. Constables
   8. Special Police Officer Corporals/Sergeants
   9. Special Police Officers
   10. Crime Analyst
   11. Evidence and Property Technicians
   12. Executive Assistant
   13. Fiscal Services Director
   14. Finance Manager
   15. Police Information Specialists (P.I.S.)
   16. Police Information Specialist Assistant Supervisor
   17. Police Information Specialist Supervisor
   18. Purchasing/Property Coordinator
   19. Records Supervisor
   20. Technology Director
   21. Technology Coordinator
   22. Victim Services Manager

23. Victim/Witness Coordinator
24. Protective Order Program Manager
25. Sex Offender Program Manager

C. Sworn personnel may be temporarily assigned to these positions in the event of an urgent need.

16.5.2 Review of Sworn/Non-Sworn Positions

In conjunction with the development of the annual budget, the command staff will assess which positions, if any, should be reclassified and designated as civilian. The reclassification of positions must be approved by the County Executive.

17.1 FISCAL MANAGEMENT

This General Order consists of the following sections:

17.1.1 Fiscal Management Authority and Responsibility
17.1.2 Budget Process
17.1.3 Purchasing
17.1.4 Emergency Purchases
17.1.5 Accounting Systems
17.1.6 Cash Management
17.1.7 Independent Audit

POLICY

The Sheriff's Office shall provide for the efficient management, control and accounting of Office funds.

PROCEDURES

17.1.1 Fiscal Management Authority and Responsibility

A. The Sheriff has authority and responsibility for the overall fiscal management of the Sheriff's Office.

1. The Sheriff will be responsible for management and approval of all budget recommendations for the Office.

2. The Sheriff and/or his designee will work closely with the Frederick County Governing Body, the County Finance Director, the County Purchasing Director, and the County Budget Officer in all fiscal matters.

B. The Sheriff's Office authorized funds shall be governed by the annual county budget as adopted by the Frederick County Governing Body. The authorized budget can be modified throughout the year upon approval of the Sheriff and the budget officer and/or the County Governing Body.

17.1.2 Budget Process

A. The Fiscal Services Director will coordinate the preparation of the operating and capital budgets and be responsible for their management.

B. The Fiscal Services Director will follow the procedural guidelines and comply with the timetable established by the county's budget office for budget development and preparation.

C. The existing year's budget will serve as a baseline for the upcoming year's budget. Requests for new or additional funding, if any, should be based on operational and activity analyses; personnel needs; capital improvement needs; Office, division, and component goals; and an assessment of currently assigned positions to ensure that the positions allocated to the Office are functioning appropriately.

D. Each organizational component will be given the opportunity to participate in the development of the new budget during the annual command staff strategic planning retreat. Notable upcoming budget needs will be documented in the goals established during the session.

E. The Fiscal Services Director will provide assistance to each division as needed throughout the development process.

F. The Sheriff, at his discretion, may meet with the Fiscal Services Director and/or Division Commanders throughout the process to review, provide direction, and ensure compliance with the goals of the Office.

G. The Fiscal Services Director will prepare the final budget for the Sheriff's approval and submission to the county budget director.

H. Throughout the year, as the need for budget modifications arise, the Fiscal Services Director will prepare budget amendment or transfer requests in accordance with county budget guidelines.

17.1.3 Purchasing

A. The requisitioning of supplies, equipment, and services for Sheriff's Office personnel will be primarily the responsibility of Fiscal Services in each bureau.

B. All purchasing of Sheriff's Office supplies, equipment, and services will be conducted in compliance with Frederick County Purchasing procedures.

17.1.4 Emergency Purchases

The Sheriff's Office shall follow procedures established in the Frederick County Code (Sec. 1-2-30 Emergency Purchases) for emergency purchases.

17.1.5 Accounting Systems

A. The Sheriff's Office will monitor and track accounts through the county financial system

B. This information can be accessed 24 hours per day by authorized personnel.

1. It can provide data for any or all of a designated fiscal year.

2. It will include the following information for each account:

a. Original appropriation

b. Expenditures, credits, and encumbrances by name, type, and date

c. Budget transfers and amendments

d. Current (unencumbered) balance

C. Monthly appropriations reports for all Sheriff's Office accounts will be monitored by the Director of Fiscal Services for all accounts

D. The Director of Fiscal Services will prepare monthly spreadsheets for the Bureau budget comparing current status with desired status.

E. Division Commanders will ensure monitoring and management of the budgets for their respective division.

17.1.6 Cash Management

A. There are six cash funds used in the Law Enforcement Bureau. Details of each are as follows:

1. Law Enforcement Aid Fund

a. Frederick County Resolution No. 86-25 established the Law Enforcement Aid Fund which authorized the Sheriff to open an interest-bearing checking account for the deposit of certain monies or forfeited assets seized in connection with the investigations and/or convictions of persons for gaming or of dealing in controlled dangerous substances. The methods by which this can occur include:

(1) Money that has been seized, deposited with the Frederick County Treasurer's Office by the Evidence Custodian, and then forfeited to the Sheriff's Office by the court; or is released to the Sheriff's Office after more than one (1) year has passed since the seizure and/or disposition without any demand from the alleged owner of the monies for the return of same pursuant to the Criminal Procedures Article, Title 12 of the Maryland Annotated Code

(2) Other seized assets (e.g., cars, jewelry, guns) that are forfeited to the Sheriff's Office by the court, and subsequently sold, with the revenue deposited into this fund

(3) Funds resulting from a signed Vehicle Agreement between the Sheriff's Office, State's Attorney's Office, and the defendant.

b. This bank account will be maintained in such a manner that if and when the account reaches the sum of $50,000, no further payments shall be made to the Sheriff.

c. Monthly fund status reports and checking account bank statement reconciliations will be prepared by the Executive Assistant and approved by the Sheriff for submission to the Frederick County Accounting Office.

d. The Law Enforcement Aid fund is subject to audit by the Frederick County Internal Audit Agency

e. A ledger will be maintained recording all receipts and disbursements on a monthly basis. Backup documentation, records, and invoices, will be maintained by the Executive Assistant for all monies received and disbursed.

(1) Numbered receipts will be issued for all funds deposited to this account. Positions authorized to receive funds are:
   (a) Executive Assistant
   (b) Narcotics Investigation Section (N.I.S.) Supervisor, who will then turn the funds over to the Executive Assistant
   (c) Criminal Investigations Section (C.I.S.) Supervisor

(2) When seized funds are deposited with the Treasurer's Office, the Evidence Custodian shall forward the receipt from the Treasurer's Office as well as the property inventory sheet to the Executive Assistant, who shall maintain a notebook of all receipts and subsequent disposition of funds.

(3) All disbursements from the checking account will require two signatures: the Sheriff and the Executive Assistant.

f. The N.I.S. supervisor shall be responsible for all backup documentation for funds disbursed for drug buys. The C.I.S. supervisor shall be responsible for all backup documentation for funds disbursed for other investigations.

(1) Requests for such funds will be made by either the N.I.S. supervisor or the C.I.S. supervisor in writing to the Sheriff.

(2) Expenditures for a single investigation will be limited to available funds, not to exceed $5,000. Amounts exceeding $5,000 will require the recommendation of the C.I.S. supervisor and final approval by the Sheriff.

(3) The money will be issued to investigators on a case-by-case basis, and all movement of such funds - whether issued or returned - will be documented on the cash control log.

(4) The N.I.S. and C.I.S. supervisors will complete and submit a monthly report through the chain of command, accounting for the use of all funds. The supervisor will ensure that a cash control log will be maintained as supporting documentation.

g. Per a written agreement with the State's Attorney's Office, 10% of all seized currency forfeited to the Sheriff's Office as well as proceeds from vehicle agreements in connection with violations of Criminal Law Article §§ 5-601 and 5-602 of the Annotated Code of Maryland, resulting from cases initiated on or after 10/1/95 will be forwarded to the Frederick County State's Attorney's Office Narcotics Division.

h. The monies in this account may not be used for salaries, capital projects, or the procurement of vehicles or other items which are ordinarily approved in the Sheriff's budget, unless the County Governing Body approves such expenditures.

2. Sheriff's Sale Fund

a. The Sheriff's Sales Fund is managed through the PeopleSoft system, after fees are received and deposited into the County General Fund. This account is for the collection of monies and judgments as ordered by the District and Circuit Courts through appropriate Writs. Sheriff's Sale proceeds, security deposits, down payments, and cash drawer seizures would all be held in this account until court actions are completed. All monies collected are disbursed to a third party or refunded to the remitter, less any Sheriff's fees as outlined in Maryland Law.

b. Receipts will be issued for cash funds deposited in this account. Report of sale and other official memorandum and documentation will be maintained in the case file.

c. This fund is subject to audit by the Frederick County Internal Audit Agency.

3. District and Circuit Court Process Fund

a. The Sheriff's Office District and Circuit Court Fund is managed through the PeopleSoft system, after fees are received and deposited into the County General Fund. For tracking purposes, District and Circuit Court funds use different account numbers.

b. These fees will be deposited weekly into the County's General Account at an established financial institution. After depositing said fees, the Administrative Specialist will then forward a memo to Accounting indicating the date of the deposit, the amount of the deposit, and the account number, along with a copy of the deposit slip. Based on that memo, Accounting will electronically clear the account of the deposit.

c. All refunds are processed by the Administrative Specialist utilizing the PeopleSoft Financial System – Voucher Requests with voucher approval from the Civil Process Unit supervisor.

d. This fund is subject to audit by the Frederick County Internal Audit Agency.

4. Community Relations Account

a. The Crime Prevention/Community Relations account was established for donations received from the community from individuals and organizations to be utilized toward the crime prevention efforts of the Frederick County Sheriff's Office.

b. Community Services Section personnel who are contacted by a citizen wishing to make a donation to this account will inform the citizen that a check should be sent to the Sheriff indicating the intended purpose of the donation. Donations sent directly to

the Community Services Section will be immediately forwarded to the Fiscal Services Director.

c. The Fiscal Services Director will forward all donations to the Treasurer of Frederick County for deposit in an account which has been set aside by the Budget Office for this purpose.
   (1) A thank you letter will be sent to the donor(s).
   (2) The Fiscal Services Director will keep a copy of the check and notation of purpose.
   (3) This account will not be a part of the normal budget process; account balances will be carried over from year to year.

d. All disbursements from the Community Relations account will be done in accordance with normal Sheriff's Office and County purchasing and procurement procedures beginning with a purchase request which is forwarded through the chain of command.

e. A notebook will be maintained by the Fiscal Services Director with a record of receipts and disbursements to include documentation for same. Reports detailing receipts and disbursements will be generated from the county's automated financial system and reviewed semi-annually.

5. Operating Recovery Account

   a. The Operating Recovery Account was established to recover various expenses that are not salary-related. Monies received by the Sheriff's Office in exchange for fingerprinting services and disseminating copies of reports and other documents shall be deposited into this account.

   b. Staff members receiving fingerprinting and report copy fees (cash or check) will issue a receipt, and then place both the money and receipt in the secure lock box located at the front desk PIS station. On a regular basis, a designated Fiscal Services Section member will then collect the money and receipts, confirm the money and receipts match, then record the transactions on a receipts ledger.

   c. The money is then deposited into the bank designated by the Frederick County Treasurer's Office. Copies of checks and transmittal sheets are kept in Fiscal Services for audit purposes by Frederick County Internal Audit Agency.

6. Narcotics Investigation Section Account

   a. The Narcotics Investigation Section Account was established to account for revenue from assets seized during narcotics and/or vice investigations and forfeited in subsequent legal proceedings.

   b. The Sheriff's Office's portion of these funds is held by the Frederick County Treasurer's Office until disbursed to the unit using the County's Financial System and are subject to audit by Frederick County Government.

c. The N.I.S. supervisor shall be responsible for all backup documentation for cash disbursed.

(1) Voucher requests will be submitted by the N.I.S. supervisor to the County Treasurer's Office.

(2) Cash will be issued to investigators on a case-by-case basis, and all movement of such funds - whether issued or returned - will be documented on the cash control log.

(3) The N.I.S. supervisor will complete and submit a monthly report through the chain of command, accounting for the use of all cash funds.

d. These funds are not subject to the limitations placed upon the Law Enforcement Aid Fund. Use of funds seized during joint investigations with federal agencies will be consistent with the guidelines established by the U.S. Department of Justice and Department of the Treasury.

B. Personnel assigned to Civil Process, Records, Fiscal Services, P.I.S., and Support Services (including volunteers) are authorized to accept cash and issue receipts. Cash may be disbursed by members assigned to the C.I.S. and the N.I.S. under the guidelines established in this directive.

17.1.7 Independent Audit

A. Frederick County finances are audited annually by the Internal Audit Authority for an external auditor pursuant to established policy.

B. All Sheriff's Office accounts/funds may be independently audited by the Internal Audit Authority subsequent to each change in Sheriff per established policy.

17.2 AGENCY OWNED PROPERTY

This General Order consists of the following sections:

17.2.1 Property Requisition
17.2.2 Property Distribution
17.2.3 Property Accountability
17.2.4 Responsibility for Operational Readiness

POLICY

It shall be the policy of the Frederick County Sheriff's Office to maintain a responsible property management system. The system will include components governing the control, assignment, transfer and disposition of all office property.

PROCEDURES

17.2.1 Property Requisition

A. The Administrative Services Division Commander is responsible for system oversight and management; and as designated by the Sheriff, approval of office inventory and property disposition.

B. Fiscal Services shall be responsible for:

1. Distribution of Sheriff's Office property requiring recipient's signature on the Property Control Form.

2. Monitor and track the issuance and return of all less lethal and armory items with assistance from an agency armorer and Taser program administrator.

3. Coordination of all furniture and equipment assignments and inventory control.

C. The assigned armorer shall be responsible for:

1. Inspection, armory inventory and accountability of firearms, ammunition, armory and range items, equipment, and related materials.

2. Secure storage and authorized access to armory inventory storage.

3. Reporting to Fiscal Services any return(s) or change(s) in issuance of firearms along with make, model and serial number.

4. Ensuring personnel report to Fiscal Services to sign for their weapon(s).

D. The Administrative Services Division Commander shall be responsible for:

1. Coordination of vehicle and related motor pool equipment and assignments as needed

2. Coordinating inventory location, assignments, and transfers.

3. Coordinating budget requests with the Fiscal Services Director.

E. Requests for new/replacement property

1. Employees requesting supplies, equipment, and services (except incidentals) will do so on the Sheriff's Office Property Request Form (17-E) through the applicable chain of command.

   a. If the item(s) requested are replacement for lost, damaged, or stolen property, the individual shall submit a written report of the incident along with a Frederick County Loss/Damaged Property form (17-D) promptly through the chain of command with the property request form.

   b. Replacement of items found misused, lost and/or attributed to negligence will require reimbursement as recommended by commanders, division commanders, and as directed by the Bureau Chief.

2. Incidental items can be obtained directly from Fiscal Services as appropriate. Incidentals are items under $20.00 and include office supplies such as file folders and notebooks, consumable supplies such as batteries and CPR masks, and uniform items such as ties and belt keepers.

3. The division commanders will forward the Property Request Form to the Director of Fiscal Services for budget approval.

4. The Fiscal Services Director will forward the Property Request Form to the Administrative Services Division Commander.

5. If the request is in the budget, the Administrative Services Division Commander can approve and process the request. If the request is not in the budget, the Property Request Form will be forwarded to the Bureau Chief.

6. If the request is under $2500 and not in the budget, the Bureau Chief can approve and process the request. If the request is over $2500 and not in budget, the request will be forwarded to the Chief Deputy.

7. At the discretion of the Chief Deputy, property requests will be forwarded to the Sheriff.

17.2.2 Property Distribution

A. Property classification

1. Frederick County Sheriff's Office property is defined as those items purchased with county funds, Sheriff's Office Special Investigative Fund, or items donated or purchased with donated funds and used by Sheriff's Office personnel.

2. Fixed assets are purchased property having a value over $5,000.

3. Incidentals (consumables) are purchased items having a one-time-utility life such as batteries, flares, office supplies, etc.

B. Distribution of property

1. Receipt of property - upon receipt of all newly acquired property, Fiscal Services will check the property for good repair, proper working condition, and verification of actual purchase through the Sheriff's Office, and then approve payment for the property.

2. Property Identification

   a. Property having a value of $5,000 or more will be identified with a Frederick County government property inventory tag.

   b. Property having a value over $250.00 not marked with a County property inventory tag will be marked with a Sheriff's Office property inventory tag.

3. Property Issuance

   a. When the property is available, the requesting individual will be notified.

   b. All property (including all armory property), other than consumables, requires a signature on the Property Control Form (17-C), prior to issuance by Fiscal Services.

   c. Replacement property will be issued only upon return of the old item(s) with inspection and approval of the appropriate issuing authority.

4. Personnel property records – Fiscal Services will update the individual's property records with all additional or returned property as required.

5. Separation from employment - upon separation from employment with the Sheriff's Office, employees must return all property in accordance with Sheriff's Office policy directly to:

   a. Fiscal Services- all assigned equipment and uniforms in operational readiness, clean, pressed, and on hangers

b. Administrative Services Division Commander - all assigned vehicles cleaned and in operational readiness

6. Release of final paycheck will be withheld pending final accountability of all county property. Unaccounted and damaged property will be charged to the employee at the rate determined by the Sheriff, using the current replacement cost.

C. Transfers of property are restricted to approval as follows:

1. Transfer of property within the Sheriff's Office may be authorized at the Administrative Services Division Commander, Bureau Chief, Chief Deputy, or Sheriff levels only.

2. Notice of property (furniture, equipment) transfers must be submitted by memorandum to Fiscal Services for inventory control purposes.

3. Transfers of computer equipment may only be made by the Director of Technology with notification to Fiscal Services.

4. Transfer of personnel issued property - equipment must be turned into Fiscal Services and re-issued to the new individual.

5. Transfers outside of Sheriff's Office may only be approved by the Bureau Chief.

D. All damaged property disposal is handled as follows:

1. Fiscal Services will forward to the Administrative Services Division Bureau a list of all items damaged and in need of disposal.

2. The Bureau Chief must approve and sign for disposal of damaged county property.

3. Fiscal Services will dispose of all damaged property in accordance with Frederick County government policy.

E. Fiscal Services is authorized to maintain a supply of uniform accessories and replacement items for issuance to personnel. New deputies are issued uniforms and accessories from this inventory whenever possible.

17.2.3 Property Accountability

A. Fiscal Services

1. Personnel property files

a. Maintain a computerized and hardcopy property file with signatures for each employee.

b. Ensure all personnel sign for issued and returned Sheriff's Office property on Property Control Form 17-C which is filed in individual personnel property files.

c. Upon separation of employment of any personnel, collect and account for all issued property and close individual's property file.

2. Agency property files

Fiscal Services will maintain an inventory of all audio-visual and photographic equipment, furniture, etc. assigned to the Frederick County Sheriff's Office

3. Master property system

a. Will enter all inventory changes in the master property inventory system as they occur.

b. Will maintain a master property inventory of all Sheriff's Office owned property and equipment.

c. Will prepare an annual inventory of Sheriff's Office property and document all results.

B. Armory officer

The armory (weapons and munitions) will be under the control of the armory officers.

C. Damaged property

Any agency-owned property that becomes inoperable or lost should be reported to the person's immediate supervisor where that property is assigned or used. It is the responsibility of that supervisor to report the problem to Fiscal Services through the chain of command by completing a detailed memo and a Frederick County Loss/Damaged Property form (17-D). If an agency-owned item, such as a firearm, requires servicing, a qualified service person or business will be contracted through the purchasing process.

D. Inventory - Fiscal Services:

1. Ensure a physical annual inventory is conducted of all Sheriff's Office property, including weapons, in accordance with Sheriff's Office and Frederick County government accountability procedures. Fiscal Services shall submit results of the inventory by report to the Administrative Services Division Commander, Bureau Chief, Chief Deputy, and the Sheriff.

2. Review files sufficiently to ensure proper accountability of stock items and armory items against the system inventory and in accordance with operating policies.

3. Account for issue, return, and transfer of all general issue items, office furniture and equipment, and other property items.

4. Control access to general issue storage and ensure property condition, accountability, and storage security.

17.2.4 Responsibility of Operational Readiness

A. Agency owned equipment and property stored in the property room will be kept in a condition of operational readiness. This includes proper care and cleaning, preventive maintenance, repair, work ability, and responsiveness. It is the responsibility of Fiscal Services to maintain and inspect such property and equipment at regular intervals.

B. Agency owned equipment and property stored and used in the various divisions of the Sheriff's Office will be kept in a condition of operational readiness. The responsibility for the maintenance and inspection of such property rests with the division commanders where the property is used or kept.

C. Problems regarding the condition or maintenance of agency owned equipment and property will be directed to Fiscal Services in writing.

21.1 JOB TASK ANALYSIS

This General Order consists of the following sections:

21.1.1 Objectives of Job Task Analysis
21.1.2 Job Task Analysis File
21.1.3 Job Task Analysis Content

POLICY

The Sheriff's Office shall maintain a job task analysis on file for each sworn position in the classification plan.

PROCEDURES

21.1.1 Objectives of Job Task Analysis

A. Job task analysis is a systematic examination of the functions and objectives of each job to be performed as it relates to the knowledge, training, and skills required to perform the tasks or duties of the job. Job analysis supplies the Office with the basic information needed for many personnel and management activities.

B. The objectives of the Office's job task analysis are, but not limited to , the following:

1. Serve as a basis for the determination of a position classification plan and compensation.

2. Provide a basis for establishing minimum qualification requirements for recruitment, examination, selection, appointment, and promotion;

3. Assist with establishment of training curricula; and,

4. Provide guidance to employees and their supervisors concerning the duties and responsibilities of individual positions.

21.1.2 Job Task Analysis File

A written job task analysis of every sworn position in the Sheriff's Office is maintained on file with the Sheriff's Office Personnel Services and the County Human Resources Department.

21.1.3 Job Task Analysis Content

A. A written job task analysis of every sworn position in the Sheriff's Office includes:
   1. The work behaviors (duties, responsibilities, functions and tasks) ;
   2. Frequency with which the work behavior is performed; and,
   3. The criticality of the job related skills, knowledge, and abilities.

B. Job descriptions are developed from the written task analysis. These descriptions will be maintained on file with the Personnel Office, and will be included in the Sheriff's Office Administrative Manual.

21.2 CLASSIFICATION

This General Order consists of the following sections:

21.2.1 Classification Plan
21.2.2 Developing and Maintaining Job Specifications
21.2.3 Classification Plan Review

POLICY

The Sheriff's Office written classification plan is administered by the Director of Personnel in accordance with Frederick County personnel guidelines.

PROCEDURES

21.2.1 Classification Plan

A. The Sheriff's Office has a written classification plan that is incorporated in Frederick County's classification system. The plan is administered by the Director of Human Resources, and includes the following elements:

1. Grouping of every job into classes, based upon similarities in duties, responsibilities, and qualification requirements;

2. Existence of class specifications (written duties and responsibilities) for every job or assignment within a class;

3. Provisions for relating compensation to classes;

4. Provisions for reclassification.

B. Position classes within the Sheriff's Office are as follows:

1. Sheriff

2. Law Enforcement Bureau (a - i are sworn positions)
   a. Chief Deputy (Colonel)
   b. Law Enforcement Bureau Chief (Lt. Colonel)
   c. Division Commander (Major)
   d. Captain
   e. Lieutenant
   f. Sergeant
   g. Corporal
   h. Deputy First Class
   i. Deputy

j. Director of Fiscal Services
k. Administrative Specialist I through V
l. Constable I/II
m. Courthouse Deputy I/II
n. Executive Assistant
o. Victim Services Coordinator
p. Police Information Specialist I/ II
q. Administrative Assistant
r. Grants Coordinator

3. Corrections Bureau
   a. Bureau Chief (Major)
   b. Division Director and Captain
   c. Lieutenant
   d. Sergeant
   e. Corporal
   f. Correction al Officer I and II
   g. Administrative Specialist I through V
   h. Nursing Supervisor
   i. Nurse
   j. Dietary Officer
   k. Cook
   l. Counselor
   m. Alternative Sentencing/Assistant Director, Community Services n. Caseworker s (Pretrial Release and Alternative Sentencing)
   n. Administrative Assistant p. Supervisor, Food Service
   o. Coordinator, Pretrial Services

C. Job descriptions shall include a statement of the general duties, responsibilities, and qualifications for each position classification. The following statements shall be incorporated into all Sheriff's Office job descriptions:

1. Personnel are to be able to perform the duties of the preceding rank.

2. Personnel are to be able to maintain physical standards established by the Sheriff's Office.

D. Complete job descriptions for every position classification are on file with the County Human Resources Department and are included in the Administrative Manual.

E. The County Human Resources Director shall provide for appropriate classification and compensation schedules for all Sheriff's Office position classes.

F. Provisions for position reclassification are managed in accordance with established County Human Resources Department procedures.

21.2.2 Developing and Maintaining Job Specifications

The Sheriff's Office Personnel Services and County Human Resources Department share responsibility of developing and maintaining job specifications for each position classification.

These job specifications are updated as needed or when a position is being created. Job specifications are outlined in each position's job description. All job descriptions are approved by and are on file with the County Human Resources Director and the Sheriff of Frederick County.

21.2.3 Classification Plan Review

A. The Sheriff's Office classification plan will be reviewed as part of any County wide review process upon notification by the County Human Resources Director, and as needed to ad dress change s in individual position duties and responsibilities. If necessary, recommendations for revisions will be made under direction of Personnel Services.

B. Changes in the assignment of duties, responsibilities and qualifications for positions will be made by the Sheriff as long as those changes do not conflict with Frederick County Human Resources Regulations.

C. Recommended or suggested revision s to the County Human Resources Department's classification plan will be made from the Sheriff to the County Human Resources Director or the Frederick County Commissioners in accordance with established policy.

21.3 DELINEATION OF DUTIES AND RESPONSIBILITIES

This General Order consists of the following sections:

21.3.1 Duties and Responsibilities Statement
21.3.2 Job Description Availability

POLICY

The Sheriff's Office shall maintain written job descriptions, to include a statement of duties and responsibilities, for each position within the Office.

PROCEDURES

21.3.1 Duties and Responsibilities Statement

A. Written job descriptions outlining the duties and responsibilities of each position within the Sheriff's Office are maintained on file with Sheriff's Office Personnel Services and the Frederick County Human Resources Department.

B. When an employee receives a job assignment or when an employee's job description changes due to promotion or other reason, the employee will be provided with a copy of the job description for the newly acquired position.

C. Employees will be held accountable for each task, qualification, and responsibility as listed in the applicable job description.

D. If an employee has any question(s) concerning the job description, the question(s) should be directed to the employee's immediate supervisor.

21.3.2 Job Description Availability

A. The Sheriff's Office Administrative Manual provided to all personnel contains job descriptions for all positions within the Office.

B. Up-to-date job descriptions for all job assignments are also made available to personnel from Sheriff's Office Personnel Services on request.

22.1 COMPENSATION

This General Order consists of the following sections:

22.1.1 Salary Program
22.1.2 Determining Elements of the Salary Program
22.1.3 Salary Program Review
22.1.4 Salary Augmentation
22.1.5 Transfers
22.1.6 Reclassification (Non-Uniformed)

POLICY

The Frederick County Sheriff's Office shall comply with the provisions of the Fair Labor Standards Act in determining the appropriate compensation for Sheriff's Office employees.

PROCEDURES

22.1.1 Salary Program

Compensation

1. The salary schedules as adopted by the County Governing Body as a part of the annual budgeting process shall constitute the grades and rates of pay for all classifications in the County Classification Plan and represent the rates of pay applicable to the positions for annual full time employment based on the standard workweek for those positions.

2. The rates of pay for "non-classified positions" are not a part of the Compensation Plan since these may vary between the minimum set by the Fair Labor Standards Act and the minimum of the Compensation Plan. Non-classified positions are part time positions that receive no benefits.

3. The rates of pay for "non-classified positions" shall be set by the County Governing Body as a part of the annual budgeting process.

4. New Appointees

    a. Generally, a new employee shall be paid the minimum rate of pay for the class. Exceptions may be granted upon the prior approval of the Director of Human Resources, Chief Administrative Officer, or County Executive in the following cases:

    b. The minimum rate for each class is based upon the requirement that a new employee meets the minimum qualifications stated in the class specifications. If it becomes necessary to appoint a new employee of lesser qualifications, he/she should begin at one or possibly two grades below the minimum rate of the class.

c. If a new employee more than meets the minimum qualifications, and will not accept appointment at the minimum rate of the class, he/she may be appointed at a higher rate of pay. This practice should be used in emergencies only. Cases should be thoroughly analyzed and measured against objective standards. In addition, every effort should first be made to recruit the best-qualified employee who will accept appointment at the minimum rate of the class.

5. Sworn Lateral Entry

a. Currently certified law enforcement officers in good standing with another U.S. law enforcement agency and/or individuals currently law enforcement certified by the Maryland Police and Correctional Training Commission (MPCTC) will start at the Deputy First Class (DFC) Step1, Year 1 pay rate.

b. While starting at the DFC pay rate, they will serve at the Deputy rank subject to the satisfactory completion of the 18-month probationary period before the time-in-grade promotion to DFC.

Promotions

1. Non-uniformed personnel

a. When an employee is promoted to a position in a higher grade, the employee's current rate of pay shall be increased by 10% of that rate of pay for the first grade and 7% for any subsequent grades, or to the minimum of the new grade, whichever is higher. However, the new rate of pay cannot exceed the maximum of the new grade. This does not apply to employees promoted from other county positions into the position of Deputy Sheriff with the Sheriff's Office. The rate of pay for these employees will be adjusted to equal the base of the grade for deputy sheriff.

b. Whenever possible, classified employees working for Frederick County shall be considered for promotion to positions, which become available. Outside applicants will be considered thereafter.

c. When an employee is promoted to a position in a higher grade due to meeting the requirements of service time, additional education and training, and satisfactory performance, these promotions shall be considered an upgrade. The employee's current rate of pay will be increased by 7% of that rate of pay, or will be increased to the minimum rate for the higher grade, whichever is higher.

2. Sworn personnel and uniformed corrections personnel

a. When a member of the Sheriff’s Office is promoted to a position in a higher rank, the member’s salary shall be increased to the same step in the higher rank as the employee held in the lower rank.

b. Whenever possible, classified employees working for Frederick County shall be considered for promotion to positions, which become available. Outside applicants will be considered thereafter.

Demotions

1. Non-uniformed personnel

    a. When an employee is demoted to a lower class position, or when an employee of a higher-class position applies for a lower class position and is approved, the employee shall be paid at a rate that is within the approved range for the lower class position, wherever possible.

    b. Involuntary demotion: In the case of a demotion for disciplinary reasons, the employee's current rate of pay will be reduced by the greater of 7% of that rate of pay for each reduction in grade up to a maximum of 14%, or the amount necessary to bring the rate to the maximum of the lower pay grade range. The new salary cannot fall below the minimum or above the maximum of the new grade range.

    c. Voluntary Demotion: In the case of a voluntary demotion, the employee's current rate of pay shall be reduced by 3.5% of that rate of pay for each reduction of grade to a maximum of 7%, or the amount necessary to bring the rate to the maximum of the lower pay grade range. However, if the employee is promoted and then voluntarily returns to the position from which he/she was promoted within one year, the employee will return to the rate pay in effect prior to the promotion. The previous rate of pay will be adjusted to reflect annual increments and economic adjustments received after the promotion date, if any.

2. Sworn personnel and uniformed corrections personnel

    When an employee is demoted to a lower rank, or when an employee of a higher rank applies for a lower rank position and is approved, the employee shall be paid at the pay rate for the lower rank at the same years of service.

Annual Increments

1. Non-uniformed personnel

    a. The salary ranges adopted in conjunction with the Compensation Plan provide for annual increments based upon an employee's overall performance ratings, but the implementation of these increases shall be the decision of the County Governing Body during the annual budgeting process. The regular increase consists of the annual increment, which is 3.5% of the midpoint of the employee's current grade. In addition, the County Governing Body may determine that an economic adjustment will also be available and will be part of the regular increase.

    b. Based on the decision of the County Governing Body that an annual increment will be provided, the following shall be the conditions of those to receive increments.

        (1) Employees employed for an entire fiscal year will be eligible to receive the full increment.

(2) Employees who are hired during the fiscal year will be eligible to receive a pro-rated increment based upon 1/12 of the increment for each full month or portion of a month employed during the fiscal year.

(3) An employee who has a leave of absence (any type) for more than 90 calendar days in any fiscal year, shall be eligible to receive a pro-rated increment for the number of months actually worked, based upon the formula in 2.b. (above).

c. Based upon the Pay for Performance System and the decision of the County Governing Body to fund the pay for performance, regular employees may be eligible to receive the following:

Final Performance Range	Bonus Amount	Final Performance Range	Bonus Amount
3.5 – 3.59	$500	4.3 – 4.39	$900
3.6 – 3.69	$550	4.4 – 4.49	$950
3.7 – 3.79	$600	4.5 – 4.59	$1,000
3.8 – 3.89	$650	4.6 – 4.69	$1,050
3.9 – 3.99	$700	4.7 – 4.79	$1,100
4.0 – 4.09	$750	4.8 – 4.89	$1,150
4.1 – 4.19	$800	4.9 – 5.0	$1,200
4.2 – 4.29	$850		

(1) Overall rating of "3" (2.5 – 3.49) (meets standards/expectations)
= 100% of regular increase

(2) Overall rating of "2" (1.5 – 2.49) (fails to meet standards/expectations)
= 50% 0f regular increase

(3) Overall rating of "1" (1 – 1.49) (unsatisfactory)
= No increase

2. Sworn personnel and uniformed corrections personnel

a. The salary grade ranges adopted in conjunction with the Frederick County Sheriff's Office Pay Scale provide for increments based upon an employee's length of service with the Office. In addition, County Governing Body may determine that an economic adjustment will also be available, if negotiated as a part of the collective bargaining process.

b. The following shall be the conditions of the increments:

(1) Employees are eligible for increments on their anniversary dates at the beginning of years of service with the Sheriff's Office one through eight, ten, twelve, fourteen, sixteen, and eighteen, in accordance with the adopted pay scale.

(2) Employees are not eligible for increments for years of service nine, eleven, thirteen, fifteen, seventeen, and nineteen or above.

(3) An employee who has a leave of absence (any type) for 90 calendar days or more in any fiscal year shall not be eligible for an annual increment. There shall be no increment penalty for persons solely due to leaves of absence (any type) of less than 90 calendar days in any fiscal year.

(4) The Sheriff may deny an increment based upon unsatisfactory work performance.

Overtime

1. Sworn personnel and correctional officers whose actual work hours exceed 80 hours in a 14-day pay period shall be compensated at the rate of one and one-half their normal hourly rate for additional hours worked.

2. When civilian employees of the Sheriff's Office actual hours worked exceed 40 hours in one week, any additional hours worked shall be paid at a rate one and one-half times the employee's regular hourly rate.

3. In the event of an emergency caused by unusual and adverse weather conditions, and/or an event that adversely affects the normal operations of a County facility, that require County employees to work other than their regularly scheduled hours, the employees may be paid at a rate of one and one-half times their rate for the excess hours whether or not their total work week hours exceed 40 hours, if authorized by the Bureau Chief.

4. Overtime does not apply to positions designated as exempt in the classification schedule.

Compensatory Time

1. All non-exempt employees (i.e. those who are eligible to receive overtime) will be eligible to accrue and use compensatory time.

   a. "Compensatory time" means time worked by a non-exempt employee in addition to the standard work hours in the regular workweek for the particular position.

   b. Compensatory time must be approved in advance by the supervisor before the time is accrued or used. In addition, the supervisor will decide whether compensatory time will be given instead of overtime or straight time.

   c. Accrual rate:

      (1) For employees other than Correctional Officers and Deputy Sheriffs, hours worked above 40 in a regular work week will accrue compensatory time on a 1½ hour-for-hour (time and a half) basis.

      (2) For Corrections Officers and Deputy Sheriffs, compensatory time will accrue at the same rate as overtime is computed.

d. Accumulation of compensatory time will be limited to 40 hours. Accumulated, but unused compensatory time will be paid to non-exempt employees at the time of separation.

e. Before compensatory time may be approved or accrued, the employee must first sign a Frederick County Compensatory Time Agreement. The signed Compensatory Time Agreement will be kept in the employee's personnel file at the County Personnel office.

2. Exempt employees (those employees who are designated as exempt from receiving overtime) are not eligible for compensatory time, but can compute pay period hours on a cumulative pay period basis, rather than on a daily basis. (e.g., An employee who is regularly scheduled to work 80 hours in a two-week pay period can work flexible hours during that period as long as the hours total at least 80 during the two-week pay period.)

a. Working hours must be approved in advance by the Sheriff.

b. Generally, leave (not compensatory time) must be used for absences of one day or more. This subsection is not intended to allow an exempt employee to work less than a five-day workweek on a regular basis, excluding holidays.

Court Time

1. Sheriff Office employees shall be compensated at the pay rate of time and a half (1 ½) when they are on previously scheduled days-off but required to attend work-related court, MVA hearings, or summoned to appear at a work-related depositions, etc. However, if the actual time required for these work-related obligations is less than two (2) hours, the employee will receive compensation at the pay rate of time and a half (1 ½) for a total of two (2) hours only

2. Personnel attending court, MVA hearings, or depositions will notify the Emergency Communications Center dispatcher, or create a 'field event,' to record their arrival and departure times from these locations.

3. Travel time to and from court trials, hearings, and/or depositions is not compensated by the Agency.

22.1.2 Determining Elements of the Salary Program

A. Elements of the salary program for Sheriff's Office personnel covered under the County's compensation plan are determined through review of County employee compensation and recommendations by the County Human Resources Division to the County Governing Body. Recommendations meeting the approval of County Governing Body are incorporated into the Compensation Plan.

B. Sworn personnel and uniformed corrections personnel are covered under the Sheriff's Office Pay Scale. This scale is negotiated between the Sheriff and the F.O.P. as part of the collective bargaining process, and once an agreement is reached, it is presented to the County Governing Body for funding.

C. Placement in the Sheriff's Office Pay Scale is based on rank and years of service with the Office.

22.1.3 Salary Program Review

A. The County employee Compensation Plan that is reviewed by the County Human Resources Division. The County Human Resources Division will make recommendations to County Governing Body based on the findings of their review.

B. The Sheriff's Office Pay Scale is reviewed and revised at the discretion of the Sheriff and the F.O.P. on a contractual basis, and is contingent upon funding from the Frederick County Government.

22.1.4 Salary Augmentation

A. Non-exempt personnel may augment their salary through over-time earnings per section 22.1.1 of this order. Personnel classified as exempt are not eligible for over-time earnings.

B. Shift differential - the Sheriff's Office will provide shift differential pay to Patrol, PIS, and Corrections personnel scheduled for and assigned to rotating shifts.

1. Qualified employees will be compensated at a rate of five percent (5%) of the deputy sheriff base salary for hours worked during the
   a. Evening and night shifts (1400 hours to 0700 hours) for Patrol and PIS personnel
   b. Night shift (2000 hours to 0800 hours) for Corrections personnel
   c. Evening Shift (1700 to 0100 hours) for Corrections

2. This pay will only apply to a qualifying shift. Hours worked beyond a normal day shift will not qualify.

22.1.5 Transfers

A. Sheriff's Office employees will be governed by policies contained in Chapter VIII of the Frederick County Personnel Rules.

B. A transfer of an employee from one division or bureau within the office to another must have the approval of the Sheriff.

C. An employee who is transferred to a position in the same classification will be paid at the same rate of pay held in the previous position.

D. When a position is transferred from one division or bureau to another, the employee in the position will move with that position at the same rate of pay held in the previous division or bureau.

E. When an employee transfers from one position classification in the Sheriff's Office to another, the employee will be paid at the base grade in the new position classification. Exception may be made to this when the employee possesses the qualifications required in the new position classification. In this event, on approval of the Sheriff, the employee may be placed at the same rate of pay in the new grade that was held in the previous position. This does not apply

to the position of deputy sheriff. The rate of pay for these employees will be determined by the current pay scale as determined by collective bargaining.

F. When an employee transfers from another county division into a position paid in accordance with the Sheriff's Office Pay Scale, the employee will be placed into the scale at the year one, step one pay grade for that position. Their years of service with the County will count toward their retirement date, but will not affect their placement into the scale.

22.1.6 Reclassification (Non-Uniformed)

A. When an employee's position is reclassified to a higher salary grade, the employee's current rate of pay will be increased by 3.5% of that rate of pay for each grade, or increased to the minimum of the new grade, whichever is higher.

B. When an employee's position is reclassified to a lower salary grade, he/she shall be placed within the lower grade range at the same rate of pay; provided, however, that if the current rate of pay is greater than the new grade range maximum, the rate of pay will be reduced to the maximum of the new grade range.

C. The reclassification process does not apply to sworn personnel or uniformed corrections personnel as those positions are paid in accordance with the Sheriff's Office Pay Scale. Any adjustments to this scale will be made through negotiations as part of the collective bargaining process.

22.2 BENEFITS

This General Order consists of the following sections:

22.2.1. Fringe Benefits
22.2.2. Administrative Leave
22.2.3. Holiday Leave
22.2.4. Sick Leave
22.2.5. Annual Leave
22.2.6. Line of Duty Deaths and Serious Injuries
22.2.7. Retirement Program
22.2.8. Health Insurance
22.2.9. Disability and Death Benefits
22.2.10. Liability Protection
22.2.11. Provision of Clothing and Equipment
22.2.12. Education Benefits
22.2.13. Personnel Support Services
22.2.14. Family Leave
22.2.15. Restricted Duty
22.2.16. Jury Leave
22.2.17. Bereavement Leave
22.2.18. Military Leave
22.2.19. Educational Leave
22.2.20. Absence Without Leave
22.2.21. Leave Without Pay

POLICY

The Frederick County Sheriff's Office provides a full range of benefits for its employees.

PROCEDURES

22.2.1 Fringe Benefits

A. Fringe Benefits provided by the Frederick County Sheriff's Office include:

1. Leave benefits
    a. Administrative leave
    b. Sick leave
    c. Education leave
    d. Military leave
    e. Disability leave
    f. Annual leave
    g. Jury duty
    h. Personal leave

i. Holiday leave
j. Bereavement leave
k. Absence without leave
l. Family Leave

2. Insurance benefits
   a. Medical
   b. Life
   c. Accident and liability

3. Retirement benefits

4. Uniform allowance

5. Tuition reimbursement

22.2.2 Administrative Leave

A. The Sheriff's Office recognizes the occasional need to grant administrative leave. When such circumstances arise, the decision to grant administrative leave with pay shall be made by the Sheriff and approved by the Director of Human Resources.

B. Under circumstances where leave without pay is granted to members of the Sheriff's Office, and such leave shall exceed thirty days, all Sheriff's Office property shall be turned in to the Property Purchasing Coordinator. Upon return to duty, the property shall be reissued.

C. When non-essential personnel are granted a day or portion of a day of administrative leave due to inclement weather

1. Essential personnel who are scheduled to work, and actually do work, during the hours in which non-essential personnel are granted leave are eligible for one of the following, to be determined by the applicable bureau chief:

   a. An equal amount of time off within the following 30 days

   b. Pay for an equal number of hours, based on the employee's regular hourly rate

2. The Bureau Chief may authorize the same leave for certain essential personnel who are not required to work as scheduled, due to the nature of their assignment (Courts, Civil Process, etc.)

22.2.3 Holiday Leave

A. The following days are designated as regular holidays for classified employees of the Sheriff's Office. The dates of these holidays are determined by the Board of County Commissioners.
   1. New Year's Day
   2. Martin Luther King Jr. Day
   3. Memorial Day
   4. Independence Day

5. Labor Day
6. Veteran's Day
7. Thanksgiving Day
8. Friday following Thanksgiving Day
9. Christmas Eve
10. Christmas Day
11. General Election Days as they may occur

B. Holiday leave is based on calendar year accrual and use.

C. When a holiday falls on a Saturday, employees shall be entitled to the Friday preceding said Saturday in observance of the holiday. Whenever a holiday falls on a Sunday, the following Monday shall be considered a holiday. Annual leave taken on a holiday shall not be charged against the employee's annual leave; the holiday will be used.

D. Holiday leave will be "fronted" to uniformed and designated 24-hour employees at the beginning of the calendar year based upon the number of county holidays which will occur during that year. For these employees:

1. Holiday leave must be requested and approved prior to its use.

2. Holiday leave may not be carried over from one calendar year to another.

3. Employees may use holiday leave prior to the actual holiday during the calendar year.

4. Employees may not take more holiday leave than he/she would accrue in a given calendar year.

E. Sheriff's Office employees who perform duties that normally require 24- hour coverage, such as patrol deputies and police information specialists, shall be paid at their regular rate for hours worked plus their regular "holiday pay."

1. If an employee chooses to waive the regular "holiday pay" and receive a "paid day off" at a later date, they shall make that decision prior to actually working the holiday and notify in writing, on a standard request form, their immediate supervisor who shall keep a record of all such requests.

2. "Paid days off" in lieu of holiday pay must be taken within the calendar year of the holiday that created the paid day off benefit. Requests for paid day off under this provision must be made 30 days in advance of the requested day off.

3. Under no circumstances is an employee entitled to "holiday pay" and a "paid day off" for the same holiday.

22.2.4 Sick Leave

A. Sick leave is granted to employees of the Sheriff's Office based on the employee's length of service.

1. Employees with up to two years of service earn sick leave at the rate of ten (10) day per year.

2. Employees with two or more years of service earn sick leave at the rate twelve (12) days per year.

3. There shall be no limit to the amount of sick leave an employee may accumulate. Sick leave may be taken by an employee from the date of their employment.

B. Use of sick leave shall be permitted in cases of employee illness or disability, including pregnancy, as well as necessary appointments with physicians or dentists and confinement to home as a result of quarantine. An employee may use sick leave to care for a family member (as defined in Frederick County Human Resources Rules) who is sick or injured.

C. Employees utilizing sick leave to care for a sick or injured family member must provide medical documentation regarding the family member for absences of more than one day. Absences of more than seven calendar days will be designated as absences under FMLA and will require associated medical documentation.

D. The Sheriff with the approval of the Director of Human Resources, in order to prevent abuse of sick leave or to assure medical attention for an employee, may institute a policy whereby an employee may be required to submit a medical certificate signed by a duly licensed physician which authenticates a period of illness of one day or more. Examples of sick leave abuse may include, but are not limited to, the following:

1. Any pattern of sick leave usage, such as the use of six days in a six month period, one or two days at a time.

2. Habitual sick leave absences on Mondays, Fridays, and/or the days immediately before and after holidays.

3. Any employee who has no significant accumulation of sick leave after at least three to five years of service, without sustaining a major illness during that time period.

E. Employees found abusing sick leave privileges will be notified and appropriate disciplinary action will be taken per Frederick County Human Resources Rules.

F. Upon request by the Sheriff, the County Human Resources Director may require that the employee be examined by a County appointed medical professional at any time.

G. In order to receive compensation while absent on sick leave, employees must notify their supervisor not less than one hour prior to the time set for beginning their daily duties, unless the employee is so ill as to be incapable of notification.

H. Upon termination of employment, an employee shall not be paid for any accrued and unused sick leave.

I. Upon returning from sick leave, employees may be required to produce a certification from a licensed physician or a county-appointed medical professional that they are able to perform all the duties of their position at 100% capability.

1. If any employee cannot perform the duties of their position up to 100% capability, they may be refused the right to return to work until capability is restored.

2. If as a result of an illness, an employee cannot perform the essential functions of their position, upon request, an attempt will be made to make a reasonable accommodation and to place the employee in a County government position in which they are capable of performing the duties the position requires. If a reasonable accommodation cannot be made, the Office shall separate the employee from the county service.

3. For any illness of three consecutive working days, or more, employees will be required to submit a certificate from a licensed physician authorizing the period of illness and indicating the employee's ability to return to full duty status.

J. An employee shall not be allowed to accumulate annual, holiday, and sick leave while on sick leave in excess of sixty (60) working days in any calendar year. If an employee is on sick leave in excess of sixty (60) consecutive working days, or a combination of sick leave days in excess of sixty (60) working days in any calendar year, his/her beginning date of employment will be adjusted to the total number of days over sixty (60) for computing annual and sick leave only.

K. Extended sick leave - If a regular employee has an extended illness or is absent as a result of an off-duty accident for an extended period of time, and has used all of their sick leave and annual leave, the county provides, upon proper application to the County Human Resources Office, an extended sick leave benefit that provides payment of one-half the employee's weekly salary for the remaining period of illness up to six (6) months from the date the extended sick leave began.

1. This benefit may not exceed six months in a three-year period.

2. The Director of Human Resources may request that the employee be examined by a county-appointed physician at any time.

3. When a member of the Sheriff's Office is placed on extended sick leave for a period of time exceeding 30 days, all Sheriff's Office property shall be turned in to the Property Purchasing Coordinator. Upon return to duty the property shall be reissued.

4. An employee shall not be allowed to accumulate annual, holiday, and sick leave while on extended sick leave.

L. Sheriff's Office and county-owned vehicles shall not be operated by anyone while on sick leave.

22.2.5 Annual Leave

A. Annual leave is granted to employees based on their length of service.

1. Employees with up to two years of service earn annual leave at the rate of eleven (11) days per year.

2. Employees with two to ten years of service earn annual leave at the rate of seventeen (17) days per year.

3. Employees with ten or more years of service earn annual leave at the rate of twenty-four (24) days per year.

B. The maximum number of annual leave days an employee can carry over from one calendar year to the next is thirty (30) days. Any days in excess of thirty (30) will be converted to sick leave in the first pay period of the next calendar year.

C. An employee must have been employed for six (6) consecutive months before they can use annual leave.

D. Annual leave cannot be authorized until it has been accrued.

E. No allowance shall be made for sickness or incapacity of an employee on annual leave.

F. Under proper termination procedures as defined in chapters VII and VIII of the Frederick County Human Resources Rules, an employee shall be entitled to be paid for all accrued and unused annual leave.

G. Leave may be taken only after approval by the appropriate supervisor. Every employee shall be afforded the opportunity to take annual leave during the year, if properly requested.

H. Annual leave may be used, if requested properly, for vacation purposes or for portions of a day used for personal reasons.

22.2.6 Line-of-Duty Deaths and Serious Injuries

A. Definitions

1. Immediate Family - includes the current spouse, children, and parents of an agency member.

2. Notification Officer - an agency member who is either a known friend of the family or who is the member's unit/team supervisor. The ranking agency member available and the chaplain will accompany the notification officer to make personal and timely notification of an emergency to the immediate family.

3. Family Liaison Officer - an agency member of command rank (Lieutenant or higher) will serve as a liaison between the immediate family and the agency. The family liaison officer will be available to the family on a twenty-four hour period throughout the

traumatic period, and will maintain contact with the family for an extended period of time after the incident.

4. Hospital Liaison Officer - A supervisor or senior agency member will be assigned to the receiving hospital if an agency member is admitted with serious or fatal injuries.

5. Benefits Coordinator - The Personnel Services Commander (Law Enforcement), Support Services Commander (Correction's), or his/her designee, will serve as the agency's benefits coordinator.

6. Line-Of-Duty-Death/Injury - Any fatal or life-threatening injury which occurred while the agency member was on duty or acting in an official capacity. This includes incidents of assault, accident, natural injuries, or illnesses.

B. In the event that an agency member is seriously injured or killed in the line of duty, the agency will assist the member or his/her family throughout the traumatic period.

1. The first priority after the death or serious injury of an agency member is the timely and appropriate notification of the immediate family. Proper procedures for such notification is detailed in Section "C." of this order.

2. If an agency member is transported to a hospital with life threatening injuries, the on-duty supervisor will immediately appoint a hospital liaison officer.

a. The hospital liaison officer will arrange for PRIVATE waiting facilities for immediate family and a separate press staging area if necessary. The press will not be allowed access to the family, and all information released should be from the command staff after all notifications are made. The desires of the surviving family members should be followed with regard to their accessibility to other members and friends.

b. The Sheriff or highest ranking agency member available, and the agency chaplain should meet the family at the receiving hospital.

c. Sheriff's Office personnel shall encourage medical personnel to provide pertinent medical information on the member's condition to the family before any other parties.

d. The hospital liaison officer will assist family members, in accordance with their desires, in gaining access to the injured member.

e. The hospital liaison officer will provide hospital personnel with all necessary information on billing for medical services. The hospital liaison officer should ensure that all medical bills are directed to the Sheriff's Office and that they are not forwarded to the member's family or other survivors. This may require re-contacting the hospital later during normal business hours to ensure that proper billing occurs.

f. The hospital liaison officer will arrange transportation for the family and other survivors upon their departure from the hospital and ensure that immediate family members are provided with additional assistance at the hospital, as appropriate.

g. If a large contingency of law enforcement or correctional personnel begins to congregate at the hospital, the hospital liaison officer will arrange for a separate and private waiting area for them. If appropriate, the hospital liaison officer may post an agency member to the injured member's room for either security or vigil purposes.

3. If an agency member is killed or seriously injured, the benefits coordinator will contact the member (if possible) and/or his family to explain what benefits are available from the county, state, and federal governments.

   a. The benefits coordinator will file or help file all workers' compensation claims as well as claims to county, state and federal sources. The benefits coordinator will maintain contact with the family to ensure that benefits applied for are received.
      (1) State benefits are available from: Maryland State Department of Public Safety and Correctional Services
      (2) Federal benefits are available from: U.S. Department of Justice, Bureau of Justice Assistance, Public Safety Officers Benefits Program

   b. The benefits coordinator will also document inquiries and interest in public donations for the family, and establish a mechanism for receipt of such contributions as appropriate.

   c. Additional benefits or assistance may also be available from the Fraternal Order of Police (FOP) or The Concerns of Police Officer Survivors (COPS), or other organizations.

4. In the event that an agency member is seriously injured or killed in the line of duty, the Sheriff will appoint a family liaison officer.

   a. The family liaison officer will make immediate contact with the family and determine what assistance is needed for the immediate future. This may include (but is not limited to) providing transportation for the family (including arriving family from out of county), arranging for babysitting services, and whatever other services seem appropriate.

   b. The family liaison officer will designate the victim member's residence as a special patrol check. Patrol deputies will conduct a patrol check on the residence at least twice each patrol shift for a period of time determined by the family liaison officer.

   c. The family liaison officer will keep the injured member (if possible) and his/her family advised of any arrests in the incident, as well as post arrest follow-ups and information about any court proceedings.

   d. The Sheriff's Office Critical Incident Stress Management (CISM) Team will be activated and will be available to assist the member, his/her family, and other affected agency members as appropriate.

   e. In the event that the injuries to an agency member are fatal, the family liaison officer will coordinate the agency's participation in the funeral services with the family. The family's wishes in funeral arrangements will be given priority over the wishes of the

agency. The family liaison officer will coordinate with and convey the family's wishes to the honor guard commander and the local lodge of the Fraternal Order of Police.

(1) The family liaison officer and/or the chaplain will accompany family members as funeral arrangements are made. He/she will also identify and suggest alternative churches and reception halls that will accommodate a law enforcement or correctional funeral. All final funeral decisions will be made by the family.

(2) The family liaison officer will issue teletypes to all allied agencies advising of the death of a law enforcement or correctional officer and advise all information about the funeral.

(3) The family liaison officer will assist the family with arranging transportation and lodging for out-of-county family members, and for baby sitting and other personal needs of the family as appropriate.

(4) The family liaison officer may appoint agency member's to coordinate family transportation, reception of other agencies and honor guards, general traffic control during the funeral, and other support functions as necessary.

f. If the injury does prove to be fatal, the family liaison officer will maintain contact with the family for an extended period of time after the incident. He/she will ensure that patrol checks are done periodically on the family residence, and will personally communicate with the family on each anniversary of the critical event.

C. In the event of an agency member's serious injury or death, the agency will make a timely and appropriate notification of the immediate family as well as all other agency members prior to the release of any information to the press or public.

1. The on-duty supervisor will notify the Sheriff, command staff, and agency chaplain. The Sheriff or next highest ranking member available, the chaplain, and an appointed notification officer will proceed to the family's residence and make the notification in person.

a. The notification officer will be an agency member who is either a known friend of the family or who is the member's unit/team supervisor.

b. The notification should never be made "on the door step"; the notification officer should request to enter the home. The family will know that something is terribly wrong, so no attempt should be made to shield the family from severity of the situation. If the notification is to be made at a family member's place of employment or school, a supervisor or administrator will be advised of the situation and a private location will be secured. The family member will then be brought into the room and notified in private by the notification team.

c. The notification officer will find out what other family members need to be notified, and either make those notifications in person or arrange for those notifications to be made by other law enforcement or correctional officers/agencies.

d. If there is a need for the family to respond to a receiving hospital, the notification officer will transport the family in a Sheriff's Office vehicle to the hospital, as well as arrange babysitting services if necessary. The notification officer will advise the hospital liaison officer via telephone or other secured communication that they are en route to the hospital.

e. If the agency member has died, the notification officer in conjunction with the chaplain will explain to the family the need for an autopsy for evidence purposes as well as documentation of injuries for death benefits.

2. The Sheriff will make sure that all bureau chiefs are advised of the situation. Each bureau chief will notify the commanders (captains/lieutenants) within their command. Each commander will notify each unit, shift, or team supervisor. Each unit or team supervisor will notify each member of his/her unit. These notifications will be made in person or via telephone, and will be made prior to release of any information to the public.

3. After all family and agency notifications have been made, the Sheriff or highest ranking member of the command staff will release the appropriate information to the press.

D. To assist with the timely and accurate notification of each member's family, the agency will maintain a Confidential Personnel Data File (CPDF) for each member.

1. The CPDF will have current information about the member's family and how they can be reached in the event of an emergency. It will also contain personal information and a photograph that may be released to the press in such an emergency.

2. The CPDF will also include information to be used to ensure that the employee's wishes are carried out in the event of the employee's death and/or serious bodily injury which is likely to result in death.

3. The CPDF shall be sealed in a letter-sized envelope, with the member's signature across the seal. It will be secured by and available only to the member's unit/team supervisor.

a. This envelope shall only be opened by the employee to whom it belongs (at any time that it needs to be updated), or unit/team supervisor or his designee, in the event of the member's death or serious bodily injury.

b. All CPDF files will be strictly confidential. Any unauthorized entry into these files shall be documented and reported to the Sheriff immediately by the unit/team supervisor.

4. Each member will voluntarily complete a CPDF file within thirty days of his/her appointment. The files will then be updated within thirty days for each Sheriff's swearing-in ceremony (every four years), and any time the member wishes to make corrections or changes to his/her file.

a. The file will be maintained by the member's unit/team supervisor and will be transferred to the new supervisor should the member be reassigned or transferred. The file will be returned (sealed) to the member should he/she leave the agency.

b. The file will include a confidential data form and a photograph of the member. The photograph will be a 5x7 color print photograph of the member (It will be taken by the Crime Scene Evidence Unit, utilizing 35 mm or 60x45mm color negative format; the negative will be maintained by the Evidence Unit). The photos will be released to the press only in the event of an emergency and at the discretion of the Sheriff.

E. During times of official mourning, all uniformed personnel will wear a black mourning ribbon horizontally across their badge and black tape ribbon diagonally across the door seal of official vehicles. On the day of an official funeral, all personnel will wear their class A uniform (long shirt, tie, dress shoes, and winter Stetson). During times of official mourning, all flags at agency facilities will fly at half-staff.

1. Official mourning will be observed for 30 days following the line-of-duty death of an agency member.

2. Official mourning for active law enforcement or correctional officers from other Maryland agencies killed in the line of duty will be for a period of 10 days following the announcement of the death.

3. Official mourning will be observed from the time the death is announced until sunset on the day of the funeral:

a. For a non-duty-related death of an active agency member

b. For retired agency members or former sheriffs

c. For any other public official, including officers from other jurisdictions, as designated by the Sheriff

22.2.7 Retirement Program

A. Frederick County established the Frederick County Employee Retirement Plan for County employees effective July 1, 1993.

B. If you began your employment with the county on or after July 1, 1993, participation in the county plan is a condition of your employment with the county. (Full details of the plan are available from the Frederick County Human Resources Department. Any questions regarding the plan should be directed to the County Human Resources Office.) A summary description of the plan is provided to each employee by the County Human Resources Office at the time of employee orientation.

22.2.8 Health Insurance

Each regular County employee may elect to join one of the health care plans available through the County. The employee's share of the cost shall be determined in the annual budget by the Board of County Commissioners and will be paid by means of regular payroll deductions. Complete information on the health care plan options will be provided employees at the time of hire, and will remain available through the County Human Resources Office. Employees may enroll in the following county-subsidized insurance programs:

A. Health insurance - several medical plans are offered which provide coverage for medical health expenses, hospital and emergency care expenses, mental health expenses and prescription drugs. See the health insurance brochures from the County Human Resources Department for details.

B. Dental insurance - coverage includes preventive care, fillings, extractions, crowns, bridges and dentures. See the health insurance brochure for details.

C. Life insurance - employees are insured for two times their annual salary in case of death and four times their annual salary for accidental death. No employee contribution is required.

22.2.9 Disability and Death Benefits

A. Worker's Compensation reporting procedures

1. Employees must immediately report any work-related injury, illness or condition sustained in the performance of their duties to their immediate superior.

2. If treatment is needed, the employee will report to the County's Occupational Health Services Provider or FMH, as appropriate, with the Authorization for Medical Services form completed by the supervisor, if applicable.

3. The employee, or supervisor if the employee is incapacitated, will complete and submit the appropriate injury-related form(s) to Risk Management by the end of their workday. Failure to or delay in reporting an injury or condition will affect a claim for coverage

4. If at some point after medical treatment the employee is cleared for Restricted Duty, they are to follow procedures outlined in county policy and General Order 22.2.15

5. Administrative Services will coordinate any assignments, notifications, timesheet reporting, FMLA requirements, etc with HR and the employee.

6. Affected employees are to submit all medical follow-up, status updates and Return to Work notes in a timely manner.

7. Supervisors and commanders are to treat all medical/restriction information confidentially, and will collectively monitor the employee's activities to ensure that they comply with their physical limitations when engaged in restricted duty activities.

B. Participation in a non-agency sponsored sporting event, game, tournament or practice is NOT considered a duty of employment or during the course of employment with the Frederick County Sheriff's Office. Workers' Compensation Insurance provided by Frederick County is not applicable to injuries occurring while participating in any practice, game, event or tournament, or going to or from any of these activities in a personal vehicle. Sheriff's Office personnel are personally responsible for any treatment, therapy or other medical professional service resulting from injuries while participating in a non-agency sponsored sporting event. Personnel will not be compensated for lost time from work or employment as a result of said injuries, except by use of their own leave time. It is each individual's personal responsibility to know if an event is officially sponsored by the Sheriff's Office.

C. Life Insurance

Refer to Frederick County Personnel Rules regarding current life insurance information.

22.2.10 Liability Protection

A. Frederick County carries insurance intended to provide protection for employees and the County in the instance of legal action against the employee and the county as well as the cost of damages to citizens' property and injury to citizens. The insurance only covers the scope of the employee's job duties.

B. Any legal action that is instituted against an employee or the County as a result of willful neglect of duty or purposefully harmful action is the sole liability of the employee involved.

C. The Office of Risk Management for Frederick County administers the liability protection plan and coordinates all claims and insurance coverage.

22.2.11 Provision of Clothing and Equipment

Uniformed personnel of the Sheriff's Office will be provided a standard issue of uniforms and equipment described in General Order #41.2 Section 41.2.12.

22.2.12 Education Benefits

The employee educational program is established for the mutual benefit of both Frederick County Government and the regular employee who has been employed by Frederick County Government for six months or more. Program details are found in the Personnel Rules, issued as a handbook or online at the County's Human Resources site.

22.2.13 Personnel Support Services

A. The Frederick County Sheriff's Office, through the County Human Resources Office, participates in an Employee Assistance Program (EAP). The program is open to employees of the Sheriff's Office and their families. The program provides employees and their families free assistance in resolving family problems as well as problems that may affect their job performance. The services are offered on a voluntary basis in a confidential setting.

1. Program services include:
   a. Problem assessment
   b. Short-term counseling
   c. Referral to community resources
   d. Follow-up
   e. Consultation
   f. Training

2. Common problems addressed include:
   a. Family
   b. Parenting
   c. Marital
   d. Legal
   e. Emotional
   f. Alcohol Abuse
   g. Drug Abuse
   h. Physical Abuse
   i. Financial
   j. Social Services

3. Detailed information of the program is available through the Frederick County Human Resources Office.

4. Supervisors will advise the Personnel Services Commander via email of any EAP referral they make which is not initiated by the Early Warning System. Information will be limited to the employee's name and date of referral.

B. The Sheriff's Office shall assist agency members who are involved in highly stressful events which can disrupt their health, performance, personality, or relationships. The agency will maintain a Critical Incident Stress Management (CISM) Team.

1. Definitions:

   a. Critical Incident - any situation which provokes a physiological reaction that may have the potential to interfere with the member's ability to function normally at the scene or at a later date. These incidents can include but are not limited to: any shooting involving an agency member, any agency response to a member's serious injury or sudden death (including suicide), any incident that places an agency member at unusual risk, any mass casualty or unusual rescue incident, any incident involving violent injury or death of a small child, any prolonged hostage/barricade situation or incident which may have not concluded successfully, or any other incident that produces unusually high levels of stress.

   b. Critical Incident Stress Management (CISM): A comprehensive and systematic approach to establishing and managing crisis intervention within an organization.

   c. Critical Incident Stress Debriefing (CISD): A group discussion of a traumatic experience. These confidential meetings typically occur within a reasonable time of the incident. A CISD is usually conducted within three days, but the specific timing

may depend upon a number of factors. CISM Team members will judge the timing of the CISD meeting on a case by case basis.

d. Physiological Reaction - any reaction of the body or mind such as (but not limited to) adrenaline toxicity; nausea; digestive discomfort; sleep disorders (loss of sleep, nightmares, etc.); temporary loss of muscle control (the shakes); feelings of anger, frustration, anxiety or guilt; and/or any other normal reactions to abnormal situations

e. Peer Debriefer - person currently working or retired from law enforcement, corrections, or public safety professions, who has been trained in debriefing techniques

f. Mental Health Advisor - a professional, licensed social worker or psychologist trained in public safety related counseling who is required to maintain malpractice insurance, or have such insurance through the Frederick County Health Department

g. Defusing - informal and confidential discussions (one-on-one or small groups) about the normal reactions that might be expected following a critical or unusual incident, ideally held immediately after an incident conducted by a peer debriefer or a trained Critical Incident Stress Management (CISM) Team member. Defusing may be provided to small groups. These will be conducted by CISM Team members. Attendance at a defusing may be mandated by the Agency, however active participation cannot be required.

h. Peer Debriefing - an opportunity for those members who were involved in a specific critical incident to discuss their thoughts, observations, and reactions to the incident from a personal rather than operational viewpoint, and to learn about the normal reactions to such an incident.

i. CISM Team Members: agency members who have been trained through an approved course of study regarding Critical Incident Stress Debriefing techniques. Team members should be a reflection of the rank, gender and cultural diversity of the Agency.

2. Cooperation with Allied Public Safety Agencies

a. The Maryland Institute for Emergency Medical Services Systems (MIEMSS) currently operates the Maryland Critical Incident Stress Management (MCISM) program. Frederick County Sheriff's Office peer debriefers may work in conjunction for incidents in Frederick County.
   (1) CISM response teams will assist with critical incident stress debriefings.
   (2) Selected members of the Sheriff's Office are trained in Critical Incident Peer Debriefing.

b. Sheriff's Office members trained in Critical Incident Peer Debriefing will also be available upon request to assist all allied law enforcement and public safety agencies during or after critical incidents. Agencies requesting assistance with a peer debriefer will make that request to the Sheriff for approval.

3. Debriefing organization and confidentiality

   a. A peer debriefing team will consist of at least two peer debriefers. Only emergency workers who actually participated in the incident will be allowed in the debriefing. At no time will command personnel be debriefed along with non-command personnel. Any CISM Team Member who is involved in the incident which activated the team response will not be utilized as a peer debriefer.

   b. Peer debriefings will usually be held sometime between 24 and 72 hours after the conclusion of an incident. If the incident involves the death of an agency member, the debriefing will generally be 24 to 72 hours after the funeral.

   c. All conversations during the debriefing will be confidential, except for information revealed about specific criminal acts committed by agency members, acts of violence directed toward family members, or information that would cause one to believe that a member presents a danger to himself/herself or others. The peer debriefing is not part of the agency's internal or criminal investigative function, and participants and debriefers will not be questioned by agency officials about the confidential matters discussed during the debriefing.

   d. Debriefings will be informal. No report will be made to the Sheriff's Office staff about the debriefing (except for those circumstances listed in paragraph c above). The debriefings are not "counseling" sessions, but an opportunity for members to support each other through a difficult situation. Participation in a debriefing is voluntary; no member may be ordered to attend a debriefing.

4. Incident command advisors

   a. It will be the responsibility of the incident commander to request a member of the peer debriefing team during or immediately after any critical or unusual incident where it is believed a defusing or debriefing will be beneficial. Examples of such incidents include (but are not limited to):
      (1) Any shooting involving an agency member
      (2) Any agency response to a member's serious injury or sudden death (including suicide)
      (3) Any incident that places an agency member at unusual risk
      (4) Any mass casualty or unusual rescue incident
      (5) Any incident involving violent injury or death of a small child
      (6) Any prolonged hostage/barricade situation or situation that was not concluded successfully
      (7) Any other incident which may produce unusually high levels of stress

   b. In highly stressful situations where a prolonged agency presence is necessary, the incident commander may request that a debriefer be assigned to the incident command post. The debriefer will advise command about a member's tolerance to the incident, and suggest personnel rotations and temporary stand-downs as needed. The debriefer is an advisor only and all decisions rest with command authorities.

5. Follow up and additional services

    a. The debriefing team may remain active and conduct follow-up debriefings after the initial session if warranted by the situation. Critical incidents which result in a trial may cause unresolved tensions from the original incident to surface. Follow-up debriefings may be held upon the conclusion of the trial.

    b. Shortly after a critical or unusual incident, if/when appropriate, a peer debriefer may arrange to meet with family members of involved agency personnel. The purpose of this meeting will be to advise family members what is occurring within the agency in relation to the incident, what physiological reactions they may expect from the involved agency member, and what other benefits and assistance is available to the member and his/her family.
    c. Additional referrals such as the EAP services provided by Frederick County Human Resources, Mental Health professional services or short-term counseling services may be offered at this time. These referrals and the services provided will remain confidential.

22.2.14 Family Leave

A. Upon request to the Division of Human Resources, regular employees are eligible to receive a total of twelve (12) work weeks of family leave (paid or unpaid) during any 12-month period (measured backward from the first date the leave begins) for one or more of the following conditions:

    1. Birth of a son or daughter

    2. Placement of a son or daughter with the employee for adoption or foster care

    3. Care for spouse, son, daughter, parent or parent-in-law who has a serious health condition

    4. A serious health condition of the employee

B. Sheriff's Office employees shall refer to Frederick County Human Resources Policies & Procedures Section 8.13 for further information regarding Family Leave.

C. All regulations pertaining to eligibility, employee responsibilities, application procedures and restrictions will be adhered to in accordance to established county policies.

D. Sheriff's Office employees making application to the Division of Human Resources for Family Leave will submit a memo up the chain of command specifying the dates of anticipated leave for the purposes of planning, scheduling and manpower allocation considerations.

22.2.15 Restricted Duty Policy – Occupational or Non-occupational Injury/Illness

A. Restricted Duty (formally Light-Duty) may be offered to Frederick County Government employees who are temporarily (more than one week) unable to perform the full scope of their job duties due to medically documented restrictions attributable to their work or non-work related injury, illness or condition. The goal is to provide safe, productive, temporary work

assignments within the employee's medical restrictions and aid in the resumption of full duty status; however, there is no guarantee that temporary work will always be available.

B. The County (Sheriff) reserves the right to require that an employee be able to perform all of the essential functions of their job, with or without reasonable accommodation, and is not obligated to provide restricted duty work assignments except as provided in current Federal and State laws. For non-occupational injury/illness, the decision to offer a temporary work assignment is at the discretion of the Sheriff.

C. All work assignments are designed and intended to be temporary and transitional in nature, and will be determined primarily based on the specific limitations of the affected employee and the operational procedures and needs within the Office or County.

D. Restricted Duty may be authorized under the following conditions:

1. This status must be requested in writing by the employee with supporting medical documentation that provides specific and current information regarding limitations.

2. With the exception of pregnancy, each approved assignment will be for a temporary period of 30 days and be re-evaluated monthly. Temporary assignments for non-occupational injury/illness cannot exceed 3 months without a thorough re-assessment of prognosis and expected duration of the restrictions by the county's Restricted Duty Committee. Occupational injury/illnesses cannot exceed 6 months without review by the Committee.

3. Employees may be given assignments within their regularly-assigned job, elsewhere within the Sheriff's Office or in a different county division/department.

4. Unless authorized for the assignment, no county vehicles may be operated while on restricted duty

5. Arrangements must be made with the Fleet Manager to have assigned vehicles parked at headquarters.

6. Personnel will not be allowed to work any extra-duty or secondary employment while on restricted duty.

7. Personnel must turn in any issued weapons, police identification and MPCTC card to the Administrative Services Division Commander or designee.

8. No police action may be taken while on or off-duty during a restricted duty status.

9. Upon approval of a Restricted Duty request, a Personnel Order will be issued.

10. Upon the employee's ability to return to a full duty status, the affected employee will provide a doctor's certification approving full duty. A Personnel Order will then be issued returning the employee to full duty. Employees will not return to work in a full duty capacity until authorized.

11. Excerpts of the county's Restricted Duty Policy were incorporated into this general order. Refer to current county policy for more specific information regarding Restricted Duty.

22.2.16 Jury-Duty Leave

A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of serving on a jury. If the employee is excused or released by the Court for any day or substantial portion of a day, the employee is expected to return to duty. Failure to return to duty when possible shall result in charge to annual leave, or leave without pay. To receive his/her regular rate of pay while on jury duty, the employee shall produce evidence to the Division of Human Resources of jury attendance.

22.2.17 Bereavement Leave

A. Permission for leave for maximum periods of three (3) working days, depending on need, shall be granted to any regular or probationary employee by the Sheriff in the event of death of one of the following members of the family: spouse, children, spouses of children parents of employee or spouse or others who took the place of parents, grandparents of employee or spouse, grandchildren, brothers and sisters of employee or spouse, and other relatives living as members of the employee's household. If travel requiring staying away from the home overnight is involved, additional days may be allowed and charged against sick leave.

B. A regular or probationary employee shall be permitted to be absent from his/her duties without loss of pay or charge against leave credits for the purpose of attending the funeral of other people outside of the immediate family. After being granted the leave with pay for this particular reason for any day or substantial portion of a day, he/she is expected to return to duty. Failure to return to duty when possible will result in charge to annual leave, or leave without pay.

22.2.18 Military Leave

A. A regular employee who leaves the service of the County for the purpose of enlisting in the Armed Forces of the United States (Armed Forces means U.S. Army, U.S. Air Force, U.S. Marines, U.S. Navy, U.S. Coast Guard, U.S. Public Health Services, and any special military unit under the direction of the foregoing branches of service), shall be granted a leave of absence without pay and shall be entitled to be reinstated in his/her former job classification or to a position of like seniority status and pay grade unless the circumstances of the County have so changed as to make it impossible or unreasonable to do so. This leave shall not be granted beyond the first voluntary enlistment unless a national emergency exists.

B. A regular employee who is drafted or recalled to active duty by reason of his/her reserve or other status shall be granted a leave of absence and shall be entitled to be reinstated in his/her former classification or to a position of like seniority status and pay grade unless his/her position has been abolished in the time between his/her last day of work and application for return. In these circumstances, an employee is eligible to continue health and dental coverage by paying the same rate as an active employee and may be eligible to receive the difference between their County annual salary and military pay for cumulative maximum of 5 years.

C. For military activations exceeding 180 days, the following provisions apply:

1. The Personnel Services Commander will serve as the Office's primary point of contact for the member.

2. The HR Administrator will serve as the Frederick County Human Resources' primary point of contact.

3. When out processing from the Office, the Personnel Services Commander will conduct an interview with the member. Military leave policy and procedure will be reviewed.

4. All agency issued weapons and equipment will be returned to Fiscal Services for storage. The member will retain individual uniforms and apparel. Issued vehicle and keys will be returned to the FCSO Fleet Manager.

5. When in processing to the Office, the Personnel Services Commander will conduct an interview and review member return procedures.

6. In-service and weapons qualification requirements will be on a case-by-case basis - dependent upon the length of the individual member's leave and their current MPCTC status as determined by Training Services.

7. The returning member will be integrated into his/her former classification or to a position of like seniority status and pay grade whenever circumstances allow.

8. The primary method of communication with deployed member(s) will be email. The member's email account(s) will remain active for this purpose.

D. Application for reinstatement shall be made as follow:

1. After a leave under 30 days in duration, an employee must return to work the next assigned shift or regular work day. For leave between 31 and 180 days, the employee must apply for re-employment within 14 days after discharge from active service. For leave greater than 181 days, application for reinstatement must be made within ninety (90) days after discharge from active service or within two years if hospitalization continues after discharge; and

2. Employee presents copy of honorable discharge or certificate showing satisfactory completion of service.

E. Any regular employee who is a member of any United States Military Reserve or National Guard Unit and is required to engage in annual training exercises will be granted leave with pay for a period of time not to exceed fifteen (15) days in one year, if it will not result in harm to the interest of the county. County compensation will continue in effect during the time of military leave.

F. When an employee returns from a military leave of absence, and the original position is upgraded or reclassified, the employee is eligible for the upgraded/reclassified position if qualified.

G. No type of military leave shall be deducted from other types of leave earned by the employee.

H. Temporary employees as defined in Chapter IV, Section II of the Frederick County Human Resources Handbook are not included.

I. Regular employees are entitled to all rights created and arising under the Uniformed Services Employment and reemployment Rights Act (USERRA), and should contact the Human Resources Division with their concerns or requests for additional information.

22.2.19 Educational Leave

A regular employee may be given educational leave without pay for the purpose of taking courses directly related to his/her work. Request for such leave must be approved in advance by the Sheriff, and the Director of Human Resources. Since the time required for educational leave may vary from case to case, the Director of Human Resources may review and decide the merits of each case.

22.2.20 Absence without Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these regulations shall be deemed to be an absence without leave. Any such absence shall be without pay and may be subject to disciplinary action. In the absence of such disciplinary action, any employee who absents himself/herself for three (3) consecutive working days without leave shall be deemed to have quit. Such action may be reconciled by a subsequent grant of leave if the conditions warrant.

22.2.21 Leave Without Pay

The Sheriff may grant a regular employee a leave of absence without pay for a period not to exceed one year. Failure of an employee to return to duty upon the expiration of his/her leave without pay shall be interpreted as a resignation. Leave without pay shall be granted only when it will not result in harm to the interest of the County as an employer beyond any benefits to be realized. If the employee is on a leave of absence in excess of thirty (30) consecutive calendar days, his/her beginning date of employment will be adjusted by the total number of calendar days over thirty (30) for computing annual and sick leave only.

22.3 CONDITIONS OF WORK

This General Order consists of the following sections:

22.3.1. Provision of Physical Examinations
22.3.2. General Health and Fitness
22.3.3. Types of Secondary Employment
22.3.4. Secondary Employment Process
22.3.5. Volunteering for Law Enforcement Training Activities
22.3.6. Use of Vehicles by Constables
22.3.7. Coordination with Frederick Memorial Hospital for Possible Exposures to Communicable Diseases / Blood-Body Fluid Exposures
22.3.8. AIDS
22.3.9. Bloodborne Pathogens Exposure Control Plan

POLICY

The Frederick County Sheriff's Office encourages physical fitness among its members. To this end, appropriate exercise and periodic physical examinations are encouraged.

PROCEDURES

22.3.1 Provision of Physical Examinations

A. All regular full-time employees of the Sheriff's Office are required to have a physical examination prior to their first day on the job. The Frederick County Human Resources Department will schedule pre-employment medical examinations with the county- designated physician with the costs being paid by the county.

B. The Frederick County Sheriff's Office encourages all of its employees to obtain a physical examination on a regular basis.

C. The Sheriff may also require that an employee be examined by a physician designated by the County, the cost of which will be paid by the county.

D. Examinations paid for by the County shall be approved by the Human Resources Department prior to the exam.

E. Physical Examination Fees

1. As stated in Section 22.3.1 of this order, pre-employment examinations are provided by and at the expense of the County.

2. Once a person becomes an employee of the Sheriff's Office, any future examinations required as a result of their employment will be provided at the County's expense.

22.3.2 General Health and Fitness

A. All members of the Frederick County Sheriff's Office shall keep themselves physically fit and must be able to meet the requirements of their position. Sick leave is covered in 22.2.4, disability leave in 22.2.9, and restricted duty in 22.2.15.

B. Due to the physical and emotional demands on the human body inherent to the nature of police and corrections work, all Sheriff Office personnel are encouraged to maintain a healthy lifestyle.

C. The Exercise Room at the Law Enforcement Center (LEC) and the Detention Center shall remain available 24 hours a day to both sworn, uniformed corrections, and civilian personnel. Personnel will be appropriately attired when utilizing the Exercise Room. Personnel will be expected to utilize the equipment in a non-abusive manner and will be responsible for general care and upkeep. This will include returning equipment to the condition in which it was found and turning off the lights and television when finished. Personnel will be familiar with the equipment prior to use and will accept any risks encountered during its usage. Use of the Exercise Room is a privilege and failure to adhere to these guidelines may result in the suspension or revocation of that privilege. Any problems or concerns with the Exercise Room will be immediately reported to the Building Manager at the LEC or the Director of Administrative Services at the Detention Center.

D. Standard Operating Procedures During Periods of High Heat Stress/Strain

1. The comfort of Sheriff's Office employees is not the major issue with working in high temperatures and humidity. Sheriff's Office employees who are exposed to working in a hot environment face additional and generally avoidable hazards to their safety and health. It is the purpose of these operating procedures to provide instructions on preventative measures and adequate protections to be followed to prevent heat stress/strain on the job.

2. These procedures will provide for the uniform use of Wet Bulb Globe Temperature (WBGT) instrumentation by trained personnel to monitor the environment during high heat periods for the purpose of modifying hourly work/rest periods as necessary, in accordance with established guidelines/recommendations of the American Conference of Governmental Industrial Hygienists (ACGIH).

3. All Sheriff's Office employees must be cognizant of the procedures should their working conditions suddenly expose them to working in a hot environment. Sheriff's Office employees will adhere to the protocol and these standard operating procedures.

a. Definitions

(1) Hydration -The most important element in any plan to prevent heat stress/strain injuries or illnesses. It is essential to blood volume that allows the body to cool through the skin and provide adequate sweating for cooling through evaporation. Adequate amounts of water should be made available for employees to drink.

Most medical experts indicate that at least seven (7) ounces of liquid should be taken in every hour, while some would prefer a cup of water every twenty (20) minutes. Military, Fire/Rescue and Law Enforcement units tend to have higher requirements due to mission readiness or stringent physical recruit activities.

(2) Sunburns - Should be of particular concern among individuals who work in hot environments as they significantly reduce the body's ability to cool by blood flow through the skin. Those who may be unfortunate enough to obtain sunburn must be careful not to expose the burn to additional heat. Using sun screens or wearing light colored clothing when at all possible may prevent sunburns.

(3) Medications - May increase the risk for heat related illnesses when working in hot environments. Medications reported to increase heat illness risk include but are not limited to; antihistamines, diuretics, antidepressants, tranquilizers and beta-blockers. Further, the actual health and age of an individual may play a large part in their individual risk, as well as personal habits of drinking caffeine products or alcohol. Individuals must proceed with caution and caffeine or alcohol products avoided during anticipated work activities within periods of high heat or humidity.

(4) Heat Stress Index - A measurement of the effects of the environment using a Wet Bulb Globe Temperature meter that takes into account the combined effect of air temperature, air speed, humidity and solar radiation.

(5) Wet Bulb Globe Temperature Index - Consists of three sources giving dry, humid and radiant heat indications. These three readings are combined into a standard formula providing a more accurate reading of environmental heat stress. The formula for determining the WBGT is as follows: (0.7 x wet bulb temperature) + (0.2 x black globe temperature) + (0.1 x dry bulb temperature)

(a) Level 1
WHITE Flag 73 to 78.9 (F) WBGT - 100% Work/Rest Period
Extremely intense physical exertion may precipitate heat exhaustion or heat stroke therefore caution must be taken.

(b) Level 2
GREEN Flag 79 to 82.9 (F) WBGT- 75% Work/ 25% Rest Period
Utilize discretion in planning heavy exercise for non-acclimated personnel because the environment is at a marginal heat stress limit for all personnel. Heavy exercise for non-acclimated personnel should be conducted with caution and under responsible supervision. Heavy exercise for acclimated personnel is unrestricted.

(c) Level 3
YELLOW F1ag 83 to 85.9 (F) WBGT - 50% Work / 50% Rest Period
Strenuous exercise and activity must be curtailed for new and non-acclimated personnel during the first three weeks of heat exposure. Heat stress can occur. Strenuous exercise is limited to those acclimated 10 days or longer.

(d) Level 4
RED Flag 86 to 90.9 (F) WBGT - 25% Work / 75% Rest Period
Strenuous exercise must be curtailed for all personnel with less than 12 weeks training in hot weather. Heat Stress is likely to occur. All physical training should be halted for those who have not become thoroughly acclimated by at least 30 days of physical activity in this temperature. Those who are acclimated may carry on limited activity.

(e) Level 5
BLACK Flag > 91 (F) WBGT - 10% Work/ 90% Rest Period
Physical training and strenuous exercise must be suspended for all personnel. Heat Stress will occur in most cases. All strenuous physical training activity should be halted.

(6) Heat Acclimatization - Refers to physical changes to the body that take place after prolonged exposure to heat that partly involves increased sweat production. Acclimatization to the hot environment takes place over the course of several days as the body adjusts. However, the acclimatization must be started again, should an individual take vacation or time away from the hot work environment.

(7) Heat Stroke - Heat Stroke is the most serious of health problems associated with working in hot environments. It occurs when the body's temperature regulatory system fails and sweating becomes inadequate. An individual's skin is hot, usually dry, red or spotted. They may display mental confusion, become delirious, develop convulsions or lose consciousness. Unless the employee receives quick and appropriate medical treatment, death can occur.

(8) Heat Exhaustion - Heat Exhaustion is caused by the loss of large amounts of fluid by sweating, sometimes with excessive loss of salt. An employee suffering from heat exhaustion still sweats but experiences extreme weakness or fatigue, giddiness, nausea, or headache. In more serious cases, the employee may vomit or lose consciousness. The skin is clammy and moist, the complexion is pale or flushed and body temperature appears normal or only slightly elevated. In most cases, treatment involves having the employee rest in a cool place and drink plenty of liquids.

(9) Heat Cramps - Heat Cramps are painful muscle spasms that occur among those who sweat profusely in the heat, drink large quantities of water, but do not adequately replace the body's salt loss. The affected muscles may be part of the arms, legs or abdomen, but tired muscles (those used in performing the work) are usually the ones most susceptible to cramps. Cramps may occur during or after work hours and may be relived by taking salted liquids by mouth. THE INTAKE OF SALT SHOULD ONLY BE AT THE DIRECTION OF A QUALIFIED PHYSICIAN. Use warm, wet towels and gentle stretching and sports drinks for treatment.

(10) Fainting - An employee who is not accustomed to hot environments and who stands erect and immobile in the heat may faint. With enlarged blood vessels in the skin and in the lower part of the body due to the body's attempts to control

internal temperature, blood may pool there rather than return to the heart to be pumped to the brain. Upon lying down, the employee should soon recover. By moving around, and thereby preventing the blood from pooling, the employee can prevent further fainting.

(11) Heat Rash - A condition likely to occur in hot, humid environments where sweat is not easily removed from the surface of the skin by evaporation and the skin remains wet most of the time. The sweat ducts become plugged, and a skin rash soon appears. When the rash is extensive or when it is complicated by infection, it can become very uncomfortable and may reduce an employee's performance. The employee can help prevent this condition by resting in a cool place part of each day and by regularly bathing and drying the skin.

(12) Transient Heat Fatigue - This condition refers to the temporary state of discomfort and mental or physiological strain arising from prolonged heat exposure. Employees unaccustomed to the heat are particularly susceptible to and can suffer, to varying degrees, a decline in task performance, coordination and alertness. The severity will be lessened by a period of gradual adjustment to the hot environment (heat acclimatization).

b. Responsibilities

(1) Personnel Services will ensure that the integrity of these standard operating procedures is maintained, will provide guidance and amend procedures when required and will provide monitoring as necessary. The Personnel Services Commander will also keep the Command Staff informed of changes to the Wet Bulb Globe Temperature index. Commanders will then inform their personnel for proper action. Although the Wet Bulb Globe Temperature Index is primarily used as a guide for training-related physical activities, it may also be used by supervisors and personnel engaged in field-related activities.

(2) Supervisors should regularly monitor employees during periods of high heat stress/strain based on training related to potential health effects, physical symptoms and alerts that may be posted on the Frederick County Web Site or other public information sources. A Wet Bulb Globe Temperature Meter may not be immediately available for use at each and every work site. Supervisors should not rely solely on the use of the meter, but must use common sense and their knowledge concerning the prevention of heat related illnesses.

(3) Supervisors must ensure that the appropriate hourly work/rest regimens recommended by the ACGIH are adhered to when training during periods of high heat or humidity.

(4) Training Services will ensure that all employees receive training with regards to heat stress, heat strain and heat-related illnesses

(5) Supervisors must ensure that adequate amounts of water are available at work and training sites when feasible. They must monitor that employees are drinking water even when not feeling thirsty while working in periods of high heat or

humidity and stress the importance of drinking nonalcoholic beverages before, during and after working in hot conditions.

(6) Sheriff's Office employees must adhere to the hourly work/rest regimens when training; ensure that they drink copious amounts of water during hot conditions, and immediately report symptoms of heat related symptoms to their supervisors; whether it be themselves or co-workers at the work site.

(7) The hourly work/rest regimens shall be used as a guide during field operations when feasible.

E. Physical Training and Employee Testing

1. Hot Weather

a. Employees should not exercise during hot, humid weather, or within two hours after eating. Heat and digestion both take a heavy toll on the circulatory system, and in combination with exercise can overload your system.

b. How often, how long and how hard you exercise are determined by the goals you are attempting to accomplish. Your goals, present fitness level, age, health, skills, and interest are factors you should consider. Your workout schedule should contain something from each of the four basic fitness components; muscular strength, muscular endurance, cardio-respiratory endurance, and flexibility. You should space your workouts and avoid consecutive days of hard exercise.

c. Fitness Principles
(1) Overload - work hard enough or at levels that are vigorous and long enough to overload your body above resting levels
(2) Regularity - need at least three balanced workouts a week to maintain a desirable level of fitness
(3) Progression - increase intensity, frequency and/or duration of activity over periods of time to improve.

d. Recommendations - Clothing should be loose, absorbent and light colored. Don't expect peak performance during extreme heat. The heart works harder; blood is shunted to the skin and less to the working muscles. Don't take salt tablets unless prescribed by a physician. Drink plenty of water before, during and after exercise. Avoid sunburn.

2. Cold Weather

a. Frostbite - the soft tissue of the skin freezes, can be minor or severe. Usually the nose, fingers, toes and cheeks are affected. Warm the area slowly, but do not rub, can immerse in warm water

b. Hypothermia - the internal body temperature decreases by several degrees, severe hypothermia may lead to death. Wrap in blankets, cover the head, remove any wet or constricting clothing, can immerse in warm water.

3. Applicant Testing

   All guidelines listed above will be adhered to during any prospective employee physical agility testing.

22.3.3 Types of Additional Employment

A. Types of Authorized Employment

All requests for secondary employment will be evaluated on an individual basis. The following types of additional employment may be considered.

1. Employment as a security guard, with a private guard agency, or with an employment service used for employing security guards.

2. Employment with a taxicab company or other public transportation service that is not regulated by the Sheriff's Office.

3. Employment at gasoline service stations or garages, including those licensed or authorized as inspection stations provided such employment does not involve the inspection process.

4. Employment involving private or public traffic control, pedestrian safety, maintenance of order at major events, security and protection of private persons and property, and security for public housing, parks and airports.

5. Employment at other jobs, trades, businesses, or occupations not specifically prohibited in this order, and having approval of the Chief Deputy.

22.3.4 Additional Employment Process

The Frederick County Sheriff's Office will not approve and members will not work any uniform or plain clothes security-related additional employment in any areas where the Office does not have primary law enforcement jurisdiction, with the exception of security-related additional employment associated with county owned property and /or facilities within another agency's primary jurisdiction, or security-related additional employment lying in another agency's primary law enforcement jurisdiction which has been approved for additional employment prior to the date of this amendment (May 2007). The Sheriff reserves the right to reasonably regulate the amount and conditions of approved additional employment focusing on the needs of the agency in serving the community.

A. There are two types of additional employment methods that may occur.

1. Individual - Secondary

   a. The employee finds his/her own secondary employment

   b. The employee independently negotiates for the conditions of work, hours, and pay.

   c. The employee then applies with the Office for permission to accept the off-duty job.

d. The Office grants permission provided the job meets established secondary employment standards and regulations.

e. The Office will set uniform, equipment, and vehicle requirements.

f. The employer pays the individual directly.

g. The employee reports hours of employment to the Office as requested for oversight and verification of compliance with Office regulations.

2. Office - Extra Duty

a. The Office negotiates and contracts with an employer.

b. The Office will set rate of pay, conditions of employment and hours.

c. The Office will assign and coordinate the work schedules.

d. The Office will set uniform, equipment, and vehicle requirements.

e. The employer pays individuals directly or makes payment to the county for disbursement as agreed by contract.

f. All Frederick County Public School Security Details will be considered as Extra Duty.

B. Conditions of Employment

1. Hours of Work

a. The Office will not regulate the number of hours an employee may work at secondary employment or extra duty during off-duty days.

b. The Office will regulate the number of hours an employee may work during on-duty days.

c. The number of hours an employee may work secondary employment or extra duty assignments during an on-duty day will be a maximum of five (5) hours. However, Deputies will be required to have a minimum of six (6) hours between the time that their secondary employment or extra duty assignment is completed, prior to the beginning of their next scheduled work day. The six (6) hour rule does not apply to secondary employment or extra duty assignments that are four (4) hours or less in duration and run consecutive to the beginning of your scheduled tour of duty.

d. Employees will limit the number of hours of security-related additional employment to those that do not influence their job performance.

e. Employers must maintain and produce records (current year plus the previous) for review by the Sheriff's Office on demand to provide verification of conformance with Office regulations regarding authorized hours of work.

f. The Office may terminate any work permit for failure to produce records as directed or for a deputy's failure to comply with the approved conditions of work including but not limited to usage of the agency vehicle, the agency equipment, and the agency uniform. The Office may take administrative actions as deemed necessary.

g. The Office may terminate any work permit for non-conformance with authorized hours or the reporting thereof, and may take administrative action as deemed appropriate.

2. Office Regulations

a. No employee may enter into secondary employment without first making proper application and receiving written authorization from the Chief Deputy.

b. Secondary employment may not be approved in cases, which may interfere with the performance of the employee's official Office duties, including overtime assignments and ability to respond to emergency calls.

c. Employees are prohibited from engaging in additional security-related additional employment while on emergency suspension, administrative suspension, light or restricted duty, sick leave, donated sick leave, extended sick leave, worker's compensation, or FMLA leave with the Office.

d. If in the determination of the Office an employee's secondary employment may be having an adverse effect on, or is impairing the individual's Office performance in any fashion, the Office may suspend or terminate the employee's work permit.

e. Additional employment will not be approved for Sheriff's Office personnel who have not successfully completed their Field Training period.

3. Sworn Deputies Discharge of Duties

a. Sworn deputies are responsible to their positions as law enforcement officials 24 hours daily, and shall give priority to those responsibilities in all instances.

b. Any unlawful act brought to the attention of or observed in the presence of a sworn deputy shall be acted upon in accordance with Office policy.

c. Any action taken by a sworn deputy in their official capacity while on-duty or off-duty shall be in conformance with Office policy. Deputies will revert to an on-duty status in instances where law enforcement action is taken.

d. Complaints against sworn deputies involving police duties will be acted upon in accordance with internal and administrative processes of the Office.

e. Sworn deputies are responsible to make prospective employers aware of their official law enforcement responsibilities.

f. Sworn deputies are to process all persons involved in violation of the law in accordance with Office policy.

g. The Office shall provide for payment of time relating to the processing, arrest, court time, or other hours arising out of an employee's exercising of police powers.

C. Uniforms, Equipment and Vehicle Regulations

1. Except when specifically authorized by the Sheriff, uniforms, or parts of the uniform and equipment (excluding issued handgun, portable radio, body armor, handcuffs, and standard issue less lethal options) will not be used by any employee engaged in off duty secondary employment. Employees may use Sheriff's Office vehicles for purposes of approved secondary employment, however, are not authorized to use their vehicles while employed and working for a security guard agency.

2. Per the memorandum of understanding with the Frederick County FOP Lodge 102, deputies will be permitted, at their own expense, to wear a generic uniform type shirt (not the color – chocolate brown – of the current agency uniform) that may reflect deputy sheriff on the back and contain a symbol on the front such as a badge, but no reference can be made to terms such as Frederick County Sheriff or the State of Maryland as part of the badge type symbol.

D. Prohibited Activities

Applications for secondary employment will not be approved in any of the following circumstances:

1. Any employment that would involve the use of Office records.

2. Any employment in businesses, whose primary profit is from the sale and / or distribution of alcoholic beverages (Applicable to sworn deputies only). The Sheriff, at his sole discretion, in the best interest for public safety and maintenance of order, may authorize deputies to work secondary employment for special events such as, but not limited to, any outdoor or indoor fair, show, festival, concert, carnival, or any other entertainment, celebration, public gathering, or similar activity held in whole or in part upon publically owned property or public right-of-way, or upon private property, where alcohol may be served.

3. Any employment that may because of its location or nature bring disfavor, disrespect, or discredit to the Office or the employee.

4. Any employment that may impair or adversely affect the independent judgment of the employee in the performance of his/her official duties.

5. Any employment that suggests a conflict of interest by which an employee's authority may improperly serve private rather than collective interests. Specifically, for example,

an Office employee may not work as a process server, repossessor, bill collector, credit investigator, pre-employment investigator, bail bondsman, in a capacity to prepare cases for criminal defense, or with a company affected by strike or lockout.

6. Any employment with establishments that profit from activities such as gambling prohibited by statutes the Office is sworn to uphold.

7. Any employment under conditions that confer special advantage to private interests at the expense of a public interest. For example, a sworn deputy on a traffic control job must serve the interest of all motorists, not just those going into or out of the employer's parking lot. (Applicable to sworn deputies only.)

8. Any employment that threatens the professional status of the Office or its standards of conduct and values. For example, any work that lowers the dignity of the Office.

9. Any employment that could be considered an unacceptable risk of injury that could disable an employee from regular duties.

10. An employee may not be self-employed in or manage a business where a conflict of interest is presumed; owning, competing with, or profiting from investigative or security businesses. For example, an officer may not act as an agent for the employment of other deputies.

E. Application Process

1. Employee's responsibilities

a. Employee shall prepare the necessary application for additional employment. The Employee shall ensure all the below information is complete on the application. Incomplete applications will be rejected.
   (1) business phone number
   (2) business address
   (3) prescribed schedule
   (4) special job requirements

b. For sworn deputy security-related employment, the deputy shall have a signed waiver from the secondary employer which shall contain a copy of the employer's responsibility/requirements, and submit with proof of required insurance coverage. Deputies will submit proof that there is current insurance coverage being maintained by the secondary employer on an annual basis. The employee will provide this proof to the agency, one month prior to the expiration date of the current insurance certificate. Failure to provide the documentation to Personnel Services one month prior to the expiration will suspend the approval to work for that secondary employer.

c. Sworn deputies applying for security-related secondary employment must provide required certification of insurance from the Secondary Employer to the Personnel Services Commander before the deputy will be approved to work for the Secondary Employer. This does not apply to extra-duty employment.

d. Upon completion of this process the application will be forwarded to the employee's supervisor for review.

e. All approved secondary employment applications will be valid only for the calendar year in which they are approved. Recurring and on-going secondary employment, other than FCPS extra duty, will need to be re-applied for each December for the upcoming year.

2. Supervisor's responsibilities

a. The Supervisor will review the employee's application for secondary employment and shall ensure all necessary forms are completed. The Supervisor will make recommendation for approval or disapproval and should include all necessary information of importance about the employee's job history, sick leave record, information that prior additional employment has impaired the employee's ability to perform his/her duties, and assessment of potential risk if applicable.

b. Upon completion of this process, the application will be forwarded to the Division Commander for further review.

3. Division commander's responsibilities

a. The Division Commander will review the employee's application for additional employment.

b. The Division Commander will verify all information on the employee's application for secondary employment by means of contacting the proposed employer, if necessary, and verifying the nature of business, address, phone number, potential risk (if any), and the supervisor(s) for the employee.

c. The Division Commander will make a recommendation for approval or disapproval.

d. Upon completion of this process, the employee's application will be forwarded to the Bureau Chief for review.

4. Bureau chief's responsibilities

The Bureau Chief will review all information provided and make a recommendation to the Chief Deputy.

5. Chief Deputy’s responsibilities

The Chief Deputy will review all information concerning secondary employment and make a recommendation to the Sheriff.

6. Sheriff's responsibilities

   The Sheriff will review all information concerning secondary employment and make final approval or disapproval based on all information on the application.

7. Application

   Upon completion of the Application process for secondary employment copies of the application will be forwarded to the following locations.
   a. Master file (Personnel Services)
   b. Employee personnel file
   c. Employee
   d. Division Commander

8. Activity Records

   a. Personnel Services will maintain a master file of secondary employment activity in regard to date, time and place of employment and conditions of work.

   b. Use of Force incidents are to be reported in accordance with policy on Use of Force reports.

   c. Injuries are to be reported in accordance with policy on the appropriate injury-related form(s) to Risk Management.

   d. Complaints will be handled in accordance with the Office of Policy and Compliance complaint process.

   e. Arrests and court appearance records will be maintained on file with the Records Section for extra-duty employment.

   f. Any cases involving issues of liability will be maintained on file with Personnel Services.

9. Administration

   The Patrol Operations Administrative Lieutenant will oversee the coordination of the extra duty employment and the Personnel Services Commander will provide policy oversight for secondary employment.

22.3.5 Volunteering for Law Enforcement Training Activities

Members who volunteer to participate in a law enforcement training activity or event, other than those conducted or sponsored by the Frederick County Sheriff's Office, must complete a Liability Release Form (FCSO Form 22-H) and submit it to the Personnel Services Commander prior to their participation.

22.3.6 Use of Vehicles by Constables

Constables will be assigned a county vehicle to perform their job, or be required to use their personal vehicle.

A. County vehicles

1. Constables who use an assigned county vehicle are authorized to use the vehicle in the performance of their job, and as transportation to and from their residence in accordance with policy.

2. Constables are not authorized to use a county vehicle at any time for their personal use.

B. Personal vehicles

1. Constables not assigned a county vehicle are required to maintain a personal vehicles in safe working condition, with appropriate license, registration, and insurance, for use in performing their jobs.

2. Constables using their personal vehicles in the performance of official Sheriff's Office business shall:

a. Carry an issued portable radio, pager, and cellular telephone to maintain Office communications.

b. Maintain daily mileage logs indicating starting and ending mileage, and the total miles driven each day on official Sheriff's Office business. These signed logs (Form Co C 23) shall be submitted to the Judicial Operations Commander at the end of each month.
   (1) The Judicial Operations Commander shall:
      (a) Oversee and approve monthly mileage reports.
      (b) Maintain a file copy of all logs and forward the originals to the Sheriff's executive assistant for processing.
   (2) The county will reimburse constables at a rate determined each fiscal year for mileage incurred in the course of their vehicle's use on the job.

22.3.7 Coordination with Frederick Memorial Hospital for Possible Exposures to Communicable Diseases/Blood-Body Fluid Exposures

A. If, during treatment or transport of a person to Frederick Memorial Hospital (FMH), or while acting in the performance of duty, a law enforcement deputy or correctional officer comes into contact with a patient who is subsequently diagnosed, as a result of information obtained in conjunction with the services provided during the visit to FMH, as having a contagious disease or virus, the attending physician or a designee of FMH shall notify the employee and the designated Sheriff's Office contact of the employee's possible exposure to the contagious disease or virus.

1. The types of diseases and viruses referenced in "A" above include:
    a. Human immunodeficiency virus (HIV)
    b. Hepatitis B
    c. Meningococcal meningitis
    d. Tuberculosis
    e. Malaria
    f. Rabies
    g. Mononucleosis

2. This notification will be

    a. Made by phone to the appropriate contact person within 48 hours of confirmation of diagnosis

    b. Verified by written confirmation to the involved individual(s)

3. The designated contact persons shall be:

    a. For the Law Enforcement Bureau personnel - Law Enforcement Bureau Chief

    b. For the Corrections Bureau personnel - Corrections Bureau Chief

B. A concerned employee may request that the appropriate contact person make inquiry to FMH.

C. Contact between designated Sheriff's Office and FMH personnel shall be both verbal and written.

D. Sheriff's Office contacts who are notified by FMH of a potential exposure shall provide the affected employee with the FMH notification.

E. Notified employees shall

1. Complete the appropriate injury-related form(s) to Risk Management.

2. Go to the Frederick County Health Department for testing.

F. The Health Department will notify affected employees of the results.

22.3.8 AIDS

A. This order has been established to define the AIDS virus and provide guidelines for members of the Frederick County Sheriff's Office for the safe handling of persons known or suspected to have infectious diseases. The Frederick County Sheriff's Office will provide its members with AIDS awareness information and safety guidelines for all suspected or known infectious disease carriers.

B. Definitions

1. AIDS is a serious disease, caused by a virus, which changes the body's immune system. AIDS patients are unable to fight off infections and so become repeatedly ill with many common infections.

2. The virus which causes AIDS is called HIV. This virus can be found in the blood, semen and other body fluids of infected persons. The virus can be passed by a pregnant woman to her unborn child, by sharing hypodermic needles or by unprotected sexual contact. At present, it appears that the virus is NOT passed to another person through other body fluids.

3. The virus can be destroyed by heat, by soap, by bleach, and by any of the usual cleaning methods and products.

4. In the U.S., AIDS has been found mostly in homosexual men, intravenous drug abusers, and persons who have received blood transfusions of infected blood or blood products. A number of cases in prostitutes and their sexual partners have occurred, and cases are on the increase in the heterosexual population.

5. AIDS cannot be contracted by casual contact. You cannot contract AIDS by being in the same room, sitting at the same table, touching, or talking with a person with the AIDS virus. Studies done in families where one person had AIDS show that the only other people who have contracted the virus are those who had sexual contact with the AIDS person.

C. Confidentiality

1. It is extremely important from a legal standpoint that all information concerning AIDS be kept strictly confidential and not disclosed to anyone outside the Agency.

2. Any requests for prisoner information are to be directed to the Head Nurse or the Detention Center Physician for comment.

3. No other persons will be authorized to disclose any information.

D. Officer Safety

1. Exercise care in searching all prisoners and their belongings in the event that a needle, razor, knife, or other sharp instrument may be concealed in their clothing or on their person.
2. Exercise care in the use of restraints so that skin breakage does not occur.

3. Take personal care to properly bandage any open cuts on your own person before reporting for duty.

4. Be careful when wearing gloves not to puncture the gloves with fingernails, rings, etc.

5. Wear protective rubber gloves when conducting routine duties such as, but not limited to, searches, pat downs, etc.

6. Always wear protective gloves when handling prisoners who have visible unhealed wounds, rashes, or other skin lesions. If the officer has open wounds, the officer should wear protective rubber gloves while performing duties.

7. Always dispose of each pair of gloves after each use. Always use a new pair of protective gloves for each prisoner.

8. ALWAYS WASH HANDS WITH SOAP AND HOT WATER AFTER REMOVING GLOVES.

E. Suspected Contamination

1. Any member of this Agency who suspects that he/she has been exposed to possible infectious contamination shall immediately notify his/her immediate supervisor of the incident.

2. Complete the appropriate injury-related form(s) to Risk Management Office within 48 hours of any occurrence.

3. This information shall be maintained strictly confidential.

4. The affected member shall be authorized to proceed to the Frederick County Health Department for screening.

5. This screening process will be conducted at no cost to the Agency member.

6. Results of the screening shall remain strictly confidential between the affected member and the Frederick County Health Department.

F. Training

1. Training will be provided on a regular basis as part of the annual in-service training program.

2. Information, updates and materials will be made available to all staff as it is received by the Office.

22.3.9 Blood borne Pathogens Exposure Control Plan

A. The Frederick County Sheriff's Office shall provide exposure controls, protective equipment and training for utilization by personnel to isolate or remove blood borne pathogens and potentially infectious materials hazard from the workplace and to educate employees in how to minimize and/or eliminate exposure.

B. Definitions

1. Metal Waste Container - A red puncture resistant plastic liner or white container which is pre-printed with "Biohazard (Symbol) - Danger Infectious Waste."

2. Blood borne Pathogens - Micro-organisms that are present in human blood and can cause disease in humans. These include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

3. Category I Employees - Staff members routinely exposed to blood borne pathogens or potentially infectious materials on a regular basis.

4. Category II Employees - Staff members exposed to blood borne pathogens or potentially infectious materials under certain conditions, including those seldom at injury scenes or involving individuals where blood or body fluid exposures are less likely to occur.

5. Contaminated - The presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

6. Contaminated Laundry - Laundry which has been soiled with blood or other potentially infectious materials or may contain sharps.

7. Contaminated Sharps - Any contaminated object that can penetrate skin including, but not limited to sharp metal scalpels, broken glass, exposed ends of dental wires, etc.

8. Decontamination - The use of physical or chemical means to remove or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use or disposal.

9. Exposure Incident - A specific eye, mouth or other mucous membrane, or non-intact skin contact or parenteral contact with blood or other potentially infectious materials that results from the performance of a Staff member's job related duties.

10. Occupational Exposure - Reasonably anticipated skin, eye, mucous membrane or parenteral contact with blood or other potentially infectious materials that may result from the performance of a member's duties.

11. Parenteral Contact - Piercing skin or mucous membrane through such events as needle sticks, human bites, cuts and abrasions.

12. Potentially Infectious Material - Human body fluids including semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva, any body fluid visibly contaminated with blood, all body fluids in situations where it is difficult to differentiate between body fluids, and any unfixed tissue on organ from a living or dead human.

13. Universal Precautions - Approach to infection control by which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other bloodborne pathogens.

C. Procedures/Guidelines

1. Policy Availability and Training

a. Availability

(1) The Bureau Chief shall ensure that Bloodborne Pathogens Exposure Control Policy is distributed to all employees as part of the Administration Manual.

(2) The Bureau Chief shall make the plan available to the Assistant Secretary of Labor for Occupational Safety and Health and Director of the National Institute for Occupational Safety and Health, upon request for examination and/or copying.

(3) As part of the Annual Review Process, this policy shall be reviewed and updated and more frequently, as required, to reflect new or modified tasks and procedures which affect occupational exposure.

b. Training

(1) All Category I and II Employees shall participate in a training program which is provided at no cost to the employees. All employees shall receive training through the Sheriff's Office Orientation Programs and In-Service Training Program.

(2) The training shall include general information regarding Hepatitis B (HBV), Human Immunodeficiency Virus (HIV), and other life threatening diseases.

(3) Training shall also be provided to the employee during the initial orientation process and through annual in-service training. Additional training may be provided when modifications of the policy and procedures may affect the employee's occupational exposure. This additional training may be limited to addressing the new exposures created and policy modification only.

(4) The instructor(s) conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the policy.

(5) The training program shall minimally contain the following information:

(a) A copy of Occupational Safety and Health Administration, 29 CFR - Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.

(b) A copy of the General Order #22.3.9 - Bloodborne Pathogens Exposure Control Plan.

(c) A copy of the Detention Center Policy #5-113 - AIDS; and AIDS Administration General Order #22.3.8

(d) A copy of the Detention Center Policy #5-116 -Communicable Disease and Isolation.

(e) Training will cover an explanation of the modes of transmission of bloodborne pathogens.

(f) Training will cover an explanation of the appropriate methods for recognizing duties and other activities that may involve exposure to blood and other potentially infectious materials.

(g) Training will cover an explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate work practices and protective equipment available.

(h) Information on the types, proper use, location, removal, handling, decontamination and disposal of protective equipment available.

(i) Training will cover an explanation of the basis for selection of protective equipment available.

(j) Information on the Hepatitis B Vaccine, including information on its effect, safety, method of administration, benefits of being vaccinated and that the vaccine and vaccination will be offered at no charge/cost to the employee.

(k) Information will be given on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials.

(l) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident, and the medical follow-up that will be made available.

(m) Information on the post-exposure evaluation and follow-up that the Detention Center is required to provide for the member following an exposure incident.

c. Training Records

(1) All training records shall be maintained by the Training Services Supervisor.

(2) Training Lesson Plans and Summary shall be prepared and maintained on file for review.

(3) Training records shall be made available upon request to:
   (a) Assistant Secretary
   (b) Director
   (c) Employees and/or their Representative

2. Exposure Determination

   a. Category I Occupational Exposure Level

      (1) Category I Occupational Exposure Level personnel are those routinely exposed to bloodborne pathogens or potentially infectious materials on a regular basis (i.e., arresting Officers, first responders in medical emergencies, Correctional Officers, Nursing Staff, etc.).

      (2) Employees assigned to the following job classification meet the criteria for a Category I Occupational Exposure Level:
         (a) Correctional Officers
         (b) Medical Staff
         (c) Counselors, Kitchen Personnel, Maintenance Persons
         (d) Sworn Deputies

   b. Category II Occupational Exposure Level

      (1) Category II Occupational Exposure Level employees are those exposed to bloodborne pathogens or potentially infectious materials under certain conditions, those seldom at injury scenes or involving individuals where blood or body fluid are less likely to occur.

      (2) Those employees who do not normally confront front-line exposures, but could be called upon in an emergency situation.

      (3) Employees assigned to the following job classifications meet the criteria for a Category II Occupational Exposure Level:
         (a) Clerical Staff/Administrative Staff
         (b) Constables
         (c) Any other employee that does not have direct physical contact on a daily basis.

3. Work Practices

   a. Universal Precautions

      (1) All employees shall utilize universal precautions to prevent contact with blood or other potentially infectious materials in the performance of job related duties.

      (2) All employees shall consider body fluids to be potentially infectious materials under circumstances in which differentiation between body fluid types is difficult or impossible to identify.

b. Controls

(1) Employees are prohibited from eating, drinking, applying cosmetics or lip balm and handling contact lenses in work areas where there is a reasonable likelihood of occupational exposure.

(2) Employees are prohibited from keeping food and drink in refrigerators, freezers, shelves, cabinets or on counter tops where blood or other potentially infectious materials are present. Potential areas of concern would be the Medical Unit, Kitchen Areas, and Prisoner Processing areas.

(3) Employees shall perform all procedures carefully when involving blood or potentially infectious materials in such a manner as to minimize splashing, spraying, spattering and generation of droplets of these substances.

(a) Medical Staff are prohibited from bending, recapping, shearing or breaking contaminated needles or sharps except as routine procedures dictate.

(b) Medical Staff are prohibited from removing a needle from a syringe without the use of a mechanical device.

(c) Bureau Chiefs, Commanders, Supervisors, Division Directors, and Standards/Compliance Personnel will monitor employees to ensure compliance with the Bloodborne Pathogens Exposure Control Policy.

c. Storage Containers

(1) Blood or other potentially infectious materials shall be placed in the Evidence Locker or Medical Unit and secured in a bio-hazard container which prevents leakage during collection, handling, processing, storage, transport or shipping.

(2) Labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious materials and other containers used to store, transport or ship blood or other potentially infectious materials. The container for storage, transport or shipping shall be color coded, labeled and secured prior to being stored, transported or shipped.

(3) The orange-red signs shall be posted at the entrance to areas where potentially infectious materials may be present or stored i.e., Medical Unit, Evidence Locker, etc.

d. Hand Washing

(1) Hand washing facilities shall be readily accessible to all employees.

(2) Employees shall wash hands immediately or as soon as feasible after removal of disposable gloves or other protective equipment.

(3) Employees shall wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact with blood or other potentially infectious materials.

e. Contaminated Equipment

Equipment which may become contaminated with blood or other potentially infectious materials shall be decontaminated as necessary.

f. Contaminated Laundry (Detention Center)

(1) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(2) Contaminated laundry shall be placed in a secured plastic bag and taken to the laundry room for cleaning.

(3) Whenever contaminated laundry is wet and presents a reasonable likelihood of leakage from the plastic bag, then the laundry shall be placed in the medical waste container located in the Medical Unit, to be transported outside the facility and disposed of properly. This information shall be documented on an Incident Report. Incident reports shall be forwarded to the Bureau Chief for review and filing. A copy of all such reports will be forwarded to the Sheriff for Administrative filing. This type of laundry shall not be washed in the laundry facility for any reason.

(4) Employees who have contact with contaminated laundry shall wear protective disposable gloves and any other personal protective equipment as required by the situation.

(5) If the contaminated laundry is to be laundered, the contaminated laundry shall be labeled and placed in the Laundry Room for proper laundering. The bag shall be properly labeled per standard laundry procedures.

g. Any known or suspected exposure should be reported consistent with Workers Compensation policies.

4. Syringe Recovery During Duty

a. Recovery in General

(1) All employees should use the utmost caution when conducting searches of arrested individuals, new intakes, and property. When conducting a search, the employee should proceed as if a syringe were present.

(2) Any syringe discovered during the course of duty shall be properly handled and safely disposed of by the discovering member. Detention Center Medical Staff shall be contacted to dispose of the syringe properly unless it is to be used as

evidence. In this case securing of the evidence and chain of custody shall be followed.

(3) The discovering employee shall handle the syringe as carefully as possible. Detention Center Medical Staff shall be contacted to secure the syringe in the disposal syringe safety container, if the syringe is not to be used as evidence.

(4) Employees shall document all information on an Incident Report.

(5) The Officer shall secure the contraband (syringe) and take appropriate action concerning the handling of evidence.

(6) All used syringes shall be disposed of properly by Detention Center Medical Staff per standard protocol.

(7) A certified hauler shall be responsible for removal and disposal of all medical waste material.

b. Disposition of Syringes

(1) All contaminated sharps shall be discarded immediately or as soon as feasible in the medical waste container that is closeable, puncture resistant and leakproof.

(2) During use the medical waste container at the Detention Center shall be easily accessible to Medical Staff and located in the Medical Treatment Room.

(3) The Medical Supervisor or designee shall ensure the medical waste container is replaced as scheduled and not be permitted to be over filled.

5. Personal Protective Equipment

a. Provision of Personal Protective Equipment

(1) The Sheriff's Office shall provide the following protective equipment for use by Category I and II Occupational Exposure Level Members:
(a) Goggles
(b) Latex gloves
(c) Red plastic bags with twist ties
(d) Disposable face mask
(e) Additional protective equipment shall be provided by the Detention Center if necessary.

(2) All employees shall use protective equipment when blood or potentially infectious materials are present except under the following circumstances:

(a) In the employee's professional judgment that in the specific instance, the use of the protective equipment would prevent delivery of health care or public safety measures.

(b) In the employee's professional judgment that in the specific instance, the use of protective equipment would pose an increased hazard to the safety of the employee or others.

(3) If the employee does not use the protective equipment due to his/her professional judgment, the circumstances shall be documented on an Incident Report and submitted to the employee's supervisor: the incident report and supervisor's endorsement shall be forwarded to the Patrol Operations Commander, Director of Security, Director of Inmate Services and Operations Division Commander for review.

b. Hand Protection

(1) Employees shall wear gloves in one (1) or more of the following instances:

(a) When it is reasonably anticipated that the employee may have contact with blood or other potentially infectious materials.

(b) When handling or touching contaminated items or surfaces, or items or surfaces suspected of being contaminated.

(2) Disposable gloves shall be replaced as soon as practical, or as soon as feasible if torn, punctured or when the gloves ability to function as a barrier is compromised.

(3) Disposable gloves shall not be washed or decontaminated for multiple use.

(4) Sharps which may be contaminated shall not be removed directly with the hands by the employee.

c. Eye Protection

(1) Employees where applicable shall wear goggles when splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and eye contamination is reasonably anticipated.

(2) If the employee does not use disposable goggles, the goggles shall be washed and disinfected as soon as practical when contaminated.

d. Ventilation Protection

(1) Employees shall wear a disposable face mask when splashes, spray, spatter or droplets of blood or other potentially infectious materials may be generated and nose or mouth contamination is reasonably anticipated.

(2) The disposable face mask shall be replaced as soon as practical when contaminated or as soon as feasible if torn, punctured or when the masks ability to function as a barrier is compromised.

(3) Disposable face masks shall not be washed or decontaminated for multiple use.

e. Garment Protection

(1) The employees shall determine if a disposable (single use) apron should be worn during an occupational exposure situation dependent upon the task and degree of exposure anticipated.

(2) The disposable apron shall be replaced as soon as practical when contaminated or as soon as feasible if torn, punctured or when the apron's ability to function as a barrier is compromised.

(3) Disposable aprons shall not be washed or decontaminated for multiple use.

f. Shoe Protection

(1) Employees shall wear disposable (single use) shoe covers in instances when gross contamination can be reasonably anticipated.

(2) The disposable shoe covers shall be replaced as soon as practical when contaminated or as soon as feasible if torn, punctured or when the shoe cover's ability to function as a barrier is compromised.

(3) Disposable shoe covers shall not be washed or decontaminated for multiple use.

6. Protective Equipment and Cleaning Guidelines

a. Provision for Protective Equipment

(1) The Supply and Property Officers shall provide and maintain all protective equipment for personnel use.

(2) Request for protective equipment shall be made to the Property Officer on a regular basis, if supplies are being exhausted.

b. Cleaning and Disposal of Protective Equipment

(1) Cleaning and disposal of protective equipment shall be provided by the Detention Center.

(2) If a garment is contaminated by blood or other potentially infectious materials, the employee shall remove the garment immediately or as soon as feasible.

(3) The employee shall remove all protective equipment prior to leaving an injury scene or work area.

(4) After removal of the protective equipment all disposable items shall be placed in the medical waste container for storage and disposal.

c. Housekeeping/Sanitation

(1) Employees shall ensure that the work site is maintained in a clean and sanitary condition at all times.

(2) All equipment and work surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials. Procedures in this case shall be followed concerning the use of bleach solution.

d. Work Surfaces/Protective Coverings

(1) Contaminated work surfaces shall be decontaminated with disinfectant and/or bleach solution at the following times:

(a) After completion of procedures where exposure to blood or infectious materials is found.

(b) Immediately or as soon as feasible when surfaces are overtly contaminated or after any spillage of blood or other potentially infectious materials.

(c) At the end of the shift if the surface has become contaminated since the last cleaning.

(2) All bins, cans, and similar receptacles intended for re-use which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a weekly basis and cleaned and decontaminated immediately upon visible contamination by the responsible member.

e. Related Policies and Procedures

All employees shall refer to the following Detention Center policies and procedures:
(1) #2-112 - Chemical Spillage Plan
(2) #3-106 - Hazardous Materials Control
(3) #4-112 - Sanitation
(4) #5-113 - AIDS
(5) #5-116 - Communicable Disease and Isolation
(6) #22.3.4 - AIDS Administration General Order
(7) #22.2.8(A) - Workers Compensation Administration General Order
(8) #1-105 - Workers Compensation Detention Center Policy

7. Vaccination

a. Hepatitis B Vaccination

(1) The Sheriff's Office shall provide the Hepatitis B Vaccine and vaccination series to all Category I and Category II employees. This test shall be coordinated by the Medical Supervisor in cases of exposure as well as the vaccinations.

(2) The Hepatitis B Vaccination shall be provided after the employees receive the orientation and training through the Sheriff's Office Training Program regarding bloodborne pathogens.

(3) The Hepatitis B Vaccination shall be provided to Category I and II employees within ten (10) days of initial assignment unless the employee has previously received the complete Hepatitis B Vaccination Series, anti-body testing (pre-screening) has revealed the employee is immune or the vaccine is contraindicated for medical reasons. Participation in the pre-screening program shall be a prerequisite for receiving the Hepatitis B Vaccination.

(4) The Sheriff's Office shall ensure the Hepatitis B Vaccine and Vaccination Series are:
   (a) Made available at no cost to the employee.
   (b) Made available to the employee at a reasonable time and place.
   (c) Performed by or under the supervision of a Licensed Physician or by or under the supervision of Licensed Medical Personnel.

b. Hepatitis B Vaccination Declination

(1) The employee providing the training shall request any member who declines the vaccination to complete a Frederick County Sheriff's Office Hepatitis B Vaccine Declination (Form #22B).

(2) The completed Hepatitis B Vaccine Declination (Form #22B), shall be maintained in the employee's personnel record.

(3) The Sheriff's Office shall make the vaccination available to an employee at no charge, who initially declines the Hepatitis B Vaccination but at a later date, while still covered by the standard, decides to accept the vaccination.

c. Post-Exposure Evaluation

The Sheriff's Office shall ensure all medical evaluations and procedures, including post-exposure evaluation and follow-up are:
(1) Made available at no cost to the employee.
(2) Made available to the employee at a reasonable time and place.
(3) Performed by or under the supervision of a Licensed Physician or by or under the supervision of another Licensed Health Care Professional.

d. Medical Evaluation and Follow-Up (Exposure Incident)

(1) Following a report of an exposure incident the Medical Staff shall immediately make a confidential medical evaluation and follow-up to the exposed employee.

(2) The Nursing Supervisor shall ensure that the Health Care Professional evaluating the employee after an exposure incident is provided with the necessary information and documentation when necessary.

(3) Nursing Supervisor shall coordinate the need for a blood test for the employee in this case.

(4) The Health Department will be contacted by the Nursing Supervisor to schedule the employee for the blood test based on the exposure. The blood sample may be taken as a result of voluntary consent.

(5) The result of the employee's blood test shall be made available to the exposed employee.

(6) The blood sample may be drawn as soon as feasible. Consultation shall be made with the Frederick County Health Department by the Nursing Supervisor in this instance.

(7) Consent must be obtained from the employee as soon as possible for a blood sample.

e. Medical Records

(1) The employee's medical records regarding the exposure incident shall be provided to the following upon request for examination and copying:
(a) Affected employee
(b) Anyone having written consent of the affected employee.

(2) Nursing Supervisors shall coordinate the results of all tests with the employee.

f. Forms - CSO #22B - Hepatitis B Vaccine Declination

24.1 COLLECTIVE BARGAINING AND CONTRACT MANAGEMENT

This General Order consists of the following sections:

24.1.1 Definitions
24.1.2 Recognition
24.1.3 Collective Bargaining Team
24.1.4 Identification of Bargaining Unit(s)
24.1.5 Responsibility upon Ratification

POLICY

The Frederick County Sheriff's Office is committed to bargaining in good faith with any authorized and recognized collective bargaining unit that represents employees of the agency. The Sheriff's Office is committed to abiding by any ground rules established for negotiation and will abide, in both letter and spirit, by the negotiated labor agreement that has been duly executed by the Frederick County Sheriff's Office, labor representatives, and ratified by the recognized bargaining unit. Additional funding, if any, required as a result of the agreement shall be subject to the approval of the County Executive and County Council.

PROCEDURES

24.1.1 Definitions

A. Collective Bargaining Unit - a unit of full-time deputy sheriffs in the Frederick County Sheriff's Office of the rank of sergeant and below.

B. Employee Organization - an association, organization, federation, council or group of employees that has been recognized in accordance with Maryland law for the purpose of the representation of employees of the agency concerning wages and benefits not regulated by the Sheriff.

24.1.2 Recognition

A. No employee organization representing full-time deputy sheriffs in the Frederick County Sheriff's Office of the rank of sergeant and below will be recognized unless they have satisfied the requirements of Maryland Code, Judicial Proceedings, Title 2, Subtitle 3, § 2-309 (l)(5)(iii).

B. Non-uniformed employees of the Sheriff's Office are not recognized as a bargaining unit until such time as they may be formally organized under state and federal law.

24.1.3 Collective Bargaining Team

A. The Frederick County Sheriff's Office will establish a management bargaining team when necessary and appropriate. The Sheriff or his designee will select members of the bargaining team. Members of the team may also be selected from the County Attorney's Office, other counsel, or team members as deemed appropriate. The Sheriff will be the principal negotiator.

B. The Sheriff's office representative(s) will provide to the bargaining team information relative to operational or other factors that have a bearing on the bargaining process or issues under consideration.

24.1.4 Identification of Bargaining Unit(s)

The Fraternal Order of Police, Frederick County Sheriff's Office Lodge #102, is recognized as the Employee Organization representing full-time deputy sheriffs in the Frederick County Sheriff's Office of the rank of sergeant and below.

24.1.5 Responsibility upon Ratification

Upon final ratification of a collective bargaining agreement, the Sheriff will ensure that the following tasks are performed:

A. Obtain a written, signed copy of the labor agreement,

B. Review and amend, if necessary, all written directives and procedures to be in conformance with the terms of the labor agreement, and

C. Disseminate information relative to the new labor agreement, including modifications to existing agreements, to managers, supervisors, and commanders of Collective Bargaining Unit employees.

25.1 GRIEVANCE PROCEDURE

This General Order consists of the following sections:

25.1.1 Grievance Procedures
25.1.2 Process Management
25.1.3 Grievance Elements
25.1.4 Grievance Response
25.1.5 Appeals
25.1.6 Grievance Board (N/A)
25.1.7 Grievance Records
25.1.8 Annual Analysis

POLICY

A formal administrative process is provided to all Frederick County Sheriff's Office personnel as a means to resolve grievances that may occur with management in a fair and expeditious manner.

PROCEDURES

25.1.1 Grievance Procedure

A. Definition

1. A grievance is a complaint by an employee alleging that the Sheriff's Office has taken action or made a decision in the administration of a rule, plan or policy affecting an employee's terms or conditions of employment.

2. Issues appropriate for the grievance process may include but are not limited to the following.

   a. Equal Employment opportunities or discrimination concerns.

   b. Administrative action not subject to the disciplinary process.

B. Administrative Guidelines

1. All time limits specified in this order are defined in terms of working days being Monday through Friday, with the exception of holidays as adopted by the county. In the interest of prompt resolution of employee complaints the action of each step in the grievance process should be taken as rapidly as possible but not later than the prescribed time limit. In the

event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.

2. If a grievance hearing is scheduled during an employee's work hours, the employee may attend the hearing at no loss in pay. The employee will not be paid (either straight time or overtime) if the hearing occurs during off-duty hours. Hearings are scheduled by the supervisor at each step in the process, with written notice to the employee, unless mutually agreed otherwise.

3. Grievance issues which have not been raised at Step 1 of the process may not be raised at Step 2, 3, 4, or 5.

4. Employees shall have the right to appear with a representative of their choosing at any or all steps in the grievance process.

5. Failure of the employee to appeal a decision to the next higher step within the specified time period will constitute a withdrawal of the grievance, and will bar future action by the employee with respect to issues of the grievance at hand.

6. Failure of a supervisor to respond to a grievance within the specified time period will permit the employee to proceed to the next step in the process within the specified time period.

7. Employees may withdraw grievances at any time by written notice prior to completion of Step 5.

8. Specific persons in an employee's chain of command may be omitted if such persons are the object of said complaint.

9. All documentation concerning a grievance will become a part of the personnel record of the employee involved.

C. Procedural Steps

1. Employees are encouraged to make reasonable attempts to resolve grievance issues informally (verbally) at the time of or within the first few days of the adverse administrative act. However, if unsuccessful, employees shall formally file their grievances within (10) working ten days after the event giving rise to the grievance, or within (10) ten working days following the time when the employee should reasonably have known of its occurrence.

   a. Step 1: Immediate Supervisor

      (1) An aggrieved employee will first submit his/her grievance to their immediate supervisor.

      (2) The immediate supervisor will hear the employee, attempt to resolve the grievance, and respond in writing within five (5) working days.

b. Step 2: Commander/Director

(1) If the employee is not satisfied with the decision of the immediate supervisor, the employee may request a hearing with and decision by the commander/director.

(2) The appeal must be presented in writing within five (5) working days of the decision of the immediate supervisor.

(3) Upon receipt of the appeal the commander/director will hear the employee and respond in writing with five (5) working days.

c. Step 3: Bureau Chief

(1) If the employee is not satisfied with the decision of the commander/director, the employee may request a hearing with and decision by the bureau chief.

(2) This appeal must be presented in writing within five (5) working days of receipt of the decision of the commander/director.

(3) Upon receipt of the appeal the bureau chief will hear the employee and respond in writing within five (5) working days.

d. Step 4: Chief Deputy

(1) If the employee is not satisfied with the decision of the bureau chief, the employee may request a hearing with and a decision by the Chief Deputy.

(2) This appeal must be presented in writing within five (5) working days of receipt of the decision of the bureau chief.

(3) Upon receipt of the appeal, the Chief Deputy will hear the employee and respond in writing within five (5) working days.

e. Step 5: Sheriff

(1) If the employee is not satisfied with the decision of the Chief Deputy, the employee may request a hearing with and decision by the Sheriff.

(2) This appeal must be presented in writing within five (5) working days of receipt of the decision of the Chief Deputy.

(3) Upon receipt of the appeal, the Sheriff will hear the employee in not less than five (5) nor more than 20 working days and respond in writing within ten (10) working days of the hearing.

(4) The decision of the Sheriff is final.

25.1.2 Process Management

The Personnel Services Commander will be responsible for providing coordination and management oversight to the grievance process.

25.1.3 Grievance Elements

A. Grievances must include the following written information:

1. A statement of the grievance and the facts upon which it is based.

2. An account of the specific wrongful act and harm done.

3. A statement of the remedy or adjustment sought.

B. A standard F.C.S.O. grievance form (#25-A) must be used to formally file an employee grievance. The standard form is designed to include the elements stated in (A) above and also provides space for an orderly accounting of significant times, dates and actions taken that are relevant to the grievance.

25.1.4 Grievance Response

A. As the written grievance proceeds through the various steps in the process as outlined in section 25.1.1, each person receiving the grievance will:

1. Acknowledge receipt of the grievance by noting time, date and name of the person receiving the grievance.

2. Analyze the facts or allegations.

3. Affirm or deny the allegations in the grievance.

4. Identify the remedy or adjustment, if any, to be made.

B. All responses will be made in a timely manner as stipulated in the procedural steps outlined in Section 25.1.1 of this order.

25.1.5 Appeals

A. The procedures for appealing decisions made in the grievance process will follow the chain of command as set out in the procedural steps in Section 25.1.1.C of this order. The general steps in the appeal process are outlined as follows:

1. An aggrieved employee will first take up the grievance with his/her immediate supervisor.

2. If the grievance is not satisfactorily settled in Step 1, it may be appealed by the employee to a meeting between the employee and the commander/director.

3. If the grievance remains unsettled after Step 2, it may be appealed to a meeting between the employee and the bureau chief.

4. If the grievance has not been adjusted satisfactorily at Step 3, it may be appealed to a meeting between the employee and the Executive Officer.

5. If the grievance has not been adjusted satisfactorily at Step 4, it may be appealed to meeting between the employee and the Sheriff.

6. All matters decided by the Sheriff will be final.

B. If in the Sheriff's determination a grievance has arisen directly out of actions taken by the Frederick County Government, the Sheriff may direct the affected employee to the Board of County Commissioners for consideration. (In accordance with Frederick County Human Resources Rules, this section applies to full-time, permanent, non-probationary employees only.)

C. Steps listed in (A) above which do not follow the employee's chain of command will be waived.

25.1.6 Grievance Board (N/A)

The Frederick County Sheriff's Office does not make use of a grievance board.

25.1.7 Grievance Records

A. The Personnel Services Commander will be responsible for maintenance, accountability, and control of all grievance records. Records will be kept in secure file cabinets and will be accessible only to the Personnel Services Commander, the Administrative Services Commander, the Law Enforcement Bureau Chief, the Chief Deputy, and the Sheriff.

B. All grievances will be forwarded promptly on final completion to the Personnel Services Commander by sealed confidential correspondence for filing.

C. Copies of grievances will be forwarded to the following locations:
1. Employee's personnel file
2. Grievance master file
3. Employee

25.1.8 Annual Analysis

The Personnel Services Commander will conduct an annual analysis of grievances filed by Office employees. A summary report of the analysis will be provided to the Sheriff for review. If an apparent trend is observed in filed grievances, the Sheriff may initiate steps to minimize the causes of similar grievances in the future.

26.1 DISCIPLINARY PROCEDURES

This General Order consists of the following sections:

26.1.1 Code of Conduct and Appearance
26.1.2 Distribution of Rules of Conduct
26.1.3 Disciplinary System
26.1.4 Supervisory Role
26.1.5 Levels of Supervisory Authority
26.1.6 Notice of Dismissal
26.1.7 Conclusion of Disciplinary Process
26.1.8 Maintenance of Records
26.1.9 Appeal Procedures
26.1.10 Harassment

POLICY

The Sheriff's Office shall provide a disciplinary system governing all employees consisting of rules, regulations, and procedures of accountability.

PROCEDURES

26.1.1 Code of Conduct and Appearance

A. The code of conduct and appearance for Sheriff's Office employees is in the form of Rules of Conduct. These rules of conduct specify both required and prohibited conduct by employees and are preceded in this manual by both the Canons of Police Ethics and the Law Enforcement Code of Ethics as adopted by the International Association of Chiefs of Police and the National Sheriff's Association.

B. Personal Appearance and Grooming

It is the policy of the Sheriff's Office that all personnel maintain a neat, clean and well-groomed appearance at all times. As stated in rule (25-0) of the Rules of Conduct, personnel of the Sheriff's Office shall be held to the following set of standards.

1. Male Personnel

a. Hairstyles for all male personnel shall not extend below the top of the shirt collar in the rear and shall not have any side growth beyond mid-ear.

b. Sideburns with limitations are permitted. The length may extend down to a point straight and level with the lowest part of the ear lobe. The width of the sideburns

shall be no more than one and one-half (1 ½) inches, with the edges parallel without being flared. Sideburns are to be kept neatly trimmed at all times and shall not be bushy or shaggy in appearance.

c. Mustaches must be neatly trimmed with the growth limited to one quarter (1/4) inch beyond the corner of the mouth, both vertically and horizontally. The ends of the mustache shall not be waxed or twisted.

d. Beards and goatees are not permissible unless required in Section 4 of this order.

e. No earrings are permissible on duty for male employees unless required in Section 4 of this order.

2. Female Personnel

a. Hair style for uniformed personnel shall be neat in appearance and shall be arranged in such a style so as to prevent any hair from extending below shoulder length.

b. Female employees are limited to one earring per ear when on duty. Earrings will be post-style only, located in the lower ear lobe, and will not be allowed to dangle or hang down.

3. General Rules

a. Gaudy, excessive, outlandish or offensive jewelry and/or makeup of any kind shall not be worn while on duty by any member of the Office. Bracelets, earrings, and other jewelry (excluding medical alert identification), may be prohibited if it detracts from the professional appearance of the employee or constitutes a safety hazard

b. Tattoos on the face, neck above the t-shirt line, or hands (excluding a single-band ring tattoo/brand on the left ring finger) are prohibited. Tattoos elsewhere on the body are authorized, however they will not be extremist, indecent, sexist, or racist as defined by policy and widely recognized by societal norms.

c. Intentional dental ornamentation, body mutilation, art, piercings, branding, or scarring that would be visible to the general public while representing the Office in any capacity, is prohibited.

d. Final interpretation of sections a-c will be made by the Sheriff in the best interest of the Office. Example definitions of these sections can be found on the R: drive, and are continuously subject to change.

4. Exceptions

Personnel assigned to duties which require an inconspicuous appearance may be exempted from the provisions of this order upon approval by the Sheriff.

5. Uniform and Equipment Regulations

a. Titles to all uniforms and equipment purchased for and issued to members of the Office shall be maintained by Frederick County. All members of the Office shall be held strictly accountable for the proper care, use and maintenance of all articles, uniforms, and equipment issued to them. Uniforms and equipment shall only be worn or used in accordance with Sheriff's Office regulations. The Office reserves the right to inspect any equipment owned by the County, i.e. desks, lockers, vehicles, etc. at any time. Reimbursement for lost property is the responsibility of the individual at a cost determined by the Sheriff.

b. All employees shall maintain all uniform and equipment in neat order and in good repair at all times. The uniform shall at all times be worn in compliance with Office Policy. Employees shall be neat and well-groomed at all times while in uniform or representing the Sheriff's Office.

c. Normally, personnel will be required to wear the issued uniform and equipment; however, supervisors may prescribe other clothing and/or equipment as necessitated by the specific nature of the duty to which an individual is assigned.

d. Civilian clothing worn by members of the Sheriff's Office during a tour of duty shall conform to the standards normally found in private business. The Sheriff may prescribe other types of clothing as is deemed necessary. All articles of clothing worn while on duty shall reflect a positive image of the Office.

e. Personnel of the Office shall immediately report any loss or damage to County property issued to them. Lost/damaged property will be reported on FCSO Form 84-H. Damage to any FCSO vehicle (including anytime an agency vehicle is towed or winched) will be documented on the Departmental Collision Form 63-J and the appropriate vehicle-related form(s) to risk Management.

f. Personnel shall immediately report to their supervisor any defects or potentially hazardous conditions found in any equipment or property used by them.

g. Personnel shall not attend any Court in any jurisdiction for the purpose of testifying or appearing as a defendant attired in any part of the uniform if the purpose of their attendance does not relate to acts which occurred in the performance of official duties.

h. No personnel shall wear any part of the uniform while off duty and not performing an official act for the Sheriff's Office with exception to Approved Secondary Employment use.

i. Wearing of the Hat/Stetson Style

(1) A member of this office shall be permitted to uncover as necessary to effectively perform his/her assigned duties. Discretion shall be used on excessively windy days and when a potentially hazardous situation arises.

(2) The Stetson need not be worn inside a building.

(3) During inclement weather, the Stetson is to be covered with a clear plastic cover.

(4) Maintenance: These hats require some maintenance on the part of the deputy if they are to retain a good appearance. Frequent brushing is recommended. Turning out the sweat band after a hot day or after the hat has been worn in the rain will preserve the life of the hat. With the leather sweat band turned out accumulated perspiration and hair oil will evaporate.

(5) The proper wearing of the hat shall not negatively affect the appearance, or project an unsightly image of, the member.

j. No mixture of (visible) civilian clothing with the official uniform shall be permitted, on or off duty, except for recognition purposes by plainclothes members during raids or other such special situations, and only with permission of a supervisor.

C. Regulations have been established in accordance with Rules of Conduct governing the following areas:

1. Gratuities (Rules of Conduct #9.0)

a. As employees of the Frederick County Sheriff's Office and public servants to the citizens, it is incumbent to maintain the highest degree of professionalism and impartiality. The acceptance of gratuities in any form is detrimental to the public trust and the integrity of the Office of the Sheriff and contrary to the Code of Ethics.

b. It shall be the policy of the Frederick County Sheriff's Office that the acceptance or solicitation of gratuities in any form shall be strictly prohibited by all personnel.

c. In the event an establishment continues to offer any form of gratuity after having been advised that they are not acceptable, personnel shall inform their immediate supervisor who will in turn notify the Law Enforcement Bureau Chief. The Bureau Chief will then notify the establishment in writing that this practice is prohibited by the Office of the Sheriff.

d. The Bureau Chief shall forward a copy of this notification to the Sheriff.

e. If any establishment continues to offer any form of gratuity after having been formally notified in writing of the prohibition, personnel shall again notify their Division Commander. The Commander shall immediately notify the Law Enforcement Bureau Chief who will notify the Sheriff. The Sheriff shall then issue a Special Order to all personnel indicating that the involved establishment shall be off limits to all personnel during assigned tours of duty. The Sheriff shall also notify the establishment in writing of his decision.

2. Drug Testing Program (Rules of Conduct #28-0)

   a. The purpose of the Frederick County Sheriff's Office Drug Policy is:
      (1) To ensure employees' fitness for duty as a condition of employment
      (2) To ensure ordered drug tests are based upon a reasonable objective basis.
      (3) To establish written policy and procedures.
      (4) To provide notification to sworn applicants and employees that testing is a requirement of employment.

   b. Employees will be subject to random drug testing as established in the Frederick County random drug testing policy.

   c. Applicants

      (1) All applicants shall be tested for usage of controlled dangerous substances as part of their pre-employment medical examination. The testing procedure and safeguards set forth in this order shall be followed by the examining physician and others involved in the testing procedure.

      (2) Refusal to take the test, or test results reporting the presence of illegal drugs or narcotics, or the illegal use of prescription or non-prescription drugs, shall be the basis of discontinuing an applicant in the selection process and shall preclude any further consideration for employment.

      (3) Any improper use of controlled dangerous substance or illegal use of prescription or non-prescription drugs by an applicant after application will be grounds for permanent rejection.

   d. Current Employees

      (1) All current employees will be required to submit to drug testing after January 1, 1991. After these employees are tested they will be subjected to random drug testing as outlined in the Frederick County Random Drug Testing Policy, as will all other employees, including civilians of the Frederick County Sheriff's Office.

      (2) Employees will be required to submit to drug testing within 24 hours of any on-duty injury requiring medical attention or submission of a Workman's Compensation claim.

      (3) Employees will be required to submit to drug and/or alcohol testing when they are involved in a crash or cause damage to a county-owned vehicle, when such crash or damage requires the vehicle to be towed from the scene.

      (4) Sworn employees regularly assigned to the Narcotics Investigation Section (NIS) shall submit to drug testing every four (4) months.

      (5) All sworn and non-sworn employees assigned to the Evidence unit shall submit to an annual drug test each year (once per calendar year).

(6) The Sheriff, or his designee, retains the right to order a drug and/or alcohol test on an employee based on a reasonable objective basis, or based upon specific fact, if such a test would help to limit and protect the liability on behalf of the employee, the agency, and/or the county. This order should be made after consultation with competent legal authority.

(7) Due to the sensitive nature of all positions within the Sheriff's Office, no Sheriff's Office employee testing positive for CDS will have an option to elect to enter a county-approved rehabilitation program in lieu of termination, unless the Sheriff offers the option. Tenured employees who have been found using controlled dangerous substances, or illegally using prescription or non-prescription drugs, shall be subject to a hearing before action against the employees become final. The accused shall have the right to explain the presence of the drugs.

(8) Refusal by probationary employees to submit to urinalysis will result in immediate termination. Refusal by tenured employees to submit to urinalysis will result in immediate suspension without pay, pending the convening of a trial board, which will take place as soon as possible.

(9) Whenever a Certified Manager orders a drug test based upon a reasonable objective basis for suspecting usage, the Certified Manager shall forward a report containing the facts and circumstances to the Sheriff.

(10) Test results reporting the presence of illegal drugs or narcotics, or the illegal use of prescription or non-prescription drugs, will be submitted as part of the Certified Managers written report to the Sheriff.

(11) Urine samples will be obtained in accordance with the procedures set forth in the Frederick County Government, Department of Human Resources, Drug Testing Policy.

(12) An interview with the employee prior to the test will serve to establish use of drugs currently taken under medical supervision.

e. Testing of Urine Sample

The testing or processing of urine samples will be in accordance with the Frederick County Government, Department of Human Resources, and Drug Testing Policy.

f. Definitions

(1) Sworn Employee - all commissioned employees including ranking officers who have police powers.

(2) Supervisor - employees assigned to positions having a day-to-day responsibility for supervising subordinates, or responsible for commanding a work element.

(3) Drug/Alcohol Test - a urinalysis examination administered under approved conditions and procedures to detect drugs or alcohol.

(4) Reasonable Objective Basis - an apparent state of facts and/or circumstances found to exist, which would induce a reasonable, intelligent and prudent person to believe an employee was in possession of, or under the influence of, or using drugs, narcotics or alcohol.

(5) Certified Manager - personnel who are trained and certified by County contracted professionals and given full authority to order tests based on a reasonable objective basis. Recertification will be required annually.

3. Employee Contact Information (Rules of Conduct #13-9)

a. All employees are required to maintain a working telephone at their place of residence or possess an activated cell phone with the number made known to the Office for listing.

b. Whenever an employee's contact phone number or address changes the employee shall submit notification of the new information in writing to their supervisor within twenty-four hours of the change.

c. Supervisors shall forward all changes as they occur through the chain of command to the Sheriff's Office Personnel Services for revision to the master list.

d. A current employees telephone and address list will be maintained at the following locations:
(1) Sheriff's Office
(2) Chief Deputy's Office
(3) Bureau Chief's Offices
(4) Division Commanders' Offices
(5) Lieutenants'/Directors' Offices
(6) Police Information Specialists area
(7) Training Specialist Office
(8) Administrative Services Division Offices

e. Employees' personal telephone numbers and addresses are not to be given to anyone other than verified Sheriff's Office staff. Personnel telephone numbers and addresses are for Office use only.

f. A listing of employees having issued pagers will be maintained as part of the master telephone list.

Pagers are to be active for call 24 hours daily with exception only as follows:
(1) When employee is available for contact at their place of residence.
(2) During an employee's approved leave days.
(3) During occasions of approval from the employee's Division Commander or higher.

4. Residency Requirement

   The Sheriff's Office does not require employees to reside within Frederick County or within a required distance of the county as a condition of employment.

5. Use of Tobacco Products

   a. All personnel are prohibited from smoking in any Sheriff's Office Facility.

   b. Smoking is defined as the lighting, burning and inhalation of any tobacco product. This definition includes but is not limited to cigarettes, pipes, cigars or any other similar product.

   c. Scientific evidence has demonstrated the practice of utilizing tobacco products is linked to respiratory disease, hypertension, heart disease and cancer. There are indications that passive smoking, i.e. inhalation of smoke from someone else's tobacco product, is also linked to these diseases.

   d. Therefore, in the best interest of members of the Sheriff's Office, the general public and prisoners and inmates of the Frederick County Adult Detention Center, smoking is prohibited by all personnel incarcerated or working in Sheriff's Office facilities.

   e. Sheriff's Office employees shall also comply with Frederick County's personnel regulations regarding the County's no smoking policy governing employees in county buildings.

   f. While not encouraged, use of tobacco products will be allowed by employees in permanently assigned vehicles except while:
      (1) Transporting any prisoner, victim, or witness
      (2) Any non-smoker who objects to the smoking is present in the vehicle

   g. The use of snuff, chewing tobacco, or any other type of oral product is prohibited in the Law Enforcement Center and the Detention Center.

6. Political Activity (Rules of Conduct #10.0)

   a. No member of the Sheriff's Office shall participate in any type of political activity of any kind while on duty or in uniform.

   b. No member of the Office will use their position to persuade or encourage any person to vote for any political candidate or show preference to any political party.

   c. So as not to give the public the impression that the Office endorses or promotes a certain activity, political candidate or cause, members of the Office are prohibited from using an Office vehicle while engaged in political activities such as setting up signs, attending rallies, caucuses, promotional events, fund-raisers, etc. Furthermore, no bumper stickers, decals, insignia, banners or placards of any type may be attached to or carried in any Sheriff's Office vehicle.

d. Members of the Office who desire to run for any political office should confer with the Board of Elections or other competent authority in determining any real or potential conflicts between the member's existing office and the one being sought.

e. The Hatch Act, 5 U.S.C. et seq, prohibits certain partisan political activity by an employee of a government agency if that employee's principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States.

f. This law does not apply to an individual who exercises no functions in connection with the federally financed activity and does not apply to an individual employed by a system which is supported in whole or in part by a state or political subdivision.

g. The prohibited activities covered in the Hatch Act are similar to those which are covered in sections a. through d. above. If Employees are working on, for, or under a federally funded project, they may be covered by the provisions of this act and should check before engaging in any activity of a political nature.

26.1.2 Rules of Conduct

A. The Rules of Conduct will be maintained in electronic format in the Administrative Manual, which is made available for all agency personnel on the county computer's shared "R" drive, and in hardcopy format at those locations designated in General Order 12.2.1.

B. It shall be each employee's responsibility to read, understand and comply with all Rules of Conduct, Office Regulations, Policies and Procedures, and laws and ordinances.

C. Documented training will be included as part of orientation with the employee's signature of understanding and compliance recorded in the training file.

26.1.3 Disciplinary System

The Sheriff's Office provides a structured disciplinary process to be followed in cases of alleged or suspected violations of Office rules, regulations, orders, law or ordinances. This process ensures the prompt and thorough investigation of complaints to clear the innocent, establish guilt where indicated, and facilitate fair and consistent disciplinary action.

The disciplinary system also provides a uniform means of recognizing actions or performance by employees and citizens which are either outstanding or beyond that which may normally be expected.

A. Letters of Recognition/Sheriff's Commendations

1. Employees may be issued letters of recognition or Sheriff's Commendations from the Sheriff based on recommendations by supervisory personnel or private citizens.

a. Letters of recognition will be issued by the Sheriff to sworn or civilian employees for appreciation of service. The letter of recognition will be based on recommendations

by supervisory personnel or private citizens for appreciation of service or performance-related acts.

b. Sheriff's Commendations will be issued by the Sheriff to sworn deputies or correctional officers for "line of duty" actions in which the recipient displayed outstanding performance of duty and excellence during a specific incident.

(1) The actual Sheriff's Commendation form shall be completed by the employee's supervisor and forwarded to the Sheriff for review and remarks as indicated on the form. It will include a detailed reporting of the specific action taken by the recipient, as well as written comments by the Sheriff concerning these actions.

(2) A copy of the commendation shall be displayed for six months in an obvious place in the Sheriff's Office for viewing by both personnel and the public.

2. Both the letter of recognition and the Sheriff's Commendation will be placed in the permanent record of the employee's personnel file.

B. Merit Awards Program

The intent of the program is to promote morale within the Office while serving to give recognition for personal acts of merit. The Merit Awards Program is designed to recognize those employees, allied agencies and private citizens who through example and action display a dedication and outstanding performance above and beyond that required under normal job conditions. These individuals have set themselves apart from their fellow employees and counterparts and are therefore deserving of recognition for their actions.

When recognizing an individual or agency for a merit award the following guidelines shall be used:

1. Awards and Nominations Timetable

a. Merit Awards for the Sheriff's Office shall be issued annually during the month of April on a date and time specified by the Sheriff.

b. The Awards Committee shall meet on a quarterly basis for review for merit all nominations that have been submitted. These meetings will be held in April, July, October, and January of each Awards Year.

c. All supervisory personnel shall submit appropriate nomination forms and related documentation in a timely manner through their respective Chain of Command, with endorsements to the Awards Committee.

d. Supervisors shall endeavor to make timely submissions during the quarter in which the incident of merit occurred.

e. Quarterly submission dates to the Committee will be April 1st, July 1st, October 1st, and January 1st of each Awards Year.

f. Submissions made within the quarter of occurrence will allow the Committee time to review all nominations for merit thoroughly and make informed decisions on approval.

g. Submissions made outside the quarter of occurrence will be given consideration by the Committee based on time available and the written justification for the untimely nomination.

h. All nominations submitted after January 1st of any given Awards Year will be forwarded for consideration to the incoming Committee for the next Awards Year.

2. Nomination Process

Supervisors who believe that an individual or agency deserves consideration for a merit award shall:

a. Complete a Counseling Report and Awards Nomination Form for the individual or agency who throughout the Calendar Year was involved in an act of outstanding performance, bravery, achievement or leadership. The Counseling Report will be used as a means at that time of recognizing the individual or agency for a job well done, beyond that of normal service or job requirements.

b. The completed Counseling Report and Nomination Form will be forwarded to the Division Commander for appropriate endorsement. (The individual or agency does not receive a copy of the Nomination Form.)

c. The Division Commander will enter comments as required and forward for endorsement to the Bureau Chief.

d. The Bureau Chief will enter comments as required and submit final documentation to the Awards Committee Chairman during the appropriate quarterly review period.

e. The Awards Committee will make initial review, conduct follow-up inquiry as needed, and hold all nominations received pending a final Committee decision in January of the Awards Year for the previous calendar year.

f. Written memorandum will be submitted in place of Counseling Reports in instances relating to private citizens and allied agencies.

g. The submission of an Awards Nomination Form for outstanding performance, bravery, achievement or leadership does not automatically mean that an individual or agency will receive a Merit Award.

h. All decisions to issue a Merit Award will be made at the Committee level with formal notice of the Award recipients to follow the January Committee Meeting.

i. All approved nominations, supporting documentation, and a copy of the award will be placed in the employee's permanent personnel file.

3. Merit Awards Committee

The Awards Committee shall adhere to the following guidelines:

a. The Awards Committee will be comprised of five staff members as follows:
   (1) Corrections Bureau (2)
   (2) Law Enforcement Bureau (2)
   (3) Citizens Advisory Committee (1)

b. One of the five committee members will be a command level individual who will serve as committee chairperson, and be assigned on a rotating basis for each awards year by the respective Bureau Chief.

c. Committee members will serve two-year terms, with half of the members replaced annually. This will result in overlapping terms, so that there are always veteran members in combination with new members. Members may serve no more than one term consecutively.

d. The committee will act on a volunteer basis with each bureau chief responsible for providing the required number of committee members from the respective divisions each year.

e. The Committee will be responsible for reviewing all nominations for awards as they are received and will make final decisions on approval in July of each year.

f. The Committee has authority to request follow-up information in support of the nomination from the respective Division Commanders with return response required within five working days.

g. The Awards Committee will complete the Nomination Form for each submission and include which Award the individual or agency is to receive. The Chairman will ensure that all awards are properly prepared prior to the date scheduled for distribution.

h. If the Committee disapproves a nomination the Chairman will return the completed Nomination Form to the respective Division Commanders with a statement of reason for the action.

i. The Committee will prepare and forward a summary report to the Sheriff for review following each quarterly meeting.

j. The Committee will meet quarterly to review nominations, determine award category, make recommendations and prepare necessary documentation for presentation.

k. Final determination on awards to be approved will be made by majority vote, with the chairperson acting only to cast a deciding vote in event a Committee tie vote occurs.

l. A Committee member nominated for an award is excluded from Committee duties relating to their own nomination. The matter shall be acted on by the remaining members.

m. A Committee member whose spouse, sibling or other relative is nominated for an award is excluded from the Committee duties relating to that nomination. The matter shall be acted upon by the remaining members.

4. Types of Awards

The types of awards for the Office are as follows:

a. Special Appreciation Award
   (1) This award may be given to a private citizen, agency, or allied agency individual who has through a volunteer or support capacity made an exceptional contribution to the Office.
   (2) Type of Award - Certificate of Appreciation

b. Outstanding Performance Award
   (1) This award may be given to the Sheriff's Office employee who has shown exemplary performance in his/her duties. The employee shall have shown initiative and leadership in their job classification. Examples include but are not limited to special projects, extraordinary awards outside the facility, response to a crisis situation, etc.
   (2) Type of Award - Certificate of Recognition and Pin

c. Purple Heart
   (1) This award may be given to employees whose performance involves incidents of physical confrontation which resulted in serious injury to the employee including but not limited to severe punctures, severe wounds, fractures or concussions.
   (2) Type of Award - Purple Pin and plaque

d. Life Saving Award
   (1) This award may be given to an employee who contributes to the saving of a human life by physical rescue or through the administration of first aid (excluding the administration of Narcan as outlined in General Order 41.9.6).
   (2) Type of Award - Pin and plaque

e. Valor Award
   (1) This award may be given to an employee who has shown and performed in the line of duty an act involving great risk to their own personal safety and welfare to help another.
   (2) Examples would be life threatening or acts performed under extreme emergency situations. This would include gallant acts in the line of duty such as but not limited to rescue attempts or protecting another individual from imminent danger.
   (3) Type of Award - (Plaque and Pin)

(4) As a general guideline this award is considered the highest honor for acts of heroism and as such it is anticipated that not more than (2) such awards may be issued in any given Awards Year.
(5) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.

f. Unit Citation
(1) This award may be given to a work unit or group of employees who show exemplary team effort in performing duties. Examples include but are not limited to special projects, responses to crisis situations, etc.
(2) Type of Award - Plaque for Unit and Certificate of Recognition and pin for each Unit member.

g. If a deputy has received multiple ribbons for the same award, a star will be added to the ribbon to show that two of the same ribbon have been earned. If three of the same ribbons have been earned, a second star will be displayed on the ribbon. No more than 5 stars will be displayed on any award ribbon.

5. Awards Presentation

Presentation of all awards will be made by the Sheriff on an annual basis as scheduled.

6. The Sheriff's Citizens' Advisory Committee also coordinates a Merit Awards Program.

a. This program includes the following types of awards:

(1) Deputy Sheriff of the Year
(a) This person stands out among their peers through conduct, performance and overall dedication to the agency and community. The totality of achievements and actions during the rating period will be evaluated. This individual represents the Sheriff's Office as the model deputy and what is most desired in the law enforcement personnel.
(b) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.
(c) Type of Award - Plaque and Pin

(2) Correctional Officer of the Year
(a) This person stands out among their peers through conduct, performance and overall dedication to the agency and community. The totality of achievements and actions during the rating period will be evaluated. This individual represents the Sheriff's Office as the model correctional officer and what is most desired in an employee.
(b) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.
(c) Type of Award - Plaque and Pin

(3) Civilian Employee of the Year
   (a) This person stands out among their peers through conduct, performance and overall dedication to the agency and community. The totality of achievements and actions during the rating period will be evaluated. This individual represents the Sheriff's Office as the model employee and what is most desired in their position.
   (b) Type of Award – (Plaque)

(4) Leadership Award –
   (a) This award is primarily given to a commander, supervisor or someone in a leadership role. This individual is in command or supervision of others with an outstanding capacity and ability to lead. This individual represents the Sheriff's Office as the model leader and is what is most desired in their position.
   (b) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.
   (c) Type of Award - Plaque

(5) Outstanding Citizen/Organization of Frederick County
   (a) This award is given to a citizen or organization that has aided or contributed to the Sheriff's Office and Community. This citizen/organization of Frederick County stands out among others in the community.
   (b) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.
   (c) Type of Award – Plaque

(6) Volunteer Service Award
   (a) This award is given to an individual who has through their volunteerism made an exceptional contribution to the Sheriff's Office.
   (b) Examples would be years of volunteer service in (5) year increments, but not limited to that or as recommended by the Committee.
   (c) This guideline is set in the interest of preserving the highest integrity for this award. Special considerations, however, will be given by the Committee in extreme circumstances that occur above the issuing guidelines.
   (d) Type of Award – Plaque

b. The Committee may be contacted for further information.

7. The Sheriff's Office also participates in the Frederick County Merit Award Program.

C. Training as a Function of Discipline

Personnel Services and Training Services shall be responsible for developing and conducting in-service orientation and annual training for Sheriff's Office employees. Training shall be designed to further the employee's knowledge and understanding of proper and effective law enforcement and correctional methods and techniques. The training is intended to promote positive and constructive techniques for improving

employee productivity, effectiveness and morale. The Office provides retraining for employees in areas of special concern and where it is indicated an employee requires training as instruction to correct deficiencies in performance.

D. Counseling as a Function of Discipline

1. It shall be the policy of the Frederick County Sheriff's Office to document superior and/or deficient performance of subordinates and to utilize the Counseling Report for performance evaluations. The purpose of this policy is to provide a standardized mechanism, i.e. Counseling Report, so that Supervisors may document superior and/or deficient performance and receive feedback from subordinates.

2. Issuance Procedure

a. The Counseling Report (FCSO#26A) is designed for use by a Supervisor in those instances when he/she deems it necessary to counsel and correct a subordinate for minor infractions of Rules and Regulations, Policy or Procedures, Poor Performance, or recognition of those personnel whose performance is exceptional or exemplary.

b. The following procedure will be followed when the decision is made to use the Counseling Report:

(1) A Supervisor will complete a Counseling Report as soon as possible after the initial receipt of information or observation.

(2) The Supervisor will summarize the performance issues and the reason for the Counseling Report. The Supervisor will comment in the space provided.

(3) As soon as possible after the completion of the report the Supervisor will schedule a time in private to meet with the employee and discuss the matters addressed.

(4) The employee will be given an opportunity to review, comment on the issues, sign and receive a copy of the Counseling Report.

(5) The Supervisor who issued the Counseling Report will give one copy to the employee (white), maintain a copy for the Supervisor's records (yellow), and forward a copy to the appropriate Division Commander/Director (pink), for review.

(a) If the Supervisor issues a Counseling Report for a member who reports to another Supervisor, he/she will forward the Supervisor's copy to the affected Supervisor.

(b) If an employee is re-assigned to another Supervisor, the Counseling Report will be forwarded to that Supervisor.

(6) The Supervisor's copy will be retained for a period of one year. Supervisors will use the Counseling Reports to support evaluations and validate related ratings.

(7) Division Commanders shall review all Counseling Reports and take any action deemed appropriate.

E. Punitive Action as a Function of Discipline

1. Discipline will generally be administered in a progressive fashion from minimal to maximum. The seriousness of the incident; circumstances surrounding the incident; employee's past disciplinary record; employee's past work performance; overall negative impact on the organization; and the prognosis for future similar problems will all be taken into consideration in the administration of discipline.

2. When employees breach rules of conduct, management must take disciplinary corrective action. The discipline applied must be in a consistent and equitable manner.

3. The Disposition Matrix ensures that similar violations receive similar penalties. The Matrix in this chapter includes most but not all, possible charges, which may arise out of violations of any Frederick County Sheriff's Office Rules and Regulations or other orders. The matrix guidelines are to be used as a guide only and may be adjusted depending on factors present in each case.

4. When assessing discipline, commanders will not focus on a single factor, but should consider other influential factors that may raise or lower the original category to another level. These factors include but are not limited to:
   a. type of incident
   b. injury severity
   c. amount of damage
   d. intent
   e. employee record and performance level
   f. level of discipline currently applied in similar cases

5. Recommendation for disciplinary action may be based on:
   a. mitigating and / or aggravating factors
   b. employee motive
   c. degree of culpability
   d. truthfulness
   e. disciplinary record
   f. admission of error / mistake by employee
   g. other factors rising from the case

6. Description of Categories

   a. Misconduct is classified into broad categories of violations based on progressive degrees of severity.

   b. Category "A" defines the lowest level of misconduct, Category "E" the highest.

c. Repetition of similar misconduct or violations of more serious offenses will lead to higher penalty categories of "B,"C,"D," or E"

7. Category "A" Violations

   a. Category "A" - minor rules violation, Formal Counseling.

   b. Same or similar misconduct within 12 months enhances next violation to Category "B".

   c. Combination of any three Category "A" violations within 12 months enhances that third violation to Category "B".

8. Category "B" Violations

   a. Category "B" - minor violations. Written reprimand, and / or suspension of vehicle take-home privilege for 30 days, and / or $75 fine.

   b. Preventable departmental collisions with any loss or damage to property or vehicle.

   c. Enhanced violation from Category "A".

   d. Same or similar misconduct within 36 months enhances next violation to Category "C".

   e. Combination of any three sustained Category "B" violations within 36 consecutive months enhances the third violation to category "C".

9. Category "C" Violations

   a. Category "C" - Misconduct violations. Loss of leave / suspension for 1 to 3 days, and / or suspension of vehicle take-home privilege for at least 30 days, and / or transfer / reassignment, and / or fine of $100 to $ 150.

   b. Enhanced violation from Category "B".

   c. Same or similar misconduct within 60 months enhances next violation to Category "D".

   d. Combination of any three sustained Category "C" violations within 60 consecutive months enhances the third violation to Category "D".

10. Category "D" Violations

    a. Category "D" - Misconduct violations. Loss of leave / suspension for 4 to 15 days, and / or suspension of vehicle take-home privilege for at least 30 days, and / or transfer / reassignment and / or ineligible for promotion for eighteen (18) months and / or a fine of $200 to $250.

b. Enhanced violation from Category "C".

c. Combination of any sustained Category "D" violations within 60 consecutive months enhances the third violation to Category "E".

11. Category "E" Violations

a. Category "E" - Serious Misconduct. Over 15 days loss of leave /suspension and / or transfer / reassignment, and / or suspension of vehicle take-home privilege for at least 30 days, and / or demotion and / or ineligible for promotion for 24 months and / or a fine of $500 or termination of employment.

b. Enhanced violation from Category "D".

c. Violations not referenced in matrix - Violations of any other provisions of any other rules or regulations not referenced in the Matrix shall be a category "A" offense, unless extenuating circumstances exist where strict adherence would render an injustice to either the Frederick County Sheriff's Office and / or the employee. If exception is noted, then variation from the matrix is only permissible when recommended by the accused employee's Commander and authorized by the Sheriff.

d. Before applying any type of disciplinary procedures, it is important that employees be fully aware of all rules and regulations affecting their immediate work environment. The rules must be clear, concise, and provide forewarning that failure to adhere to the rule will result in disciplinary action. The rule should reasonably relate to the orderly operation of the unit. The employee should be fully aware of the rule and be provided with a copy.

e. If a rule is believed to have been violated the supervisor should be sure to gather all facts and if convinced the employee violated the rule, set the punishment to match the offense.

f. Upon conclusion of any necessary investigative measures, if it is apparent that an employee is guilty of a rule violation and disciplinary action is appropriate, the level of discipline to be administered will be in accordance with the following

12. Disposition Matrix.

a. Written Formal Counseling

Written formal counseling may be taken for minor performance related issues in conformance with procedures outlined in 26.1.3 Section D of this General Order. These actions are intended to provide corrective discipline and written documentation for evaluation purposes. Individual counseling statements will not be placed in an employee's personnel file with exception to matters that become supporting documentation to a higher level of discipline required in an appeal

b. Written Reprimand

(1) If an employee's level of misconduct is more serious than counseling or adverse material can address, or is of a continuing nature or pattern of misconduct, the employee as a general rule may be reprimanded.

(2) Reprimands will contain charges specifying the rule violation and a description of the conduct that constituted the rule violation.

(3) Reprimands will be made part of the employee's personnel file for the evaluation period.

(4) Written reprimands serve to document the supervisor's displeasure of the employee's rule violation and provide a written warning. It is important that the document contain such information as the rule violated, the facts concerning it, the time, date and names of other persons or witnesses who may be involved. The document should be clearly labeled as a written reprimand and should point out that further reoccurrence may result in more severe discipline being taken. Prior to issuance, the request for written reprimand and the typed written reprimand will be forwarded through the chain of command for approval. After approval, a copy is to be given to the employee and copies forwarded to appropriate personnel in the chain of command, filed in the employee's personnel file, and in the Internal Affairs Files. Written reprimands will only be issued in accordance with the Law Enforcement Officers Bill of Rights and Frederick County Human Resources Rules.

c. Suspension, Fine, Loss of Leave, Denial of Increment, Demotion

(1) If an employee's misconduct is considered at a level of seriousness, or is part of a continuing pattern of behavior involving repeated misconduct, the employee may be disciplined at this level in accordance with applicable Sheriff's Office regulations, Frederick County Human Resources guidelines, and Law Enforcement Officers Bill of Rights.

(2) If the action determined appropriate is outside the scope of a supervisor's authority, the supervisor will make the appropriate recommendation to the higher level of authority.

(3) If the employee is guilty of an offense such that it significantly impedes the employee's ability to perform or continue to perform at the current level and grade, the employee may be demoted in grade in accordance with applicable regulations and requirements. These actions will be made part of the employee's personnel file for the evaluation period.

(4) Deputy Fines and Suspension without Pay are governed in accordance with the Law Enforcement Officers Bill of Rights. This discipline may be imposed because of misconduct, negligence, inefficiency, insubordination, or other reasons satisfactory to the individual(s) authorized to impose the suspension or fine.

(5) Involuntary Demotion may be appropriate where an employee demonstrates an inability to perform at the higher level but has shown ability to perform at the lower level. Factors to consider are length of service, previous disciplinary record, training received, length of time in current position, and work performance.

(6) Dismissal on Probation only applies to employees serving a probationary period. During this time the employee is instructed in how to perform the job and what standards of conduct are expected. The employee is carefully evaluated to determine ability to perform in an efficient manner. If the employee has demonstrated, after proper training and counseling, an inability or unwillingness to perform the duties, rejection on probation must be imposed. Supervisors must document the employees unsuitability for the position for later use where needed.

(7) Dismissal

(a) Dismissal is the most serious sanction which can be imposed. It should not be taken lightly and should only be administered under normal circumstances, if prior efforts of behavior modification through other means have failed or if the conduct is such that any lesser form of action would be inappropriate.

(b) If an employee's misconduct is of a level of seriousness that continued employment is no longer appropriate or is part of a continuing pattern of behavior involving repeated serious misconduct; or if the employee's performance is considered not productive, or not suitable to the assigned level, the employee may be dismissed in accordance with applicable guidelines.

(8) Emergency Suspension

(a) The Sheriff's Office must enforce discipline and will initiate disciplinary action for violations of the Rules and Regulations. Emergency suspensions shall be imposed when it appears that the action is in the best interest of the public and the Office.

(b) Emergency suspension is a tool available to supervisory personnel used to avoid delay and cope with disciplinary problems of magnitude. The supervisory level having the authority to impose emergency suspension shall be a Sergeant or higher.

(c) To suspend an employee on an emergency basis, the supervisor shall take the following steps:

(i) Notify members verbally of their suspension and relieve them of their equipment, i.e. weapon, key, badge, identification cards.

(ii) Issue the member a formal suspension letter.

(iii) Prepare a Complaint against Personnel Form (52-A or B) including statements of witnesses. Copies of the report will be forwarded through channels to the Division Commander/Director and the Bureau Chief who will inform the Executive Officer and Sheriff.

(d) Any employee suspended from duty will be notified of a date, time and location for a Suspension Review, to determine whether the suspension will be continued or terminated. The Suspension Review will be held no later than three days following the suspension from duty exclusive of weekends and holidays.

(e) The Suspension Review Officer will be the suspended employee's Division Commander/Director, or higher as appointed by the Sheriff.

(f) The Suspension Review is not a judicial proceeding. The Suspension Review is limited to the presentation of the circumstances surrounding the suspension of the employee, in order to determine whether such circumstances warrant continued suspension. When the acts alleged to have been committed by a suspended employee are of such a serious nature that, in the judgment of the Suspension Review Officer, the interests and welfare of the public, the office, or the individual are best served by continued suspension, the Suspension Review Officer will so recommend to the Sheriff.

(g) Suspension Reviews will be recorded and the recording will be forwarded to Office of Policy and Compliance for inclusion in the investigative report of the case.

(h) Suspended employees may, if they so desire, be accompanied by Counsel; however, only matters dealing directly with the determination of the suspension will be heard.

(i) The suspending officer and the suspended employee's Division Commander/Director will attend the review. Suspended employees will have the right to present testimony in their own behalf. The Suspension Review Officer will determine what testimony will be heard relative to the purpose of the review. The Suspending Officer or the Suspension Review Officer may request legal assistance at any review.

(j) Suspension Reviews are not public hearings. Neither members of the general public, nor of the news media, will be admitted to such reviews unless called upon to testify in matters relating to the purpose of the review.

(k) Based on the statements presented, the Suspension Review Officer shall recommend to the Sheriff in writing one of the following:

(i) The suspension was not justified and the employee should be returned to duty. (The period of suspension will be with pay.)

(ii) The suspension was justified but the employee should be returned to duty. (The period of suspension will be with pay.)

(iii) The suspension was justified and the employee should not be returned to duty. (The period of suspension will be with pay pending final disposition of charges.)

(iv) Suspension from current assigned duties was justified, however, the employee may be assigned other duties in the Sheriff's Office pending final disposition of the charges. (The period of suspension may be without pay if the employee has been charged with the commission of a felony.)

(l) The Sheriff, upon receiving the Suspension Review Officer's recommendation may accept, reject, or modify the recommendation. Once the Sheriff has decided, he will inform the Chief Deputy for notification to the Bureau Chief, Division Commander and Employee.

(9) Administrative Leave

(a) When in the course of an investigation of an employee, the Sheriff decides that the employee must be placed on administrative leave, the Sheriff will so order. The period of leave will be with pay. When ordering such leave the Sheriff will inform the Chief Deputy for notification to the Bureau Chief, Division Commander and Employee.

(b) The employee's Division Commander will issue the employee a formal administrative leave order and relieve the member of his/her equipment, i.e., weapon, key, badge, identification cards.

(10) Resignation

The resignation of an employee is not valid until accepted by the Sheriff, but the Sheriff may not withhold acceptance unless proceedings for termination are contemplated or pending.

13. Disciplinary Dispositions

The following are classifications provided for final disposition of employee misconduct:

a. Exonerated - the alleged act occurred but was justified, legal and proper.

(1) Proper Conduct and Policy - The action of the Office and/or employee was consistent with Office policy and the complainant suffered no harm.

(2) Proper Conduct/Policy Failure - The action of the Office or the employee was consistent with Office policy but the complainant suffered harm.

b. Sustained - The accused employee committed all or part of the alleged acts of misconduct.

c. Not Sustained - The investigation failed to produce sufficient evidence to prove clearly or to disprove the allegation.

d. Unfounded - The alleged act did not occur.

14. Misconduct Not Based on Complaint

a. This is used to indicate the discovery of sustained acts of misconduct revealed during the investigation that were not alleged in the original complaint.

b. Dispositions of sustained and/or misconduct not based on a complaint must be acted upon by the Supervisor or forwarded to the appropriate level of authority for action with a recommendation of penalty.

c. If the action is accepted by the employee it will be filed appropriately.

d. If the employee does not accept the action he/she may appeal as outlined in Section 26.1.9 of this General Order.

15. Disciplinary Notifications

a. Investigative procedures are outlined under General Order 52.1 through 52.3 of the Office of Policy and Compliance policies. Those investigative procedures require certain notifications to deputies under the Law Enforcement Officer Bill of Rights. The disciplinary process does not replace in any manner the process of those notifications. The disciplinary process addresses notifications required following the investigative process.

b. On determination that disciplinary action is required the charging supervisor will ensure the following notifications, where applicable, have been or are made:
(1) Notification of Charges (FCSO #52-K)
(2) Complaint Against Personnel (FCSO #52-A or B)
(3) Probationary Deputy Disciplinary Action (FCSO #52-I)
(4) Acceptance of Disciplinary Action (FCSO #52-J)
(5) Summary Punishment (FCSO #52-N)
(6) Adverse Material (FCSO #52-0)

26.1.4 Supervisory Role

The Role of the Supervisor in the disciplinary process is as follows:

A. To observe the conduct and appearance of personnel and detect those instances when commendations or disciplinary actions are warranted.

B. To investigate allegations of employee misconduct when within the scope of their authority and responsibility.

C. To recommend the most effective methods of discipline, taking into consideration the behavior history, circumstances, and personality traits of the personnel under their supervision.

D. To implement the type of disciplinary action approved by the Sheriff at the level authorized.

26.1.5 Levels of Supervisory Authority

A. Disciplinary actions will be administered in accordance with applicable guidelines. When the necessary action is outside the scope of the supervisor, the supervisor will make specific recommendations for action to higher authority.

B. The maximum levels of supervision authorized to take specific actions are as follows:

1. Corporal and above
   a. Oral Reprimand
   b. Counseling Statement
   c. Adverse Material

2. Sergeant and above
   a. Emergency suspension with pay pending review by higher authority
   b. Written Reprimand (upon approval)

3. Commander/Director and above

   Written Reprimand (upon approval)

4. Bureau Chief
   a. Probation Termination
   b. Suspension without pay

5. Sheriff
   a. Demotion
   b. Denial of Increment
   c. Fine
   d. Suspension without pay
   e. Dismissal

6. The Sheriff may delegate his authority to take disciplinary action to the Bureau Chief of the affected employee. This delegation includes the authority to take the following disciplinary actions: demotion, denial of increment, suspension without pay, dismissal. In such cases the Sheriff's delegation of authority shall be made in writing.

26.1.6 Notice of Dismissal

A. If an investigation of employee misconduct results in dismissal, the employee shall receive written notice which includes the following information:

1. A statement citing the reason for dismissal (charges);

2. The effective date of dismissal;

3. A statement of the status of fringe and retirement benefits after dismissal; and

4. Notice of appeal rights (non-probationary).

B. These provisions do not apply to entry level probationary employees except in instances of brutality.

26.1.7 Conclusion of Disciplinary Process

A. In accordance with 26.1.3 Section E.8. - "Disciplinary Dispositions," at the conclusion of the disciplinary process the Supervisor taking action will review the matter to ensure all participants in the process have been informed of the following as needed:
   1. Proper Conduct
   2. Improper Conduct
   3. Policy Failure
   4. Insufficient Evidence
   5. Unfounded Complaint

B. This review is important as it provides input to the Office to identify needs for changes or review of policies, procedures, and rules and regulations that may prevent future allegations of misconduct as well as the need to modify or expand training.

26.1.8 Maintenance of Records

A. Internal affairs records will be maintained as provided in General Order 52.1 through 52.3.

B. Written records of disciplinary actions will be maintained as follows:

1. Counseling Statement - Employee and Supervisor

   Counseling statements are maintained for the evaluation period that they occur in, and are then destroyed.

2. Adverse Materials and above - Employee and Personnel File

   Disciplinary actions placed in Internal Affairs files will be maintained in accordance with the Sheriff's Office retention schedule, unless specified otherwise on the personnel action or removed by authorization of the Sheriff.

C. Disciplinary files will be maintained by the Office of Policy and Compliance in a secured area within the Office. Access to disciplinary actions are restricted to the employee; to others on approval of the employee by signed release authorization; the Sheriff and Command Staff; immediate supervisors on an as needed basis; and Court Order.

26.1.9 Appeal Procedures

A. Law Enforcement

1. Appeal procedures and hearings for personnel are governed by the Law Enforcement Officers' Bill of Rights, a copy of which is made part of this manual.

2. Summary Punishment

   a. Summary Punishment is punishment that may be imposed by a member of the Office holding the title of Division Commander/Director or Law Enforcement Bureau Chief, a member acting in that capacity, or higher authority.

   b. Summary Punishment may be imposed for minor violations of the Sheriff's Office Rules and Regulations when:
      (1) The facts which constitute the minor violation are not in dispute.
      (2) The Deputy waives his/her hearing before a Hearing Board
      (3) The Deputy accepts the punishment imposed by the Division Commander or higher authority.

   c. Summary Punishment may not exceed three (3) days suspension without pay or a fine not to exceed $150.00 administered at the authorized supervisory level.

3. Hearing Process

   a. Administrative hearings are not to be confused with judicial proceedings. At an administrative hearing, a guilty verdict requires merely a preponderance of evidence. An attorney, or other person designated by the Sheriff, will present the circumstances of the alleged offense to the board. The admission of evidentiary materials and statements will be governed by the Law Enforcement Officers Bill of Rights. Members have the right to be represented by counsel of their choice.

   b. In general, the process followed for hearings of sworn personnel shall be:

      (1) There will be no weapons permitted in the hearing.

      (2) Hearing board members shall be notified of the administrative hearing by memorandum from the hearing board chairman.

      (3) The hearing will be conducted under the direction of the senior ranking member (chairman). The chairman will set the hearing, formally notify the accused, and summons witnesses as called for.

      (4) The chairman shall call the hearing to order and advise the parties that the proceedings of the hearing will be recorded but not transcribed unless deemed necessary at a later date.

      (5) The chairman shall inquire of the accused member if he/she has received a copy of the charges and specifications to be heard by the board. If the prosecution and

defense are ready to proceed, each charge and specification shall be read unless waived, and the accused shall enter a plea to each charge.

(6) The chairman shall direct the prosecution to begin its case and shall instruct all present that all testimony under oath or affirmation is subject to the penalties of perjury.

(7) The chairman shall resolve issues as to the admissibility of any evidence.

(8) After completion of the prosecution's case, the chairman will direct the defense to proceed. Counsel will be advised of the appropriate time for presenting matters in mitigation or extenuation. Such matters may not be brought forward prior to the reaching of a verdict.

(9) Upon completion of arguments, the hearing room will be cleared and the hearing board will make an objective review of all evidence brought before the members, being careful not to prejudice the case as to the innocence or guilt of the accused.

(10) Each member will then make a determination of innocence or guilt as to each charge and specification and will inform the board members of their decision when requested to do so by the chairman. A majority shall decide the verdict on each charge and specification. All interested parties shall re-enter the hearing room where the findings of each charge and specification shall be announced. The exact time of the clearing and recalling of all parties shall be noted in the record.

(11) If the accused has been found not guilty of all charges, the chairman shall announce the conclusion of the case and adjourn the hearing.

(12) In the event of a guilty verdict on any charge, the chairman will advise counsel that matters of mitigation or extenuation may be presented.

(13) At the completion of any matters in mitigation or extenuation, the hearing room shall be cleared and the chairman shall cause another vote to be taken as to the punishment. Voting will be finished when a consensus is developed. The parties shall be recalled to the hearing room. The exact time of the clearing and recalling of all parties shall be noted in the record.

(14) The chairman shall inform the parties of the judgment reached and that it will be forwarded to the Sheriff. An appropriate written report will be prepared by the chairman for the Sheriff within 72 hours. In the cases of a split decision by the hearing board in the rendering of a guilty verdict, the reasons for the dissenting opinion will be noted in the report. A copy of the report will be provided to the accused member or his defense counsel.

(15) Should termination be the recommendation of the hearing board, the chairman shall contact the Sheriff. The Sheriff shall notify the following that the accused is immediately suspended until the Sheriff makes his final determination:
(a) The accused
(b) The Chief Deputy
(c) The Law Enforcement Bureau Chief
(d) The accused's division commander

(16) If a deputy has been charged according to the Law Enforcement Bill of Rights and is notified that an administrative hearing board will take place, and the deputy refuses to appear, resigns, or otherwise fails to appear, the administrative hearing board may proceed in his/her absence. The results of the hearing board will be placed in the employee's personnel file.

B. Civilian personnel and correctional officers

1. Administrative Guidelines

a. All time limits specified in this order are defined in terms of working days being Monday through Friday, with the exception of holidays as adopted by the county. In the interest of prompt resolution of employees' discipline each step in the process should be taken as rapidly as possible but not later than the prescribed time limit. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.

b. If a hearing is scheduled during an employee's work hours, the employee may attend the hearing at no loss in pay. The employee will not be paid (either straight time or overtime) if the hearing occurs during off-duty hours. Hearings are scheduled by the supervisor at each step in the process, with written notice to the employee unless mutually agreed otherwise.

c. Issues which have not been raised at Step 1 of the process may not be raised at Step 2 or 3.

d. Employees shall have the right to appear with a representative of their choosing at any or all steps in the process.

e. Failure of the employee to appeal to the next higher step within the specified time period will constitute a withdrawal of the appeal, and will bar future action by the employee with respect to issues of the disciplinary action at hand.

f. Failure of a supervisor to respond to an appeal within the specified time period will permit the employee to proceed to the next step in the process within the specified time period.

g. Employees may withdraw appeals at any time by written notice prior to completion of Step 3.

h. All documentation concerning an appeal will become a part of the personnel record of the employee involved.

i. There will be no weapons permitted in the hearing.

2. Procedural Steps

a. Step 1: Command Level

(1) If the employee is not satisfied with the action, the employee may request a hearing with and decision by the division commander/director or bureau chief as appropriate to the level of discipline taken.

(2) The appeal must be presented in writing with justification within five (5) working days of the decision of action.

(3) Upon receipt of a request for a hearing, the division commander/bureau chief shall set a date, time and place, for such a hearing not less than five working (5) days nor more than ten (10) working days after receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof. After the hearing, the division commander/bureau chief will advise the employee of his/her decision within ten (10) working days. If the employee still is unsatisfied, the employee may, within five (5) working days of receipt of the decision, file a written request to have his/her case heard by the Sheriff.

b. Step 2: Sheriff

(1) If the employee is not satisfied with the decision at the command level the employee may request a hearing with and decision by the Sheriff.

(2) This appeal must be presented in writing with justification within five working (5) days of receipt of the decision of the division commander/bureau chief.

(3) Upon a receipt for a request for a hearing, the Sheriff shall set a date, time, and place for a hearing to be held not less than five (5) working days nor more than twenty (20) working days after the receipt of the request, unless otherwise mutually agreed upon by both parties, and shall notify the employee thereof.

(4) All hearings shall be conducted in closed session.

(5) The Sheriff may determine if the action appealed should be affirmed, reversed, or otherwise modified.

(6) The affected employee shall be notified in writing by the Sheriff within ten (10) working days of the hearing of the final determination with respect to the disciplinary action or dismissal.

(7) The decision of the Sheriff is final.

26.1.10 Harassment

A. Discrimination Statement: The Frederick County Sheriff's Office does not discriminate on the basis of race, sex, religion, creed, national origin or ancestry, age, marital status, veteran status, physical handicap, or sexual orientation. Harassment or discrimination of any kind will not be tolerated, and could lead to dismissal.

B. Definitions:

1. Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

2. Unlawful Harassment - Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

C. Sexual harassment and other forms of unlawful harassment by or against Sheriff's Office employees is prohibited. The Sheriff is committed to ensuring that sexual harassment and other forms of unlawful harassment do not occur, and that all employees thoroughly understand this policy.

D. Sexual discrimination consists of any practice or procedure which limits or adversely affects employment opportunities on the basis of gender.

E. Sexual harassment is a form of sex discrimination, which is a violation of Title VII of the Civil Rights Act of 1964. Title VII is administered by the U.S. Equal Employment Opportunity Commission (EEOC).

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute

a. "Quid pro quo" harassment when

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual

b. "Hostile environment" harassment when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile, or offensive working environment

2. The number of incidents required to constitute sexual harassment varies.

    a. In "quid pro quo" cases, a single incident may be sufficient.

    b. A "hostile environment" claim usually requires a showing of a pattern of offensive conduct. However, the more severe the harassing, the less need there is to demonstrate repetitiveness and frequency. For example, any single, unwelcome, intentional touching of a person's intimate body area is sufficiently offensive to constitute unlawful sexual harassment.

3. Sexual harassment and other harassment may include, but is not limited to:

    a. Making comments about a person's clothing, body, or personal life

    b. Addressing an individual with a nickname, term of endearment not of the individual's choosing, or other offensive name or term

    c. Telling sexual jokes, making sexual comments or innuendos, or asking sexual questions

    d. Subtle pressure for sexual activities accompanied by implied or overt threats concerning one's job, assignments, transfer, training opportunities, promotion, performance evaluation, etc.

    e. Touching, hugging, patting, pinching, leaning over, cornering, brushing against or kissing

    f. Making sexual gestures with hands, face, or other body movements

    g. Actual or attempted rape or sexual assault

    h. Staring at someone's intimate body parts

    i. Whistling, "cat calls", kissing sounds, howling, or smacking lips

    j. Displaying sexually suggestive or obscene pictures or materials, such as objects, pictures, calendars, postcards, posters, etc.

4. Questions about whether conduct was welcome or unwelcome often arise in the context of a sexually charged workplace in which an employee has participated in sexual banter and joking, later claiming that there was a hostile work environment. The employee's participation in the verbal or physical conduct tends to show that the conduct was not unwelcome. Even ceasing participation in the behavior does not always demonstrate that the conduct was unwelcome. Under these circumstances, the employee has a duty to clearly indicate to the harasser that the conduct is no longer acceptable before subsequent conduct could constitute sexual harassment.

5. Conduct that is not sexual in nature will constitute sexual harassment only if the conduct is based on the gender of the victim. For example, a supervisor who is abrasive to everyone, but is more so to females or more so to males, could be charged with sexual harassment.

F. Employees are not required to confront harassers. However, some individuals in certain situations may choose to inform the harasser that the conduct is unwelcome and must stop.

G. Employees who believe that they are being harassed are strongly encouraged to report the behavior. When it is not reported, the Sheriff's Office and Frederick County are severely limited in achieving a workplace free of harassment.

1. An employee intending to complain of harassment may wish to consult first with his/her attorney for guidance.

2. Although an employee may delay filing a complaint due to a fear of repercussions, a complaint filed immediately or soon after the occurrence of the objectionable conduct may help demonstrate the unwelcome nature of the conduct.

3. An employee may report harassment in writing to:

a. The employee's supervisor (although the employee is under no obligation to complain to the supervisor, especially when that person is responsible for the harassment or guilty of ignoring it)

b. Any supervisor in the employee's chain of command, including the division commander and bureau chief

c. Office of Policy and Compliance or the Chief Deputy, if the employee wants to file an Internal Affairs complaint

d. The Sheriff

e. The Frederick County Human Resources Department: 301-694-1070

f. Frederick County Human Relations Commission: 301-694-1109
(The Commission will not file a complaint after one has been filed at the state or federal level.)

g. Maryland State Commission on Human Relations
6 Saint Paul Street
Baltimore, MD 21202
(410) 767-8600

h. Equal Employment Opportunity Commission
Washington Field Office
1400 L Street, NW, Suite 200
Washington, D.C. 20005
1-800-669-4000

4. An employee may file a report within the Sheriff's Office as
    a. A grievance per General Order 25
    b. An Internal Affairs complaint per General Order 52

H. Supervisors and managerial personnel shall act promptly and appropriately upon observing and/or receiving a complaint of harassment. Their responsibility extends beyond simply handling complaints: they shall take proactive steps to prevent and eliminate harassment from occurring.

I. Complaints will be investigated fairly and impartially to determine whether the allegations are founded. Confidentiality shall be maintained to the extent possible.

J. An employee who knowingly files a false complaint shall be disciplined.

K. Any Sheriff's Office employee who is found to have engaged in sexual harassment or other harassment; or to have knowingly condoned, encouraged, or shielded sexual harassment or other harassment; or to have participated in retaliation or reprisal, shall be subject to disciplinary action. Sheriff's Office personnel shall ensure that the discipline is prompt, appropriate, and effective.

L. No form of retaliation may be taken against any person who
1. Complies with, or encourages others to comply with, any provision of this policy
2. Files a complaint, in good faith, concerning any violation of this policy
3. Participates in any investigation resulting from a complaint under this policy; or
4. Exercises or attempts to exercise any right conferred under this policy

M. Training on this section will be provided to Sheriff's Office employees in accordance with Sheriff's Office policy and MPCTC standards.

DISPOSITION MATRIX

General Order Reference	Allegation	Category
Rule 1-1	Unbecoming conduct on or off duty	B
Rule 1-2	Injuring or discrediting a fellow employee	B
Rule 1-3	Maliciously threaten, strike, or assault of a fellow employee	E
Rule 2-1	Violating chain of command	A
Rule 2-2	Failure to obey lawful order	C
Rule 3-1	Criticizing or ridiculing the Sheriff's Office / Other Agency / Judiciary	B
Rule 4-1	Representing the Sheriff's Office while deprived of police powers	E
Rule 4-2	Corrections personnel misrepresenting their authority to the public	E
Rule 4-3	Abuse of position	E
Rule 4-4	Inappropriate use of likeness for testimonials or advertisements	B
Rule 4-5	Improperly signing a petition	B
Rule 4-6	Improper release of information	A
Rule 5-1	Associations with racketeers, felons, persons under criminal investigation or indictment	A
Rule 5-4	Association or fraternization with recruits attending the Frederick County Law Enforcement Academy	B
Rule 6-1	Immoral conduct - in his or her personal affairs	B
Rule 6-2	Immoral conduct - commitment to his or her marriage	B
Rule 7-1	Violation of oath or law punishable under the laws of United States, Maryland or Local entity	E
Rule 8-0	Failure to make every effort to pay just debts	B
Rule 9-1	Solicit / seek / accept any gift or gratuity	E
Rule 9-2	Receive/seek/solicit/seek or share any fee/reward/or other reimbursement for performance of official duty	E
Rule 9-3	Improperly solicit or accept any subscription or contribution	E
Rule 10-2	Participate in political activity while on duty or in uniform	E
Rule 11-1	Participate in any strike or job action	E
Rule 12-1	Engaging in improper or unauthorized secondary employment	B
Rule 13-1	Failure to submit required reports as directed on and in accordance with established procedures	B
Rule 13-3	Failure to report organized crimes, racketeering, vice conditions, etc	E
Rule 13-4	Submitting false information	E

General Order Reference	Allegation	Category
Rule 13-5	Submitting incomplete, improper or inaccurate information	C
Rule 13-6	Releasing confidential information	C
Rule 13-7	Release of "DRAFT" or "CONFIDENTIAL" information to unauthorized person	B
Rule 13-8	Improper use of agency telephones or cell phones	A
Rule 13-9	Failure to maintain a residential telephone/cell phone or failure to advise Office of phone number	A
Rule 13-10	Failure to report violations of Rules of Conduct or General Orders by other employees	C
Rule 13-11	Failure to check voice mail at least once every work day	A
Rule 13-12	Failure to check and clean out departmental mailbox and email at least once a week	A
Rule 13-13	Failure to use proper telephone etiquette	B
Rule 14-2	Failure to submit to an interrogation	E
Rule 14-3	Failure to submit to medical, chemical, other tests, photograph or lineups as directed	E
Rule 15-1	Absent without leave	C
Rule 15-2	Late for duty, or Improperly equipped for duty	A
Rule 15-3	Failure to make notification of beginning/ending tour of duty or arrival/departure from facility	A
Rule 15-4	Failure to notify supervisor of sick leave one hour prior to tour of duty	A
Rule 15-5	Failure to leave contact information with shift supervisor, when placed on inactive-on call duty status	A
Rule 16-1	Falsely reporting illness or injury	B
Rule 16-2	Failure to render prompt assistance in all cases of accident or injury	B
Rule 16-3	Failure to report injury to your person, persons in your custody or damage to county equipment	C
Rule 17-1	Attempt to bring influence on the Sheriff or a superior	B
Rule 17-2	Interference with cases assigned to other employees	C
Rule 17-2	Interference with the operation of a bureau, division, section or unit	C
Rule 17-2	Interference with any lawful arrest or prosecution brought by others	C
Rule 17-2	Conducting an unauthorized investigation	C
Rule 17-3	Involved in making arrangements, agreements or compromises between a criminal and a victim	C
Rule 17-3	Failure to report an employee involved in making arrangements, agreements or compromises	C
Rule 17-4	Taking official action while off duty in a personal dispute	C
Rule 17-5	Revealing the identity or acknowledging a plain clothes employee or covert investigation	C
Rule 18-1	Falsifying, destroying, tampering with or negligently handling evidence or information	E

General Order Reference	Allegation	Category
Rule 19-1	Failure to properly process evidence	C
Rule 19-1	Conversion of property, evidence or material to own use	D
Rule 20-1	Recommending, advising, directing or suggesting the employment or procurement of a product or service	A
Rule 21-1	Failure to obtain all pertinent information in an official and courteous manner	B
Rule 21-1	Failure to act on pertinent information	A
Rule 21-2	Acting unofficially in a civil matter	B
Rule 21-3	Testifying in a civil matter without proper legal subpoena	C
Rule 21-3	Accepting civil process or subpoena on behalf of another employee in violation of the Rules of Conduct	A
Rule 22-1	Failure to courteously and promptly accept any allegation or complaint made against any employee	B
Rule 23-1	Discourtesy	A
Rule 23-2	Failure to show respect for fellow employees	B
Rule 24-1	Failure to carry badge and credentials on one's person while on duty	A
Rule 24-1	Failure to carry credentials on one's person while off duty, while carrying a firearm	A
Rule 24-1	Failure to furnish one's name, id number and assignment to persons entitled to have this information	B
Rule 24-2	Failure of a deputy to properly identify oneself while making a traffic stop or an arrest, while in plain clothes	B
Rule 25-1	Failure of a deputy to maintain a proper appearance or to wear the uniform consistent with policy	A
Rule 26-1	Failure of a deputy to be punctual in attendance to all calls or court appointments and other assignments	A
Rule 26-2	Failure to pay full time and attention to one's duty as a deputy sheriff	B
Rule 26-3	Failure of a deputy to take appropriate action either on or off duty	B
Rule 26-4	Failure of a deputy to be at their assigned place of work during their tour of duty	B
Rule 26-5	Failure of a deputy to remain awake and alert while on duty	B
Rule 26-6	Failure of an off duty deputy to take appropriate steps to assist while operating an agency vehicle	B
Rule 27-1	An employee will not drink an alcoholic beverage while in uniform or while on duty	E
Rule 27-2	An employee will not drink an alcoholic beverage while on "inactive-on call" status	A
Rule 27-4	An employee will not bring intoxicating beverages to headquarters for consumption	A
Rule 27-5	An employee is prohibited from taking official action while under the influence of alcoholic beverages	C
Rule 28-1	An employee will not use any controlled dangerous substance except when prescribed by a doctor	E
Rule 29-1	An employee will not engage in any form of illegal gambling, except in the performance of duty	D

General Order Reference	Allegation	Category
Rule 30-1	An employee will treat prisoners in accordance with established procedures	D
Rule 30-2	An employee will not request or accept favors from or on behalf of an inmate or prisoner	E
Rule 30-3	An employee will not release without authority or allow a prisoner or inmate to escape custody	C
Rule 30-4	An employee will not assist inmates in communicating with persons outside the Detention Center	C
Rule 31-1	An employee will not use unnecessary or excessive force at anytime	E
Rule 32-1	An employee will at all times handle weapons in careful and prudent manner	C
Rule 32-1	An employee will secure their firearm(s) with a trigger locking device when not in control of the weapon	B
Rule 32-1	An employee will secure all weapons in a manner that a minor cannot access the firearm or ammunition	C
Rule 32-2	An employee will only carry weapons which they have qualified with through the agency	D
Rule 32-2	An employee will only carry weapons with a caliber between .380 and .45 caliber	C
Rule 32-3	An employee will always identify themselves when accosting any person with a firearm	C
Rule 33-1	An employee will take proper care of issued equipment	B
Rule 33-2	An employee deprived of their police powers will turn in their weapons and all id cards and badges	B
Rule 33-3	An employee will operate official vehicle in a careful and prudent manner	B
Rule 33-3	An employee will obey all traffic laws while operating official vehicles	A
Rule 33-4	An employee will report all damages or losses of equipment in conformance with procedures	B
Rule 33-5	An employee will not have any item of equipment repaired, adjusted or modified without authorization	B
Rule 33-6	An employee will not authorize anyone to operate any equipment without the Sheriff's permission	D
Rule 33-7	An employee will not transport any unauthorized persons in their issued vehicle	B
Rule 33-8	An employee shall utilize available safety equipment while operating their issued vehicle	B
Rule 33-9	An employee on sick leave for five consecutive work days shall have their vehicle returned to headquarters	A
Rule 33-10	An employee will remove all weapons from their vehicle while it is in for service	A
Rule 34-1	An employee is strictly responsible for the proper performance of their duties	E
Rule 34-2	An employee shall perform their duties efficiently	E
Rule 34-3	An employee is to perform their duties diligently, without indifference, carelessness or negligently	E
Rule 35-1	An employee must correct and / or report unsafe conditions and / or fire hazards	A
Rule 36-1	An employee must be at their assigned post unless authorized has been granted by their supervisor	A
Rule 37-1	An employee must not remove or allow others to remove property from work place without permission	C
Rule 38-1	An employee must control items (keys, tools, security equipment, drugs) to prevent access to inmates	C

General Order Reference	Allegation	Category
Rule 39-1	An employee is subject to search, to include drug and alcohol testing	C
Rule 39-1	An employee's belongings in an issued vehicle or in an office are subject to search	C
Rule 39-1	An employee's data on a county owned computer is subject to review	C
Rule 40-1	An employee is forbidden to possess contraband except in the line of official duty	E
Rule 40-2	An employee is forbidden to bring contraband into the detention center	E
Rule 41-1	An employee will always follow the established chain of command in conducting official business	A
Rule 42-1	An employee will not review or handle personnel files without authorization	C
Rule 43-1	An employee will take a polygraph examination	E
Rule 44-2	An employee will notify ECC and P.I.S when they arrive and depart the courthouse	A
Rule 45-2	An employee will keep all fire doors closed at all times when not in use	A
Rule 45-3	An employee will not allow a visitor to enter the Sheriff's Headquarters without registering with the P.I.S	A
Rule 45-4	An employee will not allow a visitor to move about Headquarters unescorted	A
Rule 46-1	An employee will show Military Courtesy as required	A
Rule 47-1	An employee shall follow all orders or directions of a superior officer	C
Rule 48-1	An employee shall not congregate at restaurants, cafes, diners, or convenience stores unless on officia business	A

31.1 RECRUITMENT: ADMINISTRATIVE PRACTICES AND PROCEDURES

This General Order consists of the following sections:

31.1.1 Recruitment Program
31.1.2 Recruiter Training

POLICY

The Sheriff's Office will actively participate in a recruitment program that seeks to attract quality candidates for law enforcement and corrections positions. Emphasis will be on positive recruitment practices as a means of reaching career oriented applicants interested in providing quality community services.

PROCEDURES

31.1.1 Recruitment Program

A. The Sheriff's Office will maintain an active role in the recruitment program to attract quality applicants for actual or forecasted vacancies.

B. The recruitment program will be consistent with Equal Employment Opportunity regulations and Frederick County's Affirmative Action Plan.

C. Recruiting activities for all Frederick County employee positions fall under the direction and authority of the Frederick County Human Resources Office. However, both the Sheriff's Office and Frederick County Human Resources Department realize there are many aspects of the recruitment process which require the active participation of both agencies to achieve maximum benefit to law enforcement and corrections positions. Therefore, the Sheriff's Office will participate either directly or indirectly in all activities critical to the recruitment effort.

D. The Personnel Services Commander will have the authority and responsibility to administer the Sheriff's Office participation in the recruitment program.

E. The Community Services Section will actively participate in community services.

F. The County Human Resources Office will be responsible for administrative functions.

31.1.2 Recruiter Training

A. All personnel assigned to recruiting duties will receive training in personnel matters to include Equal Employment Opportunity and Affirmative Action components as they relate to the management and operations of the Sheriff's Office.

B. Recruiter training will be a mutual effort between the County Human Resources Department and the Sheriff's Office.

C. Training will cover, at a minimum, the following areas:

1. The Office's recruitment needs and commitments

2. The Office's career opportunities, salaries, benefits, and training

3. Federal, State, and local compliance guidelines

4. The community and its needs (including demographic data, community organizations, and educational institutions)

5. Cultural awareness and understanding of different ethnic groups and subcultures

6. Techniques of informal recordkeeping and systems for candidate tracking

7. The selection process; including procedures involved in background investigations; polygraph and psychological testing; medical requirements; written, oral, and physical agility examinations; and interviews, and,

8. Characteristics that may disqualify candidates.

31.2 EQUAL EMPLOYMENT OPPORTUNITY AND RECRUITMENT

This General Order consists of the following sections:

31.2.1 Minority Employee Ratio
31.2.2 Agency Recruitment Plan
31.2.3 Equal Employment Opportunity Plan

POLICY

The Sheriff's Office is committed to Equal Employment Opportunities in its recruitment of candidates for positions with the Office.

PROCEDURES

31.2.1 Minority Employee Ratio

A. Frederick County and the Sheriff's Office are committed in their recruitment efforts to attain fair and impartial representation of minority groups among their employees and applicants in approximate proportion to the workforce composition of the Frederick County community.

B. Frederick County has an established Affirmative Action Plan that promotes these efforts and commitment to compliance with Federal and State laws mandating affirmative action and equal opportunity.

31.2.2 Agency Recruitment Plan

A. The Human Resources Director for Frederick County has primary responsibility for oversight, management, monitoring and furtherance of Frederick County's goals in respect to affirmative action and equal employment opportunities. The Personnel Services Commander is responsible for coordinating recruitment activities performed by Sheriff's Office personnel.

B. The Sheriff's Office and its personnel are accountable for promoting compliance with the established annual recruitment plan.

C. The plan includes the following elements:
   1. Statement of measurable objectives.
   2. Plan of action to achieve the objectives.
   3. Identity of employees, inside and outside the agency, responsible for plan administration.

D. A review of affirmative action and EEO recruitment activities will be conducted annually through the efforts of the County Human Resources Department and Sheriff's Office in an effort to evaluate progress toward objectives and act on plan deficiencies.

E. Recruiter Visitations

1. The County Human Resources Department and Sheriff's Office shall combine efforts to provide recruiters for scheduled recruitment presentations at educational institutions and community organizations within Frederick County.

2. The County Human Resources Department and Sheriff's Office recognizes and shall make use of the opportunity to seek quality candidates from these institutions and organizations.

3. Efforts will be made to set up displays, pass out recruitment materials, and speak with interested students and career oriented youth in formal and informal settings.

4. Efforts will also be made to keep career counselors informed of the benefits and challenges of law enforcement and corrections career to promote referral of candidates with recognizable attributes toward community service, and to equip counselors with advertisements and other information about the Office for dissemination.

F. Recruitment Plan

1. The Sheriff's Office Recruitment Plan will work toward accomplishing the following:

   a. To establish and maintain a coordinated, organized, and effective approach to recruitment efforts.

   b. To establish and maintain objectives / measures of accounting and monitoring the recruitment process.

   c. To promote Equal Employment Opportunity hiring of qualified candidates.

   d. To maintain contacts with educational institutions, community organizations, and key community leaders.

   e. To increase employment of minorities in all job classifications.

   f. To maintain actual sworn strength by maintaining a list of qualified candidates at all times.

   g. To maintain records of applicants by characteristics, gender, race, national origin, referral source, date of application, and position applied.

2. The Sheriff's Office authorized, budgeted and actual strength are established in each fiscal year's approved budget.

3. The Frederick County Budget Officer is responsible for the fiscal accounting of all individual positions and associated costs.

4. The County Human Resources Department provides for a position classification plan, compensation plan, pay schedules, and benefits for all Frederick County employees.

5. Recruiting activities timetables are administered by the County Human Resources Department. Advertisement and announcement efforts are scheduled with respect to the present and future needs of the Sheriff's Office. The annual dates for recruitment of candidates for entry level positions are in accordance with the Sheriff's needs. Records of applicant characteristics are maintained on file by the County Human Resources Department.

6. A budget for recruitment and selection activities is part of the Frederick County Human Resources Department's fiscal year operating budget.

7. The Sheriff of Frederick County fully supports the recruitment plan, its efforts, and activities to ensure positive recruitment of quality candidates.

8. Obtaining assistance from community organizations and key leaders is provided through efforts of the County Human Resources Department, the Sheriff's Office, and personnel within the Office to actively pursue contacts through formal and informal means.

G. Annual Recruitment Analysis

1. To determine the effectiveness of the recruitment plan and encourage ongoing improvement of the program, the Personnel Services Commander prepares an annual analysis of the year's recruitment activities.

2. The report includes a summary of the following:
   a. Progress toward stated objectives.
   b. Revisions to the plan, as needed.

H. Non-Jurisdictional Recruitment

1. The County Human Resources Department advertises outside the immediate community through the mass media when it is determined necessary to meet recruitment goals.

2. The Sheriff's Office will participate in educational job fairs that occur within a reasonable distance when invited and informed.

31.2.3 Equal Employment Opportunity Plan

A. Frederick County's Equal Employment Opportunity Plan ensures equal opportunities for employment and employment conditions for all employees to include minorities and women.

B. The County Human Resources Department's quarterly and annual reporting systems monitor the effectiveness of practices employed to recruit minorities and women.

C. It is the Frederick County Sheriff's Office policy to ensure that all individuals will be given equal opportunity for employment regardless of race, sex, creed, color, age, religion, national origin, or physical impairment.

D. All advertisements will clearly state the Sheriff's Office is an equal opportunity employer.

E. Any complaints received regarding recruitment or selection practices will be promptly forwarded to the Frederick County Human Resources Director through the Sheriff for proper handling and disposition. Employee complaints regarding E.E.O. matters may be reported in writing to any of the following:
   1. Employee's immediate supervisor
   2. Any supervisor in the employee's chain of command
   3. The Office of Policy and Compliance if the complaint is an internal affairs complaint
   4. The Sheriff
   5. County Human Resources Department
   6. Frederick County Human Relations Commission
   7. Maryland State Commission on Human Relations
   8. Equal Employment Opportunity Commission
   9. As a grievance per General Order 25
   10. As an internal affairs complaint per General Order 52

F. The Sheriff's Office sexual harassment discrimination policy is outlined in General Order 26.1.

G. Employee's Role in Recruiting

   1. The Sheriff's Office encourages all personnel to participate in recruitment activities through both formal and informal efforts.

   2. Through active involvement on the part of all personnel, the Office will have a greater effect on positive recruitment of qualified applicants.

   3. The County Human Resources Department has provided the Sheriff's Office with the County's Affirmative Action Plan and Equal Employment Opportunity guidelines. Copies of each document will be maintained on file with the Personnel Services Commander, and is made available for review to all employees. Employees are encouraged to become familiar with these regulations as an aid in promoting positive recruitment efforts.

H. Minorities and Women Personnel Role in Recruitment

   1. Whenever possible, minority and women employees of the Office shall be included in recruiting efforts and presentations.

   2. Minority and female employees of the Office shall be depicted prominently in law enforcement roles in recruiting literature.

I. Testing Sites

   The Sheriff's Office does not make use of decentralized sites for application or testing processes. Applications are made available on request from the County Human Resources Department, and testing is conducted at locations accessible to all community members.

31.3 JOB ANNOUNCEMENTS AND PUBLICITY

This General Order consists of the following sections:

31.3.1 Posting of Job Announcements and Application Filing Deadline
31.3.2 Posting of Job Announcements w/Community Service Organizations
31.3.3 Applicant Contacts
31.3.4 Application Errors
31.3.5 Student Intern Program

POLICY

Advertisements for positions with the Sheriff's Office will comply with Equal Employment Opportunity standards and requirements. The Sheriff's Office, through the County Human Resources Department, will take steps to ensure the community is well informed of recruitment and application notices.

PROCEDURES

31.3.1 Posting of Job Announcements and Application Filing Deadline

A. The County Human Resources Department posts job announcements for all advertised Sheriff's Office positions with various community service organizations. A list of these organizations is maintained by the County Human Resources Department and made available to the Sheriff's Office for reference.

B. All job announcements for Sheriff's Office positions will provide a description of the duties, responsibilities and requisite skills, educational level, and other requirements or qualifications for the position advertised.

C. The County Human Resources Department is responsible for the development, posting and dissemination of job announcements.

1. Entry level job vacancies are advertised through the mass media with sufficient information of interest to attract quality applicants.

2. Job vacancy announcements are distributed and posted with all county Frederick County's computerized public access system; listed on the County Human Resources Department's 24 hour telephone job line; displayed on the county cable TV channel; advertised in local newspapers; out of town publications when necessary; and posted with community organizations.

D. All County Human Resources Department advertising, applications and recruitment announcements will clearly state the Equal Opportunity Employer notice.

E. When an official application filing deadline is established, it will be indicated in 'BOLD' type on all employment announcements and recruitment advertisements. Job vacancies will be publicized at least ten (10) working days prior to any official application filing deadlines.

F. All announcements will also include the following information:
   1. Entrance Salary
   2. Application Deadlines (if any)
   3. Types of examinations and testing for the position

G. When Recruitment literature is used that shows individuals engaged in law enforcement work, it will equally depict women and minorities in those employment roles.

31.3.2 Posting of Job Announcements with Community Service Organizations

A. Community service organizations are in contact with likely candidates for recruitment, and by posting job announcements with these organizations, the Office achieves a broader dissemination of recruitment information.

B. Community Organization Involvement

   1. The Sheriff's Office will seek recruitment assistance, referrals, and advice from community organizations and key leaders. This assistance is sought in an effort to broaden the Office's positive exposure within the community.

   2. The Community Services Section will maintain a list of organizations that Office personnel are actively involved with, as well as other community organizations identified as potentially able to provide recruitment assistance.

31.3.3 Applicant Contacts

A. The Sheriff's Office, through the County Human Resources Department, maintains contact with applicants from the point of initial application to employment disposition.

B. Contacts are appropriately documented and logged as they are made. Generally, contacts are made at the following stages in the process:

   1. Acknowledgment of receipt of application.

   2. Periodic informing of application status.

31.3.4 Application Errors

Applicants for Sheriff's Office positions will not be rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview stages.

31.3.5 Student Intern Program

A. The Student Intern Program is designed to be a professional partnership between qualified college students, their college, and the Sheriff's Office. The purpose is for the student to provide a specific service to the Office in exchange for real-life working experiences, college credit, or other academic recognition. Typically, these partnerships will last one semester, but may be authorized for a shorter or longer time period in the best interest of the Office.

B. Candidates must meet the following requirements to be eligible to participate in the program:

1. Minimum age of 18;

2. Be currently enrolled as a student in a Maryland college or university, or a Frederick County resident enrolled in an out of state college or university;

3. Have the approval of their faculty advisor;

4. Successfully complete an oral interview, drug test, and background investigation.

C. Interested applicants would need to submit a Student Intern Application Packet, and meet all the terms and conditions as outlined in that material prior to final consideration.

32.1 SELECTION: PROFESSIONAL AND LEGAL REQUIREMENTS

This General Order consists of the following sections:

32.1.1 Elements and Activities of the Selection Process
32.1.2 Rating Criteria of Job-Related Minimum Qualifications
32.1.3 Uniformity of the Application Process
32.1.4 Information to All Applicants
32.1.5 Informing Ineligible Candidates
32.1.6 Disposition of Records of Ineligible Candidates
32.1.7 Security of Selection Materials

POLICY

The Sheriff's Office shall promote and participate in the fair and equal application of selection standards for all candidates.

PROCEDURES

32.1.1 Elements and Activities of the Selection Process

A. Sheriff's Office Role

1. The Director of the Frederick County Human Resources Division is responsible for administering the selection process for all Frederick County employee positions. The Human Resources Division will administer the correctional candidate statewide written test.

2. Although the Human Resources Division holds primary responsibility for the selection process, the Sheriff's Office shares responsibility in carrying out certain efforts and activities necessary to the selection of qualified law enforcement and correctional candidates.

3. Therefore, the Sheriff's Office will have primary responsibility for the following major components of the selection process which will be coordinated by Personnel Services:
   a. Written Examination - Uniform personnel only
   b. Physical Agility test - Uniform personnel only
   c. Oral Interviews
   d. Background Investigations
   e. Scheduling of Medical, Psychological, Polygraph, and Physical Agility Examinations (as applicable)
   f. Probationary Period Assessments

4. The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate against qualified individuals with disabilities.

    a. The Equal Employment Opportunity Commission provides enforcement protection for those qualified individuals having disabilities.

    b. The Sheriff's Office will comply with ADA requirements as they apply to the law enforcement and correctional communities.

    c. The Personnel Services Commander will coordinate ADA responsibilities through the Training Services and Personnel Services Units.

B. Selection Process/Order of Events

1. The Division of Human Resources performs a number of recruitment and selection activities involving advertisement, collection and review of applications, administering correctional candidate statewide written tests, and notifications to applicants.

    a. Written Examination - The Sheriff's Office will schedule and administer written testing for sworn candidates in conjunction with the Division of Human Resources. There are generally no written examinations for civilian positions. Personnel from the Division of Human Resources will access each civilian candidate's education and experience in lieu of written testing.

    b. The Sheriff's Office will schedule and administer the following selection activities for all full-time positions upon receipt of the applications of eligible candidates from the Division of Human Resources.

        (1) Physical Agility Test - Uniform positions only - Pass/Fail Testing
            (a) Notice to candidates (announcement)
            (b) Agility Test date
            (c) Notice to candidates (results - eligible/not eligible)

        (2) Oral Interview - Number Scale
            (a) Notice to candidates
            (b) Interviews held
            (c) Ranked scores prepared for Sheriff
            (d) Notice to candidates (eligible/not eligible)

        (3) Sheriff's Interview - Uniform positions - Number Scale
            (a) Notice to candidates
            (b) Interviews held

        (4) Eligibility Notifications/Disqualified Notifications
            (a) Copy to personnel Human Resources Division
            (b) Notice to candidates within 30 days

(5) Conditional Offer of Employment
   (a) Notification to candidate
   (b) Copy to Human Resources Division

(6) Background Investigation (30 days) - Pass/Fail
   (a) Personal History Questionnaire given out with instructions for completion and return within one week with personal documents to be delivered to the investigator (i.e. education, military, social security, birth certificate, etc.).
   (b) Polygraph - Deceptive/Non-Deceptive Testing
   (c) Psychological - Uniform positions only
   (d) Disqualification notice (if applicable)

(7) Medical/Physical - Pass/Fail Testing
   (a) Drug test
   (b) Physical examination

(8) Employment Notice
   (a) Date given to candidate
   (b) Copy to Human Resources Division

(9) Personnel Action
   (a) Employment contract signed (if applicable)
   (b) Notice to County Human Resources Division - effective date of hire

(10) Probationary Appointment

(11) Orientation
   (a) In-house - begins date of hire
   (b) MPCTC (as needed)

(12) MPCTC Probationary Appointment Card (Sworn positions only)
   (a) Sent to MPCTC within 30 days of hire

32.1.2 Rating Criteria of Job-Related Minimum Requirements

A. Documentation of the Selection Process

All occupational testing for positions with the Sheriff's Office will be measured and interpreted by trained personnel using job related, useful, and nondiscriminatory procedures.

1. The Frederick County Division of Human Resources and the Sheriff's Office selection process uses only those rating criteria or minimum qualifications that are job related.

2. Elements of the selection process will have practical value to the position applied, be related to job performance, and be fair in application to all candidates.

3. The Sheriff reserves the right to waive or modify, on a case-by-case basis, elements of the selection process regulated by the Sheriff and not mandated by the Maryland Police Training Commission.

B. Documenting Written Tests

Written tests used as part of the selection process for uniform personnel are documented on file with the Division of Human Resources as being valid and job related.

C. Responsibilities of the Sheriff

The Sheriff will retain certain responsibilities with respect to the process of selection of personnel which include:

1. Identification of specific needs of the Office
2. Determination of skills and personal attributes required for positions
3. Selection of personnel on the above listed basis

D. Physical Qualifications

1. Physical and age qualifications for entry level positions are established by the Sheriff. These qualifications will meet professional and legal standards for job relevancy, usefulness, and fairness. Reasonable accommodations will be made where applicable in accordance with the Americans with Disabilities Act for qualified individuals with disabilities.

2. Notice of physical and age qualifications for entry level Deputy Sheriff and Correctional Officer positions are contained in the Division of Human Resources' job announcements.

3. Qualifications for Deputy Sheriff positions are based on medical guidelines adopted by the Maryland Chiefs of Police Association and the American College of Occupational & Environmental Medicine (ACOEM).

E. Physical Agility Examination

1. A physical agility examination of each deputy sheriff and correctional officer candidate is conducted using job related, useful and non-discriminatory measures that are relevant to essential job functions.

2. The purpose of the examination is to determine the candidate's strength, endurance, coordination, and ease of movement.

3. The testing components are representative of the degree of physical agility that deputy sheriffs and correctional officers are expected to maintain throughout their careers.

F. VI. Oral Interviews - Standardized Questioning

1. Oral Interviews of eligible candidates for positions with the Sheriff's Office will be conducted using uniform questions, evaluation criteria, and rating procedures.

2. An oral interview of each eligible candidate will be conducted prior to appointment to probationary status using job related, useful and nondiscriminatory procedures.

3. Each entry-level candidate will be interviewed by a board comprised of Sheriff's Office line, supervisory and/or command personnel with appropriate knowledge of the position being considered.

4. Uniform questions, time period for each interview, and rating scales will be used and the results will be scored in a standardized format.

5. From the responses to the list of questions, other questions may be asked by any board members to clarify or expand on the response of the candidate.

6. Board members are encouraged to take notes on candidates responses to the questions asked. After the candidate has left, the notes can be referred to for rating the individual responses and making an overall rating. After all interviews have been completed, the board will compile a ranked listing of candidate scores.

7. The scores will be forwarded to the Personnel Services Commander for compilation of a final ranked listing consisting of the total scores achieved in all phases of the selection process (written test, oral agility test, oral interview).

8. The final ranking will be forwarded to the Sheriff for review and final selection. The Sheriff will normally interview the top candidate(s) prior to probationary appointment.

9. The Sheriff's Office Personnel Services will notify candidates of their status within thirty days of completion of the selection process.

10. The Sheriff's Office Personnel Services will maintain files on each selection process, and will notify the Division of Human Resources of the results of each process.

32.1.3 Uniformity of the Application Process

All elements of the selection process will be administered, scored, evaluated and interpreted in a uniform manner.

32.1.4 Information to All Applicants

A. At the time of formal application, candidates are informed in writing through recruitment literature and/or job postings of all elements of the selection process.

B. Elements of the process will be outlined to include:
   1. Written and Oral Examinations (as required)
   2. Medical, Psychological, Polygraph, and Physical Agility Examinations (as required)
   3. Oral Interviews
   4. Drug Testing
   5. Background Investigation

C. Candidates will also be provided written notice through recruitment literature of the expected duration of the selection process, and of notice regarding the process for re-application in event of non-acceptance.

32.1.5 Informing Ineligible Candidates

Candidates not eligible for appointment to probationary status and who do not fall under the provisions of Single Test Ineligibility Section will be informed, in writing, within thirty (30) calendar days of such a decision.

32.1.6 Disposition of Records of Ineligible Candidates

A. Selection materials will only be disposed of as directed and monitored by orders of the Division of Human Resources Director or the Sheriff. This action will always be performed in a manner that prevents disclosure of the information contained therein.

B. Disposition of Records

1. Records of all candidates not appointed to probationary status will be maintained on file by the Division of Human Resources or Sheriff's Office, as appropriate, for a period of at least three years from the closing date.

2. It is helpful to preserve selection data to ensure continued research, independent evaluation, and defense against lawsuits as the needs arise.

3. The Division of Human Resources and Sheriff's Office will comply with all federal, state and local requirements regarding the privacy, security and freedom of information of all candidate records and data.

4. Release of information will require a signed release by the employee or Court Order with review and approval by Sheriff's Office legal representatives.

32.1.7 Security of Selection Materials

A. Selection materials used by the Division of Human Resources and Sheriff's Office will be stored in secure areas when not being used. Access to these materials will be permitted only to those personnel who are involved in administering the selection process.

B. Selection materials for written tests will be disposed of by the means outlined in the security agreement with the company supplying the tests. Other materials maintained by the Sheriff's Office will be disposed of by shredding and documented by the Personnel Services Commander via a memo to the Sheriff.

32.2 SELECTION: ADMINISTRATIVE PRACTICES AND PROCEDURES

This General Order consists of the following sections:

32.2.1 Background Investigation Required
32.2.2 Background Investigator Training
32.2.3 Retention of Candidate's Background Information
32.2.4 Polygraph Examinations as used in the Selection Process
32.2.5 Polygraph Examiner's Training
32.2.6 Polygraph Results as the Single Determining Factor of Employment Status
32.2.7 Medical Examination to Certify the General Health of the Candidate
32.2.8 Emotional and Psychological Examination
32.2.9 Medical and Psychological Examination Test Retention
32.2.10 Length of Probation
32.2.11 Lateral Entry
32.2.12 Reapplication
32.2.13 Selection Process Information
32.2.14 Ineligible Candidates
32.2.15 Single Test Ineligibility
32.2.16 Disposition of Records

POLICY

The Sheriff's Office recognizes a background investigation as one of the most useful and relevant components of the selection process, and therefore shall conduct a thorough investigation into the background of each eligible candidate.

PROCEDURES

32.2.1 Background Investigation Required

A. Process

1. A background investigation of each candidate will be conducted prior to appointment to probationary status.

2. The process to be followed in administering a background investigation will be as follows:

   a. Assignment - Investigators will be assigned background investigations by the respective Bureau Chief as appropriate.

   b. Notice - The conditional offer of employment letter will inform the candidate that they will be scheduled for an interview and additional examinations by a background investigator. The background investigator will forward the following documents to the candidate:

(1) An Authorization for Release of Information/Waiver of Liability form (FCSO Form 32-J).

(2) A Medical History Statement (FCSO Form 32-B) to be completed and returned to the investigator at the scheduled interview.

(3) A Personal History Statement to be completed and returned to the investigator at the scheduled interview.

(4) Notice of required personal history records to be delivered to the investigator at the time of the interview (i.e., education, military, social security, birth certificate, etc.)

c. Interview - The assigned investigator will conduct the interview session as scheduled to include the following actions:

(1) Completing the Basic Information and Records questionnaire.

(2) Reviewing with the applicant the formal application, personal history and medical questionnaires, and insuring any necessary explanations or clarifications are received from the applicant.

(3) Photograph the candidate.

(4) Completion of two (2) fingerprint cards for submission to the Maryland State Police Criminal Repository in Pikesville, MD.

(5) Acquire signature from the candidate on a minimum of two (2) Authorization for Release of Information forms.

d. Records Verification - The investigator will conduct verification of records, history, qualifications, and reference inquiries in accordance with General Orders.

e. Maryland Police and Correctional Training Commission Regulations - The investigator will ensure the candidate is in compliance with MPCTC probationary selection requirements, Maryland Title (12), Subtitles (04) and (10).

f. Summary - The investigator will complete an investigation summary of the components of the background, will make a recommendation on employment, and will submit the complete background document to the respective Bureau Chief for review.

g. Due Date - All background investigations will be completed and submitted within thirty days of assignment.

h. Review - The respective Bureau Chief will review the document, make recommendations on employment, and forward the document to the Chief Deputy. The Chief Deputy will review the document, make recommendations on employment, and forward the final document to the Sheriff.

i. Sheriff - The Sheriff will make the final decision on employment for all candidates.

B. Verification of Credentials, History, and Qualifications

1. The background investigation will include the verification of the candidate's qualifying credentials, including:
   a. Review of Criminal Record, if any
   b. Interviews with at least four (4) personal/character references (See B.2. for requirements)
   c. Educational achievement
   d. Employment
   e. Age
   f. Residence
   g. Citizenship
   h. MPCTC compliance (sworn personnel)

2. The investigator will make specific inquiry into the following areas. Whenever possible these inquiries will be conducted in person, as they are the most reliable, although telephone and mail inquiries are appropriate in obtaining criminal history, military, educational and credit records, and motor vehicle information. The investigation should routinely involve a home visit with the candidate and his/her family, and interviews with neighbors, personal, character and employment references. An Authorization for Release of Information form must accompany each inquiry request with exception to fingerprint submissions.

   a. Records Inquiries
      (1) Credit Check (Credit Bureau of Frederick and other places of residence in last five years)
      (2) Motor Vehicle Records
      (3) Criminal Check (Local Police Agency)
      (4) Criminal Check (Frederick County Sheriff's Office and other appropriate counties)
      (5) Criminal Check (Maryland State Police and other appropriate states)
      (6) Criminal Check: N.C.I.C./M.I.L.E.S. (satisfies local fingerprint checks)
      (7) Fingerprint Check (M.S.P./F.B.I.)
      (8) Other Applicable Police Agencies
      (9) School Officials Inquiry
      (10) Military Records Inquiry

   b. Reference Inquiries (minimum)
      (1) Two personal references provided by the candidate
      (2) Two neighbors within the past ten years
      (3) One present employer
      (4) Two past employers
      (5) One present fellow employee
      (6) One past fellow employee
      (7) One family member
      (8) Two character references not provided by the candidate

(9) Prior law enforcement or corrections employment (interview required with chief, deputy chief or their designate)
(10) Any additional persons known to have knowledge of the candidate's personal traits such as relatives, associates, landlords etc., as necessary to compile an accurate and complete file on the candidate.

c. In event the investigator finds inconsistencies between the responses given by the candidate and the references or records information, the investigator will schedule a follow-up interview with the candidate to discuss the inconsistencies. This information will be included in the investigator's final summary report.

3. Drug Use - Background investigators will make inquiry to determine if a candidate has any prior or current illegal involvement with controlled dangerous substances.

a. An applicant will be disqualified as a candidate if the applicant has been convicted of or otherwise found guilty of the sale, manufacture or distribution of a controlled dangerous substance.

b. If a background investigation, polygraph, interview, drug screening, or other process indicates an applicant's current or prior use of a controlled dangerous substance, the background investigator will investigate to determine if the use is or was legitimate or within the maximum prior use criteria accepted by the Sheriff's Office.

c. Applicants for sworn law enforcement and mandated correctional positions will be disqualified if there is indication that the applicant illegally used a controlled dangerous substance in excess of the maximum prior use criteria established by the Maryland Police and Correctional Training Commissions, and accepted as standards by the Frederick County Sheriff's Office (refer to MPCTC regulations).

d. Determination of acceptable levels of controlled dangerous substance use for civilian positions will be made on a case by case basis regarding maximum use; with a three-year minimum period allowable from the last illegal use.

e. If there is indication that current or prior use of a controlled dangerous substance is or was legitimate, the background investigator will obtain proper medical documentation from the prescribing provider.

f. If there is no legitimate medical reason for use of a controlled dangerous substance and the use exceeds the maximum accepted by the Sheriff's Office, the applicant will be disqualified.

g. The Sheriff's Office will evaluate the use of a legitimately prescribed controlled dangerous substance by the applicant to determine whether the applicant is not currently abusing the substance and is medically fit to perform the duties of the position.
h. If there is an indication of a pattern of continued use of a controlled dangerous substance by an applicant or if it is determined that an applicant is currently abusing or is dependent on a legally prescribed controlled dangerous substance, the applicant will be disqualified.

i. If an applicant is using or has used a controlled dangerous substance which was legally obtained for valid medical reasons and there is no indication of abuse or dependence by the applicant, the applicant will not be disqualified on that basis.

32.2.2 Background Investigator Training

All personnel assigned to conduct background investigations will be trained in collecting the required information.

32.2.3 Retention of Candidate's Background Information

A. The records of each candidate's background investigation will be maintained on file for the amount of time dictated by the records retention and disposal schedule.

B. Candidates who are granted probationary status and subsequent permanent status will have their background files stored under the direction of the Chief Deputy. Personal medical history records and psychological records will be maintained in separate files.

C. Candidates who are not granted probationary status will have their background files stored under the direction of the Chief Deputy.

D. Background files on employees who terminate employment with the Sheriff's Office will be stored under the direction of the Chief Deputy.

32.2.4 Polygraph Examinations as used in the Selection Process

A. Polygraph examinations will be used as an investigative aid to the employment selection process. Candidates for all positions within the Sheriff's Office, to include civilians, deputy sheriffs, and correctional officers, will be required to submit to pre-employment polygraph examinations. Only individuals trained at an accredited school in the use of the polygraph will administer examinations.

B. Definitions

1. Polygraph: The polygraph is a scientific instrument designed to simultaneously monitor and record physiological responses (pulse rate, relative blood pressure, respirations, and sweat gland activity), which take place as a result of a verbal stimulus (question). The polygraph instrument will be of commercial manufacture and will have no fewer than three functioning components.

2. Polygraph Use: The polygraph is used to determine the validity of a subject's statement by evaluating consistent physiological responses recorded during the examination.

C. Procedures for Pre-employment Polygraphs

1. Candidates will be provided, at the time of formal application, with a list of areas from which polygraph questions will be drawn. This information will be made known during the recruitment process through notice included in job announcements.

2. For candidates to give their informed consent, it is reasonable for them to know the nature and extent of the inquiry. Therefore, actual questions will be provided just prior to and at the location of the polygraph examination, so that candidates can have sufficient time to review and understand what is going to be asked of them.

3. Polygraph examinations will be conducted as part of the selection process after a conditional offer of employment has been made.

4. The polygraph examiner administering the examination and evaluating the results in the selection process will have professional training and credentials in the use and interpretation of this investigative tool.

5. The polygraph examiner will provide a verbal report of the examination findings to the investigating officer within two (2) days of the examination and a written report within five (5) days.

6. The polygraph examiner will have the discretion to not administer a polygraph examination to a scheduled candidate if the candidate reveals, during the pre-test interview, any previously undisclosed, potentially disqualifying event(s). These events will include, but not be limited to, drug usage, involvement in serious crimes, etc. The polygraph examiner will, however, conduct a complete pre-test interview (review of the Polygraph Screening Booklet) with the candidate.

    a. Before deciding not to administer the polygraph examination, the polygraph examiner will take into consideration the seriousness of the disclosed event(s), the position the candidate is applying for, and the likelihood the involvement will exclude the candidate from the hiring process.

    b. The polygraph examiner does not have the authority to disqualify any applicant from the employment process. In the event the polygraph is not conducted based on such disclosure, the polygraph examiner will inform the applicant the test will be postponed until the background investigator has an opportunity to address the issue(s) that was disclosed. The polygraph examiner will forward a report to the background investigator detailing why the polygraph examination was not conducted and information the candidate disclosed. The polygraph examination will be rescheduled at the discretion of the background investigator.

32.2.5 Polygraph Examiner's Training

Polygraph Examiner: A sworn member of Frederick County Sheriff's Office who has successfully completed a polygraph training course at a licensed and accredited polygraph school. The member must also be thoroughly trained and experienced in criminal investigations and interrogations and be able to display a high proficiency in the operation of the polygraph instrument.

32.2.6 Polygraph Results as the Single Determining Factor of Employment Status

Polygraph examination results will not be used as the single determinant of employment status. The examination is used only as an investigative aid. Together with other information, the polygraph may be sufficient to support decisions relevant to employment status.

32.2.7 Medical Examination to Certify the General Health of the Candidate

A. Medical Examinations

1. A medical examination of each Sheriff's Office candidate, including civilians, will be conducted prior to appointment to probationary status using job related, useful, and nondiscriminatory procedures. The purpose of the examination is to reveal any medical problems which may inhibit work performance or contribute to work related disabilities.

2. Medical examinations will be conducted as part of the selection process after a conditional offer of employment has been made.

3. The following examinations are generally performed for all candidates:
   a. Medical History
   b. Complete Physical Examination (per Maryland Chiefs of Police Assoc. medical screening guidelines)
   c. Blood Profile
   d. EKG
   e. PPD Test
   f. Hepatitis Vaccine
   g. Vision Test (per ACOEM Guidance for the Medical Evaluation of Law Enforcement Officers)
   h. Hearing Test
   i. Urinalysis
   j. Drug Screening
   k. Climbing, Lifting Capabilities
   l. Nose, Throat, and Mouth Examination

4. The following examinations are for Deputy Sheriff and Correctional Officer Candidates only (in addition to the tests in 3 above):
   a. Strength and Flexibility Evaluation
   b. Body Fat Analysis
   c. Post Exercise, Blood Pressure and Pulse
   d. Complete Blood Count
   e. Pulmonary Function Test

B. Certificate of Candidate's Health

1. Only licensed physicians will be used to certify the general health of candidates.

2. The comprehensive medical examination given to candidates will include a summary from the physician(s) interpreting the results, and a statement as to the candidate’s ability to

perform the duties of the specific position applied for, such as Deputy Sheriff or Correctional Officer.

32.2.8 Emotional and Psychological Examination

A. A psychological examination designed to assess the emotional stability and psychological fitness of each deputy sheriff candidate will be conducted prior to appointment to probationary status using job related, useful and nondiscriminatory procedures.

B. Psychological assessments are needed to eliminate candidates who may not be able to carry out their responsibilities or endure the stress of the working conditions. The assessments are conducted by a qualified psychologist and are comprised of the following elements:
   1. Inward Personality Inventory
   2. California Psychological Inventory
   3. Personal interview between the psychologist and the candidate.

C. Psychological examinations will be conducted as part of the selection process after a conditional offer of employment has been made. Only qualified professionals will be used to assess the emotional stability and psychological fitness of candidates. The psychologist final report will identify strengths and weaknesses of each candidate. The overall recommendation will reflect the candidate's suitability for the position.

32.2.9 Medical and Psychological Examination Test Retention

A record of the results of medical and psychological examinations will be retained on file with the Sheriff's Office under the direction of the Chief Deputy for the amount of time dictated by the records retention and disposal schedule. They will be stored in a secured area and access will only be given to those persons legally entitled to review the records.

32.2.10 Length of Probation

A. Probationary Periods Required

   1. All entry-level Deputy Sheriff and Correctional Officer personnel must satisfactorily complete an eighteen-month probationary period before being granted permanent status. The probationary period for Deputy Sheriff will start at the time of being sworn.

   2. All entry level Classification Counselors and Institutional support staff as defined by the Maryland Correctional Training Commission, must satisfactorily complete an eighteen month probationary period before being granted permanent status.

   3. All Civilian personnel must satisfactorily complete a six month probationary period before being granted permanent status.

   4. All Special Police Officers must satisfactorily complete a one year probationary period before being granted permanent status.

B. Training Completion Required

Prior to permanent placement all personnel must successfully complete all applicable and scheduled training provided during the respective probationary period to include:

1. Orientation training
2. In-Service training
3. Field training
4. Maryland Police or Correctional entry-level certification (must be completed within one year of employment)
5. Specialized training as assigned

C. Employment Agreement Required - Entry-level Deputy Sheriff and Correctional Officer positions only

The Sheriff's Office shall promote and combine career oriented recruitment with an equitable return of service on the County's investment through the use of an employment agreement for entry-level and lateral deputy sheriff/correctional officer positions. The following procedures will apply:

1. All prospective deputy sheriff/correctional officer candidates will be required to enter into an agreement with Frederick County as a condition of their employment.

2. A prospective candidate's refusal to enter into the established agreement will disqualify the individual from further employment consideration as a deputy sheriff/correctional officer.

3. The employment contract will state the costs incurred by Frederick County which is subject to reimbursement by the Deputy Sheriff or Correctional Officer.

4. The agreement will require these costs be reimbursed by the employee on a specified scale if employment termination occurs within thirty-six months of service and acceptance of employment with another police department or other police related work, or Correctional facility or corrections related work occurs within one year from the date of Frederick County termination.

5. Sheriff's Office Fiscal Services will be responsible to process the employment contract as follows:

6. Complete the agreement and witness the prospective employee's signature of agreement

    a. Advise the prospective employee to seek legal advice if questions arise

    b. Process copies of signed contract (including the Sheriff's signature) to the prospective employee and Sheriff's Office personnel file.

    c. Extensions to a probation period will only occur after consultation with Human Resources and the approval of the Sheriff.

32.2.11 Lateral Entry

A. Lateral entry is the process of hiring experienced entry level Deputy Sheriff and Correctional Officer personnel outside of the regular recruitment process established in General Order 31. This process applies to a lateral entry recruitment only, and consists of several phases: screening of applications, evaluation by investigation and examinations, and one or more interviews. The Sheriff will make the initial decision to bypass the regular recruitment process for candidate consideration, and will make the final decision on all candidate hiring. These positions may be hired at the Deputy Sheriff or Correctional Officer I level depending on status, certification, training and education. The positions will still require the regular 18-month probationary period.

1. Phase 1 - Application Screening

   a. The Human Resources Division will advertise for lateral entry positions at times determined by the Sheriff.

   b. Each lateral entry applicant will be required to submit an application to the Human Resources Division. The candidate must meet certain criteria of education and law enforcement or corrections experience, as appropriate, to be considered in this process.

   c. The Division of Human Resources Director will review all applications with the Sheriff for compliance with the following criteria:
      (1) Candidates must have a minimum of one year permanent status experience in law enforcement or corrections as applicable. They must be presently employed in law enforcement or corrections or not out of the respective field of work for more than three years at the time of lateral entry employment.
      (2) Maryland candidates must possess the appropriate Maryland Police or Correctional Entrance level training certificate. Out of state candidates must request an evaluation of their training status from the Maryland Police and Correctional Training Commission. Candidates must complete any supplementary training required by the Commission within one year of employment.

   d. Candidates meeting the above requirements will be eligible to advance to the next phase of the process.

2. Phase 2 - Structured Oral Board

   a. The Sheriff will direct an Oral Board be convened to consider those applicants meeting the experience criteria listed in phase 1 above.

   b. This phase will involve an oral examination conducted by a board consisting of selected law enforcement or corrections personnel. Candidates will be asked a set of several general law enforcement or corrections related questions with follow-up questioning and/or explanation as needed, followed by any necessary questions regarding information contained in the candidate's formal application.

c. If more than one applicant is being considered, the board members will rank the candidates based on the scored results of the interviews.

d. Passing candidates will advance to the next phase.

3. Phase 3 - Command Interview

Candidates will be scheduled to attend an interview with Command Staff Personnel. An offer of conditional employment will be made to candidates based on the Sheriff's interview, the final ranking, and the number of vacancies.

4. Phase 4 - Screening Measures

Satisfactory completion of the following screening measures is required of those candidates offered conditional employment.

a. Physical Agility Testing
b. Polygraph Examination
c. Background Investigation
d. Psychological Examination (deputy sheriffs only)
e. Medical Examination
f. Drug Testing

B. Miscellaneous

1. Candidates must be 21 years of age or older.

2. Lateral entry applies only to the entry level ranks of Deputy Sheriff and Correctional Officer I.

3. If after lateral entry screening measures are completed and there are no suitable candidates, the Sheriff's Office may draw from an existing eligible list or may request further advertising from the Human Resources Division.

4. The applicants will be formally notified of their status once the process is completed.

32.2.12 Reapplication

A. Human Resources and the Sheriff's Office allows for re-application, retesting, and reevaluation of those candidates not appointed to probationary status, unless the condition(s) which previously eliminated the applicant from appointment are of a nature that another rejection is assured (e.g., unsatisfactory background investigation).

B. There are generally no limitations to allowing re-application unless (A) of this section applies.

C. To reapply for the next hiring cycle, applicants will need to submit a new application to the Human Resources Division at the time of active recruitment.

32.2.13 Selection Process Information

A. At the time of formal application, candidates are informed in writing of all elements of the selection process.

B. Elements of the process will be outlined to include:

1. Written and Oral examinations
2. Medical, Psychological, Polygraph, and Physical Agility Examinations
3. Oral Interviews
4. Drug Testing
5. Background Investigation

C. Candidates will also be provided written notice through recruitment literature of the expected duration of the selection process, and the process for re-application in event of non-acceptance.

32.2.14 Ineligible Candidates

A. Candidates not eligible for appointment to probationary status and who do not fall under the provisions of Single Test Ineligibility Section will be informed, in writing of such a decision in a timely manner.

B. Reasons for ineligibility under this section include, but are not limited to the following:

1. Expiration of the eligibility list

2. Candidate is not acceptable in more than one selection area.

3. Candidate is acceptable in all areas, but is not the best candidate being considered and is being placed on an eligibility list.

32.2.15 Single Test Ineligibility

Single test disqualification may occur for failure to meet or satisfy one of the elements in the following areas:

1. Oral Interview
2. Maryland Police and Correctional Training Commission requirement(s)
3. Background Investigation component(s)
4. Polygraph
5. Psychological examination
6. Employment Agreement compliance
7. Physical Agility Examination

32.2.16 Disposition of Records

A. As a general rule, all records of candidates not appointed to probationary status will be maintained on file by Human Resources or Sheriff's Office, as appropriate, for the amount of time dictated by the records retention and disposal schedule.
B. It is helpful to preserve selection data to ensure continued research, independent evaluation, and defense against lawsuits as the needs arise.

C. Human Resources and the Sheriff's Office will comply with all federal, state, and local requirements regarding the privacy, security, and freedom of information of all candidate records and data.

D. Release of information will require a signed release by the applicant or Court Order with review and approval by Sheriff's Office legal representatives.

33.1 TRAINING - ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

33.1.1 Goals of Training Programs
33.1.2 Training Function
33.1.3 Training Committee
33.1.4 Annual Review of Training Programs
33.1.5 Resources for Use in Development of Training Programs
33.1.6 Training Attendance Requirements
33.1.7 Reimbursements to Employees for Outside Training
33.1.8 Affiliation with College/University
33.1.9 Resources of Public and Private Organizations
33.1.10 Training Provided to and by Other Agency Personnel
33.1.11 Training Facilities
33.1.12 Use of Job Task Analyses in Development of Training Programs
33.1.13 Performance Objectives for Training Programs
33.1.14 Requirements for Lesson Plans
33.1.15 Approval Process for Training Programs
33.1.16 Testing in Training Programs
33.1.17 Remedial Training
33.1.18 Personnel Training Records
33.1.19 Course Training Records
33.1.20 Release of Personnel Training Records

POLICY

The Frederick County Sheriff's Office shall provide training each year to all members of the Sheriff's Office - sworn, civilian, corrections, and corrections support - through in-service education and training programs that will meet or exceed the minimum standards of the Maryland Police and Correctional Training Commissions (MPCTC).

PROCEDURES

33.1.1 Goals of Training Programs

The Sheriff's Office training goal is to meet or exceed the minimum standards of the MPCTC, provide instruction which addresses staff development and needs of the Sheriff's Office and its members, and provide appropriate training in a consistent manner.

33.1.2 Training Function

A. Primary responsibility for the law enforcement training function is the Support Services Commander.

B. Responsibilities for the training function shall include:

1. Oversight of all training programs involving Sheriff's Office personnel

2. Oversee the planning, developing, and implementing all Sheriff's Office training programs

3. Oversight of the selection of instructors (see 33.3.1)

4. Overseeing the maintenance of the revisions/updates to lesson plans and summaries

5. Oversee the scheduling and notification of personnel for required and available training

   a. This shall be coordinated with supervisors, commanders, and bureau chiefs.

   b. Notification shall be effected by:

      Individual training orders advising employees of in-service or specialized training to which they have been assigned. This training order will contain all details including course name, course dates, travel, lodging, etc.

6. Ensuring that required training programs are attended (see 33.1.6)

7. Maintaining training records, and internal and external reports regarding training, including records and reports to other agencies which utilize the Sheriff's Office in-service training programs (see 33.1.18, 33.1.19, and 33.1.20)

8. Coordinating the evaluation of training programs and instructors; and advising the respective chiefs in preparing evaluations of:

   a. New instructors' selection process (see 33.3.1)

   b. Outside instructors and programs

   c. New programs of instruction

9. The Support Services Commander shall chair the Law Enforcement Bureau's Training Committee.

33.1.3 Training Committee

A. The Sheriff's Office (Law Enforcement Bureau) Training Committee shall be comprised of seven (7) Sheriff's Office personnel:
   1. Support Services Commander (Chair)
   2. Training Services representative
   3. Judicial Operations representative
   4. Accreditation representative
   5. One (1) commander or supervisor
   6. One (1) deputy
   7. One (1) civilian

B. Training Committee members shall be appointed annually by the Support Services Commander.

C. Training Services shall report committee activities to the Sheriff.

D. The responsibility and authority of the Training Committee shall include:

   1. Meeting on a semi-annual basis (law enforcement and corrections)

   2. Acting as advisors to the Sheriff

   3. Developing Sheriff's Office resources which may be used to conduct annual in-service training programs

   4. Obtaining input regarding training programs from agency members

   5. Evaluating previous and current training programs for effectiveness and applicability to the coming year's training needs

   6. Preparing a written report and recommendations to the Sheriff for proposed in-service training.

   7. Reviewing MPCTC training regulations and academy concerns as they arise

   8. Reviewing policy, general orders, and regulations regarding training

33.1.4 Annual Review of Training Programs

A. The Sheriff's Office training programs shall be reviewed by the Training Committee Training Services Section annually to ensure that they comply with:
   1. Personnel and operational needs
   2. Legal requirements
   3. Agency policies
   4. MPCTC regulations

B. The evaluation process shall include

1. A review of new laws, court decisions, and agency directives

2. An evaluation of the training programs (in-service and academy)

3. The identification of problems associated with physical facilities, materials, or scheduling

4. Consultation with agency supervisors and the Sheriff

5. A review of the number of persons trained, and the extent of training provided

C. The Training Services Section's annual report to the Sheriff shall include:

1. Evaluation of in-service training programs

a. Effectiveness

b. Recommendations for additions, updates, and/or revisions

2. Recommendations for proposed in-service training programs for the following year

3. Need for remedial training

D. The Support Services Commander shall ensure lesson plans are reviewed and revised as required by MPCTC.

33.1.5 Resources for Use in Development of Training Programs

The Training Services Section and Sheriff's Office instructors shall routinely use the following Sheriff's Office resources in training program development:

A. Inspection reports (FCSO Form #53-A and staff inspections)

B. Staff reports and/or meetings

C. Field personnel's input and observations

D. Training Committee meetings/reports

E. In-service Training Course Evaluations (FCSO Form #33-D/FCADC Form #111)

F. Participation by the Sheriff, Chief Deputy, Bureau Chiefs, Division Commanders, and Directors

G. Office of Policy and Compliance and Criminal Investigations Section investigative reports

H. Use of Force reports

33.1.6 Training Attendance Requirements

A. All members of the Sheriff's Office shall attend annual in-service training which is directly job-related, consistent with safety and personal improvement, and meets Sheriff's Office requirements. Sheriff's Office requirements meet or exceed MPCTC regulations, both of which are as follows:

1. Sworn personnel:

   a. MPCTC - 18 hours of approved in-service training [Title 12, Subtitle 04, Chapter 01, Regulation .12, Section (A) through (G)]

   b. Sheriff's Office - additional hours/courses as designated by the Sheriff

2. Civilian personnel

   a. MPCTC - N/A

   b. Sheriff's Office - approved training (see 33.7)

B. The following in-service training for various categories of employees is mandated by outside agencies:

1. All Sheriff's Office personnel -

Blood borne Pathogens	Annually	OSHA
Mental Illness	Entry/Every 3 years	CALEA
Ethics	Every 2 years	CALEA
NCIC*	Every 2 years	State of MD
Accreditation	Entry/prior to onsite	CALEA

2. Law enforcement personnel -

Firearms Classroom	Annually	MPCTC
Firearms Qualification	Annually	See 1.3.11
Expandable Baton	Annually	FCSO
O.C. Spray*	Annually	MSI
Taser	Annually	MPCTC
Defensive Tactics	Every 2 years	MPCTC
Legal Updates	Annually	CALEA
Temporary Detentions	Every 3 years	CALEA
EOP (affected personnel)	Annually	CALEA
LEEMCC (medical)	Annually	FCSO
Care and handling of rape & sex offense victims	Every 3 years	MPCTC
Treatment of crime victims	Every 3 years	MPCTC
Rights available to victims	Every 3 years	MPCTC

*Recertification requirements

C. Commanders and supervisors shall ensure that their personnel are scheduled for courses of instruction that will meet Sheriff's Office requirements.

D. Training Services will review attendance, and advise bureau chiefs of any unexcused absences.

E. Authorized excuses from in-service training, advanced training, specialized training, or any other assigned training are limited to:

1. Excused sick leave - personnel must notify their supervisor and the Support Services Commander (law enforcement) and/or Director of Administrative Services (corrections) when requesting sick leave on days of scheduled training, using procedures established in Rules of Conduct 15-4 and General Order 22.2.4.C.

2. Pre-approved authorization - requests, time permitting, must be in writing and submitted through the chain of command to Training Services who will, with supervisors' approval, provide alternative training dates.

3. Court appearances - notification must be in writing, time permitting, and submitted through the chain of command to Training Services who will, with supervisors' approval, provide alternative training dates.

4. Emergencies - personnel must notify their supervisor and Training Services Section who will, with supervisors' approval, provide alternative training dates.

F. All personnel who incur an excused or unexcused absence shall contact the Support Services Commander upon their return to duty to arrange for rescheduling. They will, with supervisors' approval, reschedule necessary make-ups, and notify the employee via a personnel order.

G. At the completion of the calendar year

1. By appointment, individual training files will be available for individual inspection - to include a review of training hours for the previous year.

2. Individuals may, at their expense, copy their training file.

3. The Support Services Commander will ensure the preparation for the Sheriff's approval, and submission to MPCTC, an annual in-service training report for all applicable personnel.

33.1.7 Reimbursements to Employees for Outside Training

A. The Frederick County Government Employee Educational Program is described in General Order 22.2.12 and the Frederick County Personnel Rules, Chapter XII.

B. The Sheriff's Office reimbursement policy for personnel attending authorized training will be as follows:

1. All training requests shall be submitted by personnel in sufficient time to allow 30 days processing by Training Services. They shall be submitted via the chain of command to

the respective Division Commander, and then forwarded to the Training Services Section. Requests not submitted within this time frame must be accompanied by written justification indicating the reasons(s) why proper notice could not be given.

2. The Training Services Section shall assess needs, and prior courses attended; and make a recommendation to the Sheriff. Funding assessments for all training will be done by Fiscal Services.

3. All employees assigned to advanced, specialized, or in-service training outside of the Sheriff's Office will be paid their regular salary during such training in accordance with current Federal, State, and County policies.

4. Overtime requests for training courses (course and/or travel time) must be approved in advance through the chain of command and noted on the Request for Education and Training (Form 33-J).

5. Supervisors of requesting personnel are responsible for schedule adjustments to prevent overtime for training. Exceptions will only be granted at the command level.

6. All employees are subject to the county's policies for advanced payments for travel, lodging, and per diem.

7. Upon approval of training for office personnel, the respective Fiscal Services sections for each bureau will handle travel arrangements (i.e. lodging, airfare, flight bookings, etc).

33.1.8 Affiliation with College/University

A. Entry level police training is provided through an MPCTC certified police academy.

B. Upon completion of the academy, specific topics may be available for transfer to the Community College of Baltimore and/or Frederick Community College for college credits.

C. Sheriff's Office personnel may, with approval, conduct/attend specialized training events, conferences, and relevant meetings on issues of mutual concern in association with local colleges upon invitation. Requests for training credit will be considered based on a review of documentation submitted to Training Services.

33.1.9 Resources of Public and Private Organizations

The Sheriff's Office will make use of offers to use public and private resources such as members from the Maryland State Bar Association, medical profession, social services, Juvenile Justice Administration, and private business groups to provide relevant in-service training. These outside resources will be used upon approval of the Sheriff when course content is deemed applicable and beneficial.

33.1.10 Training Provided to and by Other Agency Personnel

A. The Sheriff's Office shall provide MPCTC-approved in-service training programs to other agencies, and attend training at other criminal justice agencies to meet specific needs and enhance the quality of the training effort.

B. Training Services will use one or more of the following methods to disseminate information to other agencies about available Sheriff's Office training:

1. METERS

2. Direct networking

C. Training provided by other agencies will be coordinated through Training Services who will ensure compliance with MPCTC guidelines (when appropriate) and advanced training requirements (see 33.1.16). Instruction that is not deemed acceptable by the Commander will not be credited as Office training hours without the Sheriff's written authorization.

D. The purpose of this cooperation will be to increase effectiveness, improve coordination, and promote better understanding among the participating agencies.

33.1.11 Training Facilities

Training Services will maintain a list of training facilities available for use by the Sheriff's Office, as well as capacities of and equipment available at each

33.1.12 Use of Job Task Analyses in Development of Training Programs

A. MPCTC uses job task analyses in developing entry-level law enforcement and correctional objectives.

B. Training Services and the Training Committees will develop curriculum for in-service training based on job-related tasks.

33.1.13 Performance Objectives for Training Programs

A. The objective of all in-service and specialized training is to improve the skills, knowledge and abilities of Sheriff's Office personnel. All in-service training, in compliance with MPCTC regulations, will have course objectives for each lesson plan. All participants will be administered an assessment instrument to determine whether they have acquired the knowledge necessary to meet these objectives.

B. All employees will have opportunities for input in the development of training that is pertinent to their job requirements through the following means:

1. Written recommendations to the Training Committees or Training Services

2. Recommendations through staff/administrative meetings

3. Recommendations through course evaluations forms (FCSO Form #33-D / FCADC Form #111)

33.1.14 Requirements for Lesson Plans

All lesson plans shall:

1. Follow Sheriff's Office guidelines and format for lesson plan development

2. Be consistent with current MPCTC standards.

33.1.15 Approval Process for Training Programs

A. All proposed or newly revised lesson plan(s) shall be submitted to Training Services by the respective instructor for each course forty five (45) days prior to the course date.

B. Any class taught by an employee of the Frederick County Sheriff's Office will have an updated, approved lesson plan on file in Training Services. This includes in-service training, in-house specialized training, and any classes taught to outside groups as a representative of the agency.

C. Upon receipt, Training Services will review the proposed lesson plan/summary checking for accuracy and compliance with MPCTC and Sheriff's Office requirements. Final approval will be given by the Support Services Commander or the Training Supervisor.

D. Applications for course approval by MPCTC must be submitted to MPCTC 30 days prior to the start of the course. Applications for MPCTC approval will only be made through Training Services.

E. Upon attending outside training conducted by other agencies, personnel will complete FCSO form 33-S and return to Training Services within 30 days of course completion.

33.1.16 Testing in Training Programs

All MPCTC-approved in-service training must include a written or practical test, on which a score of at least 70% must be obtained.

33.1.17 Remedial Training

Any areas of concern regarding employee performance will be addressed by the chain of command. The command staff will determine whether or not formal remedial training be conducted and how it is administered. Remedial training may include:

1. Individual coaching
2. Formal classroom instruction
3. Practical training exercise

33.1.18 Personnel Training Records

A. Documentation of attendance shall be as follows:

1. All personnel will record their attendance at training by signing the course Attendance Roster (FCSO Form #33-A). Attendees will record their full name, ID number, and MPCTC Certificate number.

2. Instructors shall submit all Course Attendance Rosters (FCSO Form #33-A and FCADC Forms # 121 and 122) and Course Evaluation Forms (FCSO Form #33-C/FCADC Form # 111) to Training Services at the conclusion of each class.

3. Employees who attend approved training not provided by the Sheriff's Office shall ensure that one of the following occurs immediately following completion:

   a. Training Services receives a copy of a certificate documenting successful completion of the course, or

   b. Training Services is notified in writing of the employee's attendance and successful completion, as well as outline or summary information of the course content, if certificates or other documentation are not issued.

B. Training Services shall at the conclusion of each course of instruction:

1. Enter the following information into Training Services' database:
   a. MPCTC approval number or course description
   b. Date
   c. Credit hours
   d. Attendee's social security number
   e. Names of attendees
   f. Sheriff's Office bureau or other agency at which attendee is employed
   g. Attendee's score
   h. Attendee's identification numbers
   i. Attendee's agency number
   j. Attendee's rank

2. Update each employee's training file with the following information:
   a. Type of training
   b. Date
   c. Copies of any certificates
   d. Test scores (FCSO form #33-C / FCADC Form #110)

3. Send documentation to the respective agencies for any attendees from outside the Sheriff's Office

33.1.19 Course Training Records

A. Completed attendance rosters and evaluation forms shall be maintained by Training Services in individual files by year and training topic. The attendance rosters will contain the rank, names, identification numbers, as well as pre- and post-test scores.

B. Lesson plans will be kept in separate files from the attendance rosters and evaluation forms. Each revision of every lesson plan will be dated and maintained on file indefinitely by Training Services.

33.1.20 Release of Personnel Training Records

A. Training records shall only be released:

1. To an employee submitting a written request

2. Under court order

3. To another law enforcement agency upon written request and a Release of Information Form from the employee, and approval by the Personnel Services Commander.

4. In full compliance with all existing federal, state and local laws addressing the rules of privacy

5. As directed by the Sheriff

33.2 TRAINING - ACADEMY ADMINISTRATION

This General Order consists of the following sections:

33.2.1 Administration and Operation of Training Academy
33.2.2 Position, Authority, and Responsibilities of the Training Academy Director
33.2.3 Academy Physical Plant
33.2.4 Recruit Training Academies
33.2.5 Academy Orientation Handbook
33.2.6 Recruit Training in Sheriff's Office Policies, Procedures, Rules and Regulations

POLICY

The Frederick County Sheriff's Office shall maintain a close working relationship with the Maryland Police and Correctional Training Commission (MPCTC) and those certified agency academies providing entrance level police and corrections training in addition to the Frederick County Law Enforcement Academy.

PROCEDURES

33.2.1 Administration and Operation of Training Academy

A. The administration of the Frederick County Law Enforcement Academy (FCLEA) shall be the responsibility of the Support Services Commander. The daily function and curriculum of the FCLEA shall be the responsibility of the Training Supervisor.

1. The FCLEA's goals are to provide the best possible training available. This includes both academic and reactionary, in accordance with modern technology, community needs, MPCTC objectives and agency philosophy that best fits the needs of the agency and the communities it serves. Instructors are trained and qualified in advance of their participation in the academy classroom.

2. The FCLEA shall be overseen by the Support Services Commander. Its function and curriculum shall be administered on a daily basis by the Training Supervisor. Currently, a full time instructor, or "TAC (Teach, Advise, and Counsel) Officer", assists in the day-to-day instruction and operation of the academy.

3. A student handbook is issued to each new recruit on the first day of the academy. The TAC Officer reviews the handbook on the first day of class.

4. In addition to the academy classroom/offices located at the Public Safety Training Facility on Reich's Ford Road, the academy recruits will utilize the Sheriff's Office firing range and the MPCTC driver training facility in Sykesville, Maryland.

33.2.2 Position, Authority, and Responsibilities of the Training Academy Director

A. The Support Services Commander will serve as the Director of the Frederick County Criminal Justice Training Academy responsible for the duties as specified in 33.1.2.A.

B. The law enforcement in-service training program is administered by Training Services with direction from command staff, Training Committee, and other members of the Office. The Support Services Commander is responsible for duties as specified in 33.1.2.

33.2.3 Academy Physical Plant

A. The Frederick County Public Safety training facility located at 8349 Reichs Ford Road, Frederick, MD has been site approved by the Maryland Police and Correctional Training Commission as the physical facility for conducting all academy programs.

B. The academic portion of the academy training is carried out in a traditional classroom setting with desks, chairs, forms storage, and approximately 800 square feet of classroom space. The classroom is equipped with a VCR, DVD, television, PowerPoint projector and capabilities, podium, chalk and dry erase boards, and overhead projector. A lunchroom with various appliances is also located on site. The entire training facility has been approved by the MPCTC.

C. Office space is available in a double wide trailer located to the rear of the main facility. It contains three offices, equipment storage, part time instructor and guest work areas and a bathroom.

D. The physical training areas of the facility are located in an enclosed, heated garage area. Additional facilities include a three story tower, smoke house, and Pine Cliff Park for running and outdoor exercise.

E. A library is located within the Reich's Ford facility as well as in the Learning Resource Center in the Law Enforcement Center.

33.2.4 Recruit Training Academies

A. The recruit training academy used for law enforcement is located at the Public Safety Training Facility on Reich's Ford Road. Certified outside academies may be used.

B. Pursuant to MD Code, all recruit academies attended by Sheriff's Office personnel shall meet MPCTC regulations as specified in MPCTC Title 12, Subtitle 04, Chapter 01, Regulation .10

C. The Sheriff's Office Support Services Commander maintains direct contact with MPCTC and acts as the Office liaison to MPCTC and other academy commanders.

D. Informational exchanges via formal letters between the host agency director and the Sheriff of Frederick County, and verbally between the Frederick County Sheriff's Office Support Services Commander and academy staffs are routine. This allows opportunity for input, and the resolution of any concerns expressed by either agency.

E. The Sheriff's Office will provide certified instructors to these recruit academies as a resource if needed. The Sheriff's Office will also cooperate with MPCTC to provide classroom space and/or instructors at Sheriff's Office training sites. The Support Services Commander shall serve as liaison between the Sheriff's Office instructors and the requesting agency and the MPCTC.

F. The Sheriff's Office has the financial obligation to provide the following:

1. Ammunition for each Frederick County Sheriff's Office recruit for weapons qualification

2. Uniforms and equipment necessary for full participation in academy programs

3. Fees to MPCTC, or other outside academy, for the following mandated training:
   a. Entry level recruit training
   b. First line supervisor training
   c. First line administrator training
   d. Law enforcement instructors training

G. Legal liability for Sheriff's Office employees rests with Frederick County Government. All participants assigned to entry level academies who are injured as a result of practical exercises shall be covered by the Frederick County Government's insurance and / or Maryland Workers' Compensation (see also General Order 22.2.8 and 22.2.9).

33.2.5 Academy Orientation Handbook

All certified training academies provide an orientation handbook to all new recruits at the time the academy begins as mandated by MPCTC. The handbook shall contain the following information about the academy:

1. Organization and structure
2. Rules and regulations
3. Rating, evaluation and testing systems
4. Physical and proficiency skill requirements
5. Daily training schedules
6. Disciplinary and Termination Procedures

33.2.6 Recruit Training in Sheriff's Office Policies, Procedures, Rules and Regulations

A. Entrance level training shall include training in the internal rules and regulations, general orders, policies, and procedures of the Frederick County Sheriff's Office.

B. The Training Services Commander shall coordinate the field training officer's function.

C. Prior to the commencement of entry-level training, recruits shall be provided with electronic access to the Sheriff's Office Administrative General Orders Manual, Operations Manual, Special Orders, and other directives as applicable.

33.3 TRAINING INSTRUCTORS

This General Order consists of the following sections:

33.3.1 Instructor Requirements
33.3.2 Instructor Tenure
33.3.3 Instructor Training
33.3.4 Selection and Supervision of Guest Instructors

POLICY

Sheriff's Office in-service training will be conducted by certified Maryland Police and Correctional Training Commission (MPCTC) instructors, as well as those qualified to serve as expert instructors, consistent with the standards of MPCTC.

PROCEDURES

33.3.1 Instructor Requirements

A. The following process shall be completed for each employee designated as an instructor for the Sheriff's Office:

1. The employee shall:
   a. Have successfully completed the applicable probationary period
   b. Be knowledgeable in the field of law enforcement or corrections, as applicable
   c. Submit a written request to be considered as an instructor, which
      (1) Will include
         (a) A listing of training experience
         (b) Areas and levels of expertise
         (c) Reasons why the employee believes he/she would be an asset to existing training programs or to the development of new programs
      (2) Will have written endorsement of the Training Services Commander
      (3) Will be sent through the chain of command with endorsements with final approval or denial by the Sheriff

2. The request shall be returned to the Training Services Commander with the Sheriff's endorsement.

3. If approved, the Training Specialist (Law Enforcement Bureau) and Director of Administrative Services (Corrections Bureau) shall schedule a date for Instructor Training School with MPCTC.

4. The requesting employee shall either

    a. Successfully complete the required course of instruction, which will include instruction in areas outlined in 33.3.3, and be issued a Provisional Instructor Training Certificate by MPCTC; or

    b. Obtain a variance from MPCTC based on his/her skills and/or education, and be issued an Expert Instructor Training Certificate by MPCTC.

B. Descriptions of the various types of instructor certificates and exceptions are delineated in the following MPCTC regulations:
    1. Law Enforcement - Title 12, Subtitle 04, Chapter 01, Regulation .09 Sections (A) and (B)
    2. Correctional officers and support staff - Title 12, Subtitle 10, Chapter 01, Regulation .07, Sections (A) and (B)

33.3.2 Instructor Tenure

A. MPCTC Instructor Certifications are as follows:
    1. Provisional Instructor
        a. Valid for one year
        b. Can be renewed if requirements for associate certificate are not met
        c. Requires two evaluations during the year of provisional certification
    2. Associate Instructor
        a. Valid for four years
        b. Is renewed if requirements are met
    3. Expert Instructor - no limit (unless profession requires re-certification or continuous licensing; e.g., nursing)

B. The Training Services Commander, an Associate or higher rated instructor, shall evaluate in writing the training ability of each Sheriff's Office instructor and each course outline annually, or as required by MPCTC regulations, whichever is greater.

C. The evaluator shall submit a MPCTC evaluation form to the Training Services Commander, who shall submit it to MPCTC per requirements.

D. Each instructor shall teach a minimum of one course each calendar year to maintain status as an agency instructor, unless waived by the Training Services Commander.

E. All instructors shall serve at the pleasure of the Sheriff.

33.3.3 Instructor Training

A. Minimum training standards are governed by the MPCTC as follows:

    1. Law Enforcement - Title 12, Subtitle 04, Chapter 01, Regulations .09, Section (2)(d)(I) through (2)(d)(viii).
    2. Correctional - Title 12, Subtitle 04, Chapter 01, Regulations .07, Section (2)(d)(I) through (2)(d)(vii).

B. To be certified as a Provisional or Associate Instructor, an employee must satisfactorily complete the required MPCTC Instructor Program of at least 35 hours, which includes the following subject matter areas:

1. Introduction to
   a. Basic concepts of learning and teaching including
      (1) Learning theory
      (2) Teaching theories, methods, and practices
   b. Role of training in the law enforcement profession
   c. Classroom management techniques
2. Preparation and use of audio-visual training aids
3. Development of:
   a. Behavioral objectives
   b. Lesson plans
   c. Performance objectives
4. Instructional techniques
5. Effective speech techniques
6. Laboratory experience in presentation of mock classroom lesson plans
7. Testing and evaluation techniques
8. Resource availability and use

33.3.4 Selection and Supervision of Guest Instructors

A. Outside instructors and programs will be approved in advance by the Sheriff upon recommendation of the Training Services Commander.

B. In order for personnel attending training provided by an outside instructor to receive MPCTC course credit,

1. One of the following must be true:
   a. The instructors must be approved and certified by MPCTC; or
   b. An instructor not meeting MPCTC instructor certification must be assisted by an assigned Sheriff's Office certified associate instructor.
2. All MPCTC requirements must be met, to include the appropriate approval number (P# or C#) prior to the beginning of the class.

C. Evaluations will be completed by

1. Students for all guest instructors, through use of the student evaluation forms (FCSO Form #33-C/FCADC Form #111).

2. The assigned instructor, using an instructor evaluation form, for all guest instructors not certified by MPCTC.

33.4 RECRUIT TRAINING

This General Order consists of the following sections:

33.4.1 New Employee Training
33.4.2 Recruit Training Program
33.4.3 Field Training
33.4.4 Emergency Medical Services Training

POLICY

All new recruits will receive training in compliance with the Maryland Police and Correctional Training Commission (MPCTC). Sworn personnel shall receive mandated training prior to assignment to full duty. Correctional officers must complete the entrance level training academy within 365 days of initial appointments.

PROCEDURES

33.4.1 New Employee Training

There are specific training requirements as follow:

A. Newly hired deputies without current MPCTC certification as a police officer shall attend an entry level police academy and successfully complete the minimum requirements of the MPCTC prior to performing any police function, duties, or assignments in any capacity in which the deputy is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program.

B. Newly hired deputies with less than three (3) years break in service as a prior police officer in Maryland or other states, with the approval of the MPCTC shall:
   1. Attend training programs deemed necessary by the MPCTC.
   2. Attend training programs deemed appropriate by the Sheriff.
   3. Complete necessary weapons qualifications in accordance with Sheriff's Office and MPCTC requirements prior to being issued a firearm.

33.4.2 Recruit Training Program

A. Agency recruit training shall be conducted at one of several MPCTC certified police and correctional training academies.

B. Law enforcement recruit training shall comply with MPCTC regulations.

1. Curriculums which
   a. Are a minimum of 700 hours of training
   b. Are based on job task analyses of the most frequent assignments of officers who complete recruit training
   c. Include, but are not limited to instruction in the areas of:
      (1) Law enforcement role, responsibilities, and relationships
      (2) Administration
      (3) Operations
      (4) Auxiliary and technical services
2. Written tests and physical proficiency exercises, all of which are designed to measure the required skills, knowledge, and abilities of the recruits

33.4.3 Field Training

A. The Sheriff's Office shall provide a field training officer (FTO) program for both law enforcement and corrections recruits with provisions for:

1. Ten (10) weeks of field training for newly sworn law enforcement deputies (the length for lateral transfers and reinstatements will vary), six (6) weeks for corrections officers and support staff, and two (2) weeks for all other classifications, during or after any required classroom.

   a. The assignment period shall be scheduled prior to assignment to an FTO.

      (1) Basic deputy recruit academy graduates shall be assigned to a primary (initial) FTO for four (4) weeks. They will then be assigned to a secondary FTO for four weeks, then back to the primary FTO for the final two weeks. The primary FTO will have the option of wearing plain clothes for the final two weeks to better evaluate the recruit.

      (2) The FTO period for lateral comparative compliance employees will be determined by the command staff, however will be in compliance with current MPCTC requirements set at the time of the training.

   b. FTO's shall be assigned individual recruits after consultation with the FTO Coordinator.

2. FTO'S will be trained in a formal FTO training program.

   a. The FTO application process shall be as follows:

      (1) When the need arises for FTO's in the Law Enforcement Bureau or Corrections Bureau, an FTO class will be announced by Training Services.

(2) Deputies who meet the following criteria in their field may apply:
   (a) Holds minimum rank of deputy first class
   (b) Possesses ability to be patient with recruit's mistakes, and even-tempered to deal effectively with the public
   (c) Exhibits a high degree of job knowledge, good judgment, and dependability
   (d) Displays genuine interest in police/corrections work
   (e) Handles all calls properly and thoroughly
   (f) Is able to make sound application of criminal and traffic laws
   (g) Is personally well organized, and maintains vehicle and equipment to professional standards
   (h) Represents and conducts himself/herself in a fashion consistent with the Law Enforcement Code of Ethics and Sheriff's Office Code of Conduct
   (i) Has excellent written and oral communications skills

(3) Applicants shall forward a training request through their chain of command to Training Services, indicating interest in the Field Training Program and addressing the points listed above.

b. The FTO selection process shall be as follows:

(1) Team supervisors and commanders shall endorse all applications which include supporting information, and forward them up the chain to Training Services.

(2) Training Services shall notify each applicant, advising of the class approval and scheduled date.

(3) A deputy or correctional officer who has been selected as an FTO shall remain so unless he/she forwards a memorandum to the applicable division commander/director requesting to be removed from the program, or is otherwise administratively removed.

(4) If an FTO is transferred to an assignment outside of the division, his/her name shall be removed from the active FTO list for that division.

(5) Deputies may also be selected directly by the Patrol Commander upon the recommendation of team supervisors and/or commanders.

c. If a team supervisor recommends removal of an FTO from the program, he/she shall forward a memorandum to the division commander/director supporting this position. The division commander/director shall make the determination whether to retain or remove the deputy/officer, and shall advise the respective bureau chief accordingly.

3. Supervision and evaluation of the FTO's will be the responsibility of Training Services.

4. Training and in-service training of FTO'S

    a. FTO'S shall attend an initial training session conducted by the Sheriff's Office Training Services unit. This training shall provide the FTO with:
        (1) Information concerning techniques and procedures to conform with expectations of the Sheriff's Office
        (2) The knowledge necessary to assist the recruit deputy/officer in the performance of his/her job

    b. Training Services shall provide refresher training to all FTO's on an as-needed basis.

5. Rotation of recruit field assignments shall be accomplished as follows:

    a. Law enforcement field training for recruit deputies shall encompass a ten (10) week or 400 hour field training program in Patrol Operations, which shall occur after successful completion of the academy.

    b. Prior to beginning the FTO Program, probationary deputies will complete a minimum 40 hour (non-evaluated) orientation program to be scheduled by Training Services as follows:
        (1) Agency orientation
        (2) County orientation
        (3) One (1) day in Corrections Bureau, if applicable
        (4) One (1) day in Central Alarm, if applicable
        (5) One (1) day Records Section, if applicable
        (6) One (1) day in Court Security Unit, if applicable
        (7) One (1) day in Civil Process Unit, if applicable
        (8) One (1) day in Criminal Investigations/Special Assignment Unit, if applicable
        (9) One (1) day in Traffic Section, if applicable

    c. For lateral transfers and reinstatements, law enforcement field training requirements will be decided on a case-by-case basis by Training Services in consultation with the Chief Deputy and Law Enforcement Bureau Chief. It will be a minimum of four weeks, and will include at least the following:
        (1) Firearms qualifications
        (2) Firearms classroom
        (3) Use of force
        (4) OSHA requirements
        (5) County orientation

6. Guidelines for evaluation of recruits by FTO'S

    a. Training Services shall develop a Field Training Guide List which will state the various duties recruits are most likely to perform during their career. This list will help the recruits build a good foundation for their future with the Frederick County Sheriff's Office.

b. At the conclusion of each day, the FTO shall complete a written evaluation of the recruit's performance. This daily evaluation shall cover all categories of performance objectives outlined in the Field Training Guide List.

7. Reporting responsibilities of FTO'S

a. At the end of the field training:

(1) If the FTO feels that the recruit has progressed well enough to be released from the field training program, the FTO shall submit a detailed memorandum supporting his/her position to the team supervisor for consideration. If the team supervisor, Training Services and lieutenant/director concur that the recruit has made satisfactory progress, the recruit may be released from field training pending further written approval through the remainder of the chain of command.

(2) If the FTO believes that an extension in the program is justified and that additional training would benefit the recruit and the Sheriff's Office, he/she shall submit a memorandum to the team supervisor indicating so.

(3) If the FTO submits a memorandum calling for the termination of a recruit, the memo shall include all documentation and evaluations of said recruit.

b. The team supervisor will add his/her endorsements, and forward the documentation to the FTO Coordinator in Training Services. Training Services will forward their endorsement to the recruit's (lieutenant) section commander/director who will endorse it to the division commander. The division commander will endorse the recommendation to the bureau chief. The bureau chief will attach an endorsement and forward the information with a recommendation to the Chief Deputy who will make the final decision. The final decision and all accompanying endorsements and documentation will be returned to Training Services and maintained in the deputy's training file. Training Services will forward a copy of the final decision to the deputy's section commander.

B. Program Responsibilities

1. The Sheriff's Office Law Enforcement Bureau Training Section shall be responsible to administer the FTO Program. They shall:

a. Disseminate notices for FTO openings as the need arises.

b. Maintain a list of all active FTO's.

c. Participate in the selection of FTO's as explained in "A." above.

d. Coordinate MPCTC FTO training which will maximize overall effectiveness of recruits assigned to them.

e. Coordinate field training assignments through the Patrol Operations or Security Operations Commander.

f. Develop evaluation reports, FCSO form 33-G, for recruits, to be completed by FTO's.

g. Coordinate the return of completed recruit evaluations, FCSO form 33-G, from FTO's.

h. Review and file recruit evaluation reports, FCSO form 33-G, which are completed by FTO's.

i. Arrange for remedial training of recruits on a case by case basis when deficiencies arise.

j. Assist in the resolution of problems which may arise during the FTO Program.

k. Act as the liaison to academy staff. The field training program must be closely allied with the academy so that FTO'S are aware of what skills and subjects have been taught, and what roles the FTO'S are to assume.

l. Conduct an annual evaluation of the FTO Program to ensure that the program is properly coordinated and operationally effective.

m. Meet with the academy recruits prior to graduation from the academy to provide them with the Probationary Deputies Handbook, and explain the field training process.

2. Supervisory personnel shall:

a. Encourage talented veteran officers to apply for FTO positions as they arise.

b. Endorse FTO applications and forward to Training Services or Director of Administrative Services.

c. In the event of an absence of a FTO, assign a temporary FTO.

d. Supervise and assist FTO's and recruits in the performance of their duties.

e. Meet with FTO's and assigned recruits on a weekly basis to review recruit performance.

f. Assist in offering remedial training to the recruit if it can be accomplished at the operational level.

g. Evaluate the FTO in his/her role, and note such performance in the officer's performance rating.

3. FTO's shall:

a. Be selected and trained to integrate the recruit officer into his/her new work environment.

b. Train the recruit in the established curriculum as identified by Training Services and the FTO.

c. Complete evaluations, FCSO from 33-G, of recruits and forward them to Training Services, and provide the recruit a copy of the evaluation form.

d. Identify and report significant recruit problems to Training Services as they arise.

e. Provide an initial recommendation for termination or retention of the recruit with supporting documentation.

f. Ensure compliance of the recruit with all Sheriff's Office rules and regulations.

g. Be identified as a Field Training Officer by wearing an FTO insignia attached to their nameplate, in lieu of the "serving since" plate.

4. Recruits shall:
   a. Respond to all directions received from the FTO.
   b. Maintain a copy of all evaluation reports completed by the FTO.
   c. Maintain a copy of all incident reports written by the recruit.

C. During the FTO program, probationary deputies will be evaluated on their performance, knowledge, skills, and abilities.

1. Certain topics will be covered in daily operations; however, certain topics such as "Use of Deadly Force" and "Vehicle Pursuit Procedures" may not necessarily be experienced during the evaluation period.

2. The Probationary Deputies Handbook has been developed to cover as many facets of police work as possible, and should serve as a reminder to direct training in those areas. It is designed to cover the most important topics first, then continue to cover those that are more routine.

   a. The Probationary Deputies Handbook must be completed by the end of the FTO Program, and is the primary responsibility of the probationary deputy. The book shall not be lost or made illegible, and shall be available to the FTO's at all times.

   b. When a topic is covered either through testing (verbal, written or simulated) or daily operations, the probationary deputy must indicate understanding and comprehension by signing and dating on the line across from the covered topic. It is the probationary deputy's responsibility to make absolutely sure he/she understands the topic prior to signing; otherwise, the matter should be discussed with the FTO.

   c. When the book is completed, it will be turned in to Training Services to be placed in the deputy's permanent training file.

D. Courthouse Deputies will receive 5 weeks of classroom and in-service training as part of their FTO Program.

E. The Sheriff recognizes formally that the major goal of field training is to provide practical experience and training in agency operations. Field training is a major part of recruits' formal training, and all efforts on the part of agency employees will be made to ensure that it is a productive and valuable experience.

33.4.4 Emergency Medical Services Training

A. All academies used by the Sheriff's Office will include the state-mandated training for emergency medical care. Law enforcement personnel will be trained in the Tactical Medical course as outlined by the Maryland Institute of Emergency Medical Service Systems.

B. Emergency medical training is not required of civilian personnel by MPCTC or the Sheriff's Office; however, CPR shall be offered to them in the Sheriff's Office annual in-service training.

33.5 IN-SERVICE, ROLL CALL, AND ADVANCED TRAINING

This General Order consists of the following sections:

33.5.1 Annual In-service and Firearms Qualification Training
33.5.2 Roll Call Training Purpose and Content
33.5.3 Roll Call Training
33.5.4 Advanced Training
33.5.5 Accreditation Training

POLICY:

The Sheriff's Office shall address the continuing training needs of an agency with growing responsibilities through the use of in-service, roll call and advanced training.

PROCEDURES:

33.5.1 Annual In-service and Firearms Qualification Training

All personnel shall complete the applicable annual in-service program as specified in 33.1.6. This will include firearms retraining in accordance with Sheriff's Office General Order 1.3.11. All mandatory training shall meet or exceed MPCTC-approved regulations.

A. The law enforcement in-service training is in compliance with outside and internal mandates. Training is provided to members of the Office by using the Public Safety Training Facility located at 8349 Reich's Ford Road, Sheriff's Office Headquarters conference room(s), and other training sites, based on need and suitability.

1. In-service instructors are selected in accordance with 33.3 and are part-time; therefore, individual office space is not provided. Instructors have access to equipment and work space within the Sheriff's Office Headquarters building.

2. The Maryland Police Corrections Training Commission (MPCTC) mandates sworn personnel receive 18 hours of in-service training yearly. At least two hours of training must be firearms/ use of force classroom. Non-sworn personnel are required by agency directives to receive at least 8 hours of in-service training per year.

3. Training is used to enhance knowledge, skills, and abilities. In furtherance of this statement, an elective in-service training program is implemented, supplementing mandated subjects which must be addressed on a yearly basis.

4. Our training program is composed of two components, mandated and elective topics. Mandated topics, such as firearms classroom, are those that must be taken. Elective is training selected by the participant and approved by the supervisor. This directly involves the supervisor in career development of subordinates.

5. Scheduling of mandated training

    (1) Yearly mandated training is determined by outside agencies (see 33.1.7), command staff, Training Committee, and other members of the Office.

    (2) Attendance for mandated training for Law Enforcement Bureau personnel is scheduled by ~~the~~ Training Services.

6. Elective training registration

    Registration will be accomplished by:

    a. Each prospective attendee will complete a Request for Training form identifying desired training. The completed form is forwarded to the respective supervisor.

    b. The supervisor will review the form for appropriateness of training, and consider staffing requirements prior to approving. Upon approval, the supervisor will forward the training request through the chain of command.

    c. The deputy's supervisor will maintain approved training requests for future reference in the deputy's F & I file. Participants will be notified via training order of training assignments.

7. Supervisors may use training programs to improve employee performance. Supervisors who have an employee performing below expectations may register the employee for appropriate in-house training, or specialized training.

8. Personnel, with supervisor's approval, may attend training in excess of minimum requirements; however, personnel registering to meet minimum training requirements will be given priority.

9. Attendance by personnel from other agencies

    Other law enforcement agencies may attend training programs, space permitting, and must register through ~~the~~ Training Services.

10. In-service training guidelines

    a. Attendance and time: Attendance is mandatory, therefore daily sign-in and out is required. If for some reason you need to leave, it must be documented and approved by the instructor.

    b. Electronic devices need to be silenced during training.

    c. Cancellations should be avoided except in "cases of emergencies." Any cancellations must be made through your supervisor in writing (see 33.1.7.E) and forwarded to Training Services.

d. Classroom demeanor: While attending training, participants will refrain from disturbing other participants. Unacceptable behavior will not be tolerated.

e. Personal appearance: Training is a duty assignment. All participants will adhere to agency policy pertaining to grooming and uniform standards.

f. Testing is mandatory and 70% is passing.

33.5.2 Roll Call Training Purpose and Content

The Sheriff's Office shall have a roll call training program, the objectives of which shall be to educate, increase awareness, stress training objectives, increase effectiveness, re-establish goals and priorities, and advise of specialized enforcement programs.

A. Roll call training may include:

1. Policies and procedures

2. Elements of supervision

3. Current, specialized information of particular relevance to law enforcement or corrections

4. Information disseminated by law-enforcement organizations (such as IACP Training Keys)

5. Formalized training modules which are previously approved as in-service training

33.5.3 Roll Call Training

A. Planning for roll call training shall be the responsibility of assigned individuals in cooperation with Training Services.

1. This planning will require determining:

a. When roll call training will be conducted

b. What material needs to be presented

c. Who will conduct the training

2. Individuals shall notify their supervisor when aware of roll call training needs.

3. Training Services will coordinate with assigned individuals in dissemination of material.

4. Proposals for formalized training shall be submitted in the form of written lesson plans where applicable, and shall be approved as described in 33.1.15 MPCTC certified programs will be taught in accordance with MPCTC Regulations.

B. Roll call training disseminated by Training Services will be forwarded to designated individuals who will ensure proper implementation.

1. Implementation will include but not be limited to:

a. Roll Call Attendance

b. Presentation of training

c. Testing as required

d. Evaluation of training as required

e. Return of materials (lesson plan, attendance roster, test, etc.) to Training Services

2. Training Services will:

a. Maintain a training file by topic and year

b. Maintain a permanent copy of the lesson plan, if applicable.

c. Enter individual training and results into departmental records system

d. Ensure proper filing of individual test sheets when applicable.

C. Instructional personnel shall include agency-approved training officers, and other identified individuals with expertise in the selected subject matter.

D. Evaluations for formal roll call training, when applicable, shall be conducted in the same manner as for all other forms of in-service training. This will include written review by the Training Services Commander, the Training Committee, and the Sheriff as outlined in 33.1.4.

33.5.4 Advanced Training

A. Advanced training (a.k.a. specialized training as addressed in 33.6) provides knowledge, skill, and ability development beyond the basics required for the job. It is often offered outside of the Sheriff's Office, and may or may not be MPCTC-approved. Examples of advanced training are drug interdiction, radar, and chemical munitions.

B. Unless the training is mandatory (e.g., recertification, federal requirement, etc.), personnel desiring to attend advanced training shall submit a request through the chain of command to the Training Services Supervisor. This request shall contain the following information:

1. Specific courses of instruction

2. All relevant information, including course outlines, advertisements, costs to include travel and accommodations when necessary, Maryland Police and Correctional Training Commission approval number, etc.

3. Names of person(s) requesting to attend approved training courses

C. Personnel shall be selected for advanced training by the Administrative Services Commander. This decision will be based on job-relatedness, availability of funding, and written recommendations of supervisors.

1. Approval for courses which exceed mandatory requirements may be granted for courses that are deemed to be of critical importance to the overall operations of the agency, or to expand or improve upon services that are currently being offered.

2. The Sheriff will consider agency employees for attendance at extended training courses (such as the FBI National Academy, Southern Police Institute, and the Northwestern University Traffic Institute) based on aptitude, job performance, demonstrated ability to achieve in the field, and agency needs.

D. Assignment of personnel within the Sheriff's Office following completion of training rests solely with the Sheriff, and may be supported by written recommendations submitted through the chain of command.

E. Mandatory training requirements for the Sheriff's Office are outlined in 33.1.6, and include OSHA and MPCTC requirements.

1. Most such requirements is satisfied by in-house, in-service training.

2. Advanced training, which is authorized by the Sheriff's Office and approved by MPCTC, may be used to satisfy these requirements.

33.5.5 Accreditation Training

A. The individual assigned to the position of CALEA Accreditation Coordinator shall receive specialized accreditation manager training within one year of the assignment.

B. The CALEA Accreditation Coordinator shall ensure that information regarding the accreditation process is provided to personnel as follows:

1. All newly hired personnel within thirty days after their employment begins or within thirty days after completing the recruit academy

2. All agency personnel during the self-assessment phase associated with receiving initial accreditation

3. All agency personnel prior to an on-site assessment

33.6 SPECIALIZED TRAINING

This General Order consists of the following sections:

33.6.1 Functions Requiring Specialized Training
33.6.2 Elements of Specialized Training
33.6.3 Specialized Training Timetable
33.6.4 Career Development Activities Training
33.6.5 Realigning Schedules for Academic Study
33.6.6 Educational Development of Sheriff's Office Staff

POLICY

The Frederick County Sheriff's Office shall actively pursue all available courses of instruction that will enhance the skills, knowledge and abilities of staff in specialized fields or assignments.

PROCEDURES

33.6.1 Functions Requiring Specialized Training

A. Specialized training, also known as advanced training in 33.5.4, is particular to a certain function, and is aimed at increasing a specific knowledge, skill, and/or ability. It is provided by the Sheriff's Office, as well as other agencies and organizations.

B. All newly specialized personnel will be subject to a six (6) month probationary period during which time they will be evaluated by their supervisor(s) on their ability to use this training.

C. Successful completion of specialized training shall be required for specialized positions as outlined in 16.2.1.

D. Personnel who attend advanced or specialized training may be required to prepare a course of instruction under the guidelines of 33.1.15 and teach a course of instruction to other Sheriff's Office personnel when appropriate.

E. In-service training and/or retraining for specialized positions will be provided as appropriate.

33.6.2 Elements of Specialized Training

Specialized training provided to Sheriff's Office personnel shall include all of the following:

A. Development and/or enhancement of the skills, knowledge, and abilities particular to the specialization

B. Information regarding the management, administration, supervision, personnel policies, and support services of the function or component

C. Performance standards of the function or component

D. Sheriff's Office policies, procedures, rules, and regulations specifically related to the function or component

E. Supervised on-the-job training

33.6.3 Specialized Training Timetable

A. All employees assigned to a new position which requires any specialized training will begin within 6 months of the assignment.

B. Specialized training which is mandated by the Maryland Police and Correctional Training Commission - i.e., Supervisors' and Administrators' Schools - shall be completed within one (1) year of the promotion or reassignment date.

33.6.4 Career Development Activities Training

A. All first line supervisors will undergo a period of orientation that will provide increased knowledge and skills to conduct career development activities

B. This Orientation training should include:
1. General counseling techniques
2. Skills, knowledge, and abilities (SKA) assessment techniques
3. Salary, benefits, and training opportunities within the agency
4. Educational opportunities and incentive programs
5. Record keeping techniques
6. Availability of outside resources
7. This training is included in MPTC'S Supervisor Training Program.

33.6.5 Realigning Schedules for Academic Study

Shift supervisors may adjust an employee's scheduled tour of duty for academic studies after it has been determined that adequate coverage can be maintained. Employees must come in early or work late to make up the time taken for class attendance. No overtime will be paid for the time worked to make up for class attendance.

33.6.6 Educational Development of Sheriff's Office Staff

A. Personnel are encouraged to achieve a minimum of an associate in arts degree from an accredited college or university. It is the philosophy of the Sheriff's Office that a college education makes a good employee even more effective. Staff members are encouraged to achieve a college degree in the spirit of personal growth, career development, and career advancement.

B. When available, staff are encouraged to utilize the county's tuition reimbursement program to pursue their education.

33.7 CIVILIAN TRAINING

This General Order consists of the following sections:

33.7.1 Civilian Orientation
33.7.2 Civilian Positions Requiring Additional Training
33.7.3 Civilian In-service Training

POLICY:

Civilian members of the Sheriff's Office shall be provided training commensurate with the needs of their position.

PROCEDURES:

33.7.1 Civilian Orientation

A. Training Services shall ensure that all newly appointed civilian employees receive training which will include the following:
   1. Working conditions and regulations
   2. Basic responsibilities of the position

B. Personnel Services shall ensure that all newly appointed civilian employees receive training in the following:
   1. Orientation to the Sheriff's Office role, purpose, goals, polices, and procedures.
   2. Rights and responsibilities of employees
   3. Mental illness recognition and guidelines

C. Information shall be provided through:

   1. Frederick County Sheriff's Office
      a. Rules of Conduct
      b. General Orders
      c. Special Orders

   2. Frederick County
      a. Human Resources Rules (employee handbook)
      b. Drug Testing Policy Handbook

D. Other material disseminated by Frederick County Human Resources Department

33.7.2 Civilian Positions Requiring Additional Training

Civilian positions for which training in addition to orientation is required prior to assuming job responsibilities are:

1. Constable
2. Public Information Specialist (P.I.S.)
3. Courthouse Special Police Officer

33.7.3 Civilian In-Service Training

A. Required hours of annual in-service training for civilian personnel are specified in 33.1.6.

B. Training Services will ensure that training in specific areas required for civilian personnel is provided.

33.8 CAREER DEVELOPMENT PRACTICES AND PROCEDURES

This General Order consists of the following sections:

33.8.1 Career Development Program
33.8.2 Program Objectives
33.8.3 Program Review
33.8.4 Program Administration
33.8.5 Career Development Activities Training

POLICY

It is the policy of the Frederick County Sheriff's Office to provide employees with counseling and assistance in choosing, preparing, entering or progressing in job assignment or job specialty. The goal of this career counseling process is to provide opportunities for individual growth and development at all levels to promote productive, efficient, and effective job performance while improving the overall level of job satisfaction.

PROCEDURES

33.8.1 Career Development Program

A. The Career Development Program fosters the improvement of personal skills, knowledge, and abilities (SKA) of all personnel in order to successfully meet Sheriff's Office goals. The program is voluntary and ensures all employees equal access to training and development opportunities relevant to their assignment and/or classification. The aim of career development is to highlight specific opportunities for individual growth at all levels and improve overall job satisfaction and performance. The Frederick County Sheriff's Office utilizes the Career Development Program to further the professional growth and capabilities of the employee's current and/or future job role.

B. The structure of the Career Development Program is based on career counseling and in-service training. Career counseling, involving the interaction of counselor/supervisor and employee, offers guidance that may assist an individual in choosing, preparing, entering, or progressing in a job assignment. Career counseling identifies three elements:

1. The skills, knowledge, and abilities of each individual relative to present and future assignments.
2. In-service training requirements
3. The extent to which training fulfills the employee’s and agency’s expectations.

C. Traditionally, in-service training has ensured a minimum level of proficiency in an assigned job, although such training has not been included as part of career development. The concept

of in-service training presented within the framework of this directive embraces more than the traditional definition; i.e., providing an advanced level of instruction that enhances an employee's overall potential for upward mobility and/or job satisfaction. This concept of in-service training is appropriate for inclusion in the Sheriff's Office Career Development Program. There are two aspects of in-service training articulated in this program: proficiency and career specialty.

D. The proficiency aspect of in-service training is designed to both maintain and enhance the skills, knowledge and ability needed to perform the duties and responsibilities of the assigned job. Career specialty in-service training has two purposes:

1. To stimulate personnel to improve the skills, knowledge and ability needed to perform job tasks required in specialized areas.

2. To compete for new areas of interest and specialization that may enhance the potential for upward mobility.

E. In order for the Frederick County Sheriff's Office to deal effectively with law enforcement problems in an increasingly complex and sophisticated society, there should be parallel increases in the level of education and training required for officers and civilian employees alike. Higher education, by itself, is not an absolute answer in achieving improvement in any law enforcement agency. However, employees who have received a broad general education have a better opportunity to gain a more thorough understanding of society, communicate more effectively with citizens, and engage in the exploration of new ideas and concepts.

33.8.2 Program Objectives

A. Objectives of the Career Development Program include:

1. Supervisors will meet with their personnel annually and discuss career goals, this can be accomplished through the performance evaluation process outlined in General Order 35.1 and 35.2.

2. In-service training will be provided covering a wide range of topics.

3. All employees will be eligible for in-service training.

B. The Career Development Program shall not discriminate against personnel based upon race, color, religion, sex, national origin, age, marital status, ethnic heritage, or veteran status.

33.8.3 Program Review

A. Training Services will receive feedback from first line supervisors in an effort to conduct a continuous review of the Career Development Program plan. This interaction will to provide management and personnel with up-to-date information regarding organizational requirements for achieving program goals.

B. Annual evaluation of all training per General Order 33.1 will be conducted each December. To coincide with this evaluation, the Career Development Program will be reviewed and revised as necessary by Training Services. A written summary of this review and any revision shall be submitted through the chain of command to the Sheriff, as needed.

33.8.4 Program Administration

Training Services will administer the Career Development Program and have the authority to manage the program's operation and direction.

33.8.5 Career Development Activities Training

A. All command personnel will undergo a period of orientation that will provide increased knowledge and skills to conduct career development activities.

B. This Orientation training should include:
1. General counseling techniques
2. Skills, knowledge, and abilities (SKA) assessment techniques
3. Salary, benefits, and training opportunities within the agency
4. Educational opportunities and incentive programs
5. Record keeping techniques
6. Career development programs in other agencies
7. Availability of outside resources

33.10 CAREER COUNSELING AND IN-SERVICE TRAINING

This General Order consists of the following sections:

33.10.1 Career Counseling
33.10.2 Career Counseling Effectiveness Assessment
33.10.3 Proficiency In-Service Training
33.10.4 Career Specialty In-Service Training
33.10.5 Management and Supervisory Training
33.10.6 Skill Development Upon Promotion
33.10.7 Career Specialty and Proficiency Training Records
33.10.8 Inventory of Resources
33.10.9 Joint Review of Training Records
33.10.10 Job Rotation
33.10.11 Educational Leave

POLICY

Personnel of the Frederick County Sheriff's Office shall be provided encouragement and every reasonable assistance in the furtherance of their career goals. Advanced training and education, essential in the professionalization of the law enforcement field, is strongly recommended and supported.

PROCEDURES

33.10.1 Career Counseling

A. Career counseling is an important part of the Career Development Program. There are several tools, other than personal interview, that may be utilized in career counseling: an inventory of the skills, knowledge, and abilities (SKA) of the employee; an inventory of the SKA required for the position to which the employee is currently assigned or will be assigned; and an inventory of available resources. These counseling tools may be used to determine individual needs in the program and provide direction that will equate those needs to the needs of the Sheriff's Office.

B. In order to provide counseling services, command staff will be adequately trained to perform the following activities:
   1. Assessment of the SKA of employees.
   2. Assessment of the SKA required by the Sheriff's Office.
   3. Preparation of a career planning schedule.
   4. Utilization of the resource inventory.
   5. Administration of the performance evaluation.
   6. Provision of feedback and recommendation to the employee.

C. Each member of the command staff will determine if their subordinates have reached an effective level of job performance and will work with Personnel Services and Training Services to determine the training needs of the employee through an inventory of the employee's SKA and availability of resources.

33.10.2 Career Counseling Effectiveness Assessment

Performance evaluations as outlined in General Order 35.1 will be utilized by the command staff to assess the effectiveness of the career counseling process. The evaluation, when utilized as a tool of career counseling, may determine whether the employee has reached an effective level of performance in career development. Moreover, the evaluation should be used to assess the employee's strengths and weaknesses and alert command personnel to particular areas on which the counseling process should focus.

33.10.3 Proficiency In-Service Training

A. Proficient in-service training is a component of career development and is provided to keep Sheriff's Office personnel up-to-date on the duties and responsibilities of the job they are assigned.

B. In-service training is available to all Sheriff's Office personnel as outlined in General Order 33.5.1.

33.10.4 Career Specialty In-Service Training

A. Career specialties will be provided with appropriate training opportunities that will enhance the skills, knowledge, and abilities required for a particular specialty.

B. This training shall be provided prior to and/or as continued training while assuming the responsibilities of a special assignment, per General Order 33.6.

33.10.5 Management and Supervisory Training

A. Management and supervisory training are key elements in the Career Development Program, and are major factors in enhancing an employee's overall potential for upward mobility.

B. The Sheriff's Office Command Staff will receive ongoing training in the following areas:
1. The expression and communication of objectives
2. Planning
3. Measuring results
4. Decision making
5. Problem identification, prevention, and solution

C. The Command Staff training areas include management information systems, fiscal management, and organizational behaviors.

D. To accomplish this training, the Sheriff's Office will utilize in house training, regional training programs, and formal training as outlined in General Order 33.5.4.

33.10.6 Skill Development upon Promotion

As personnel are promoted, the skills necessary to perform at a given level may change to require supervisory, management, and administrative skills and knowledge. The Frederick County Sheriff's Office will provide the necessary advanced training, either through in-service or outside training, for newly promoted personnel at the earliest possible date following their promotion.

33.10.7 Career Specialty and Proficiency Training Records

A. As outlined in General Order 33.1.18, Training Services will maintain training records on all Sheriff's Office employees. The records shall include employee name, course title, where and when attended, hours of instruction, final grade or score, and a copy of the certificate issued.

B. Upon completion of any in-service or outside training, personnel are required to submit to Training Services the information outlined above to keep their training records current. Personnel will utilize FCSO Form 33-S to capture this information.

33.10.8 Inventory of Resources

A. Training Services will maintain reference materials of schools, academies, colleges and universities as well as other sources of advanced and specialized training to aid personnel in the furtherance of their career goals and objectives.

B. The Training Services Commander will publish a training calendar of prospective in-service training as training opportunities are identified with a minimum publication of once a year.

33.10.9 Joint Review of Training Records

A. Annually, it will be the responsibility of supervisors to review individual training records with their personnel. This review shall be conducted in conjunction with the employee's annual evaluation and will evaluate the employee's progress toward achieving career goals and objectives and improving skills, knowledge and abilities.

B. Training recommendations should be made to the employees for the purpose of improving the employee's skills, knowledge and abilities.

33.10.10 Job Rotation

Sworn members of the Sheriff's Office holding the ranks of Deputy and Deputy First Class may be rotated through 30-day temporary lateral assignments, such as Criminal Investigations and Court Security, as part of the Sheriff's Office career development program.

33.10.11 Educational Leave

A. The Frederick County Sheriff's Office may grant leave to undertake academic or vocational instruction to personnel as part of their work assignment in order to acquire or further develop skills to qualify them for specialized assignments and advancement opportunities.

1. Paid leaves of absence will normally be approved if they involve attendance at a state or federal academy, workshops which are job related, seminars, or other types of training for which any tuition or expense would be paid from the Sheriff's Office training budget.

2. Personnel may be granted leave without pay in order to further their education at their own expense.

B. Requests for educational leave with pay are submitted as a training request through the chain of command on a training request form.

C. Requests for educational leave without pay are submitted in a detailed report, via the chain of command, to the Sheriff.

34.1 PROMOTION: PROFESSIONAL AND LEGAL REQUIREMENTS

This General Order consists of the following sections:

34.1.1 Agency Role
34.1.2 Authority and Responsibility
34.1.3 Elements of the Promotion Process
34.1.4 Job-Related and Nondiscriminatory Procedures
34.1.5 Announcing Promotional Opportunities
34.1.6 Development of Eligibility Lists
34.1.7 Use of Eligibility Lists

POLICY

The Frederick County Sheriff's Office shall be responsible for administering the promotional process for all Sheriff's Office personnel. Criteria for promotion shall be job related and nondiscriminatory in nature. Promotions for the positions of corporal and sergeant shall be made from promotional eligibility lists.

PROCEDURES

34.1.1 Agency Role

The Frederick County Sheriff's Office is responsible for the overall promotional process. The Frederick County Human Resources Department will ensure the process is job related and non-discriminatory; and will assist with coordination, administration, and scoring of promotional tests. The Sheriff will provide input on the various stages of the promotional process. This input will include providing source material when a written test is to be administered. The Sheriff will maintain primary responsibility for oral interviews and administration of the probationary periods.

34.1.2 Authority and Responsibility

The Sheriff is vested with the authority and responsibility for administering the promotion process within the Sheriff's Office. The Personnel Services Commander will act on behalf of the Sheriff to coordinate the process with the Frederick County Human Resources Department.

34.1.3 Elements of the Promotion Process

The procedures used for each element of the promotion process are:

A. Evaluation of promotional potential

1. Each candidate's promotional potential is determined using a cumulative total score derived from personnel qualifications that include:

   a. Education

   b. Police/corrections experience, as applicable, for years of service or time in grade as applicable

2. At the start of each promotion process each candidate will have the opportunity to review his or her individual ratings in the above areas.

3. The ratings are intended to determine the candidate's promotional potential in relation to the total point value attainable in both areas.

B. Administration of written tests

1. The written test, if any, will be administered and scored by the Frederick County Human Resources Department and the Personnel Services Commander.

2. The Personnel Services Commander will provide staff to assist the Frederick County Human Resources Department with monitoring during the test periods.

3. The Frederick County Human Resources Department will review the test prior to its use to ensure that it is job related and non-discriminatory.

4. The Sheriff will determine whether a written examination will be part of the promotion process, and will approve the format and content of examinations.

5. Personnel will be provided a bibliography of the reading materials used as the source of questions to assist with preparation and study for the examination.

C. Use of assessment centers

The Frederick County Sheriff's Office does not currently use assessment centers

D. Conducting oral interviews prior to probationary status appointment.

1. When an oral interview is used as part of the process, the Sheriff will approve the questions, and may establish a three-member board of certified law enforcement officers with equal or higher rank, from other Maryland agencies, and not associated with the candidates. At the discretion of the Sheriff, an oral board comprised of agency members may also be utilized either in lieu of, or in addition to, the board of outside members.

2. The interview board will use a uniform set of questions, rating scales, and standard forms for recording results.

3. Questions will be divided equally among the interviewers, and each interview will have an established time limit.

4. The Personnel Services Commander will coordinate the interview sessions, and will collect and score the results.

5. The Sheriff's interview will be conducted as the final element in the promotion process. Uniform questions, time limits, rating scales and scoring forms will be used for all candidates.

E. Procedures for review and appeal of results for each promotional element

1. Personnel may review and appeal results of each element of the promotional process.

2. Candidates are notified of the cut-off date to review promotional potential areas as part of the promotion announcement.

3. Reviews of written examination questions and the answer key must be scheduled with the Personnel Services Commander within five business days following notification of test results.

4. Reviews of oral interviews must be scheduled with the Sheriff or his designee within five business days following notification of interview results.

5. All appeals must be made in writing to the Sheriff within ten business days following notification of the results of the examination or interview that is being questioned.

6. The Sheriff will review the appeal and notify the candidate in writing of his decision within ten business days.

F. Re-application, retesting and/or re-evaluation procedures

1. The Sheriff's Office does not make allowances for retesting, re-application or re-evaluation of the process elements.

2. All deadlines, cut off dates, test schedules and interview schedules are final, unless waived by the Sheriff.

G. Lateral entry eligibility

1. For sworn positions, it is the policy of the Sheriff's Office to permit lateral entry only to the rank of entry-level deputy sheriff.

2. Candidates at the deputy sheriff level must meet all entry-level selection requirements.

3. Promotions to the rank of deputy first class are made based on time in grade, satisfactory performance evaluations, and police certification.

H. Security of Promotional Materials

1. Promotional materials will be kept secured by the Personnel Services Commander who will be responsible for maintenance, accountability, and control of all promotional materials.

2. Records will be kept in secure file cabinets and will be accessible only to the Personnel Services Commander, the Office Manager, the Administrative Services Division Commander, the Law Enforcement Bureau Chief, the Chief Deputy, and the Sheriff.

34.1.4 Job-Related and Nondiscriminatory Procedures

A. All elements used to evaluate candidates in the promotional process will be job related and nondiscriminatory.

B. The Frederick County Human Resources Department will review all elements of the process to ensure they are job related and non-discriminatory.

34.1.5 Announcing Promotional Opportunities

A. When vacancies exist in command or supervisory positions and the decision to fill the position(s) is made, a written announcement will be posted by the Personnel Services Commander and distributed to all affected personnel. The announcement will include:
1. A description of the position or job classifications for which vacancies exist.
2. A schedule of dates, times, and locations of all elements of the process.
3. A description of eligibility requirements.
4. A description of the process to be used in selecting personnel for the vacancies.

B. A description of the promotion process will be as detailed as necessary to indicate clearly what is to be expected.

34.1.6 Development of Eligibility Lists

A. An eligibility list will be established for each position class open to competitive examination. All candidates competing in the promotional process will be ranked on an eligibility list according to an overall score based on the following criteria:

1. Written Examination - 40 points maximum

a. The written test will be administered by the Frederick County Human Resources Department in a neutral setting.

b. Content and format of the written test shall be determined by the Sheriff.

c. Only the highest-scoring 15 candidates, on the written test will proceed to the next part of the process.

2. Oral Interview Board - 30 points maximum

   a. The oral interview board shall normally consist of three (3) members.

   b. Members of the interview board
      (1) Shall be certified law enforcement or correctional officers, as appropriate
      (2) Shall hold a rank equivalent to or above the rank for which the interview is being conducted
      (3) Will not be associated with any of the candidates

   c. There will be a representative of the Frederick County Human Resources Department who will act as coordinator of the interview board, and tabulate the results. This will be the only role played by the County Human Resources Department in the interviews.

   d. Questions will be approved by the Sheriff prior to the interview.

   e. Questions will be divided equally among members of the interview board.

   f. Each candidate will be asked the same questions.

   g. Each interview will be completed within 30 minutes.

3. Education - 5 points maximum

   a. Achievement levels and points:

15 Total Semester Hours	0.50 Points
30 Total Semester Hours	1.00 Points
45 Total Semester Hours	1.50 Points
Associate's Degree	2.00 Points
90 Total Semester Hours (*with at least 30 hours of upper division course work*)	3.00 Points
Bachelor's Degree	4.00 Points
Postgraduate Degree	5.00 Points

   b. Upper division courses are those usually offered at the junior (3rd year) level or higher in a 4-year program.

   c. All course work credit must be from an accredited college or university.

   d. Only one level of achievement (total semester hours or degree) can be applied.

   e. Honorary degrees do not apply.

4. Police / Correctional Experience (as applicable) - 10 points maximum

    a. Each candidate shall be awarded one point for each
        (1) Full year of employment as deputy or corrections officer - whichever one is applicable - with Frederick County Sheriff's Office for corporals' examinations
        (2) Full year of time in grade for sergeants' examinations

    b. Years of service shall be counted up to the date of the written examination.

5. Sheriff's Interview - 15 points maximum

    Each area of evaluation will be tabulated separately and combined to arrive at the overall score. Candidates shall be advised of their scores in writing.

34.1.7 Use of Eligibility Lists

A. The eligibility lists for promotion shall remain in effect for a period of one year. The eligibility lists may be extended by the Sheriff at his discretion.

1. Promotions to the ranks of corporal and sergeant shall be from established promotional lists.

2. Members shall be rank ordered on their respective promotional list based on their overall score.

3. Selection for promotion to the ranks of corporal and sergeant will be made by the Sheriff by choosing one candidate from the three highest ranking available candidates. If more than one position is being filled, the selection will be made from the highest three remaining candidates. The top three available candidates on the eligibility list will be kept in consideration at all times. A candidate below the three highest available candidates may not be selected unless a higher-ranking candidate declines.

4. Positions will be filled from the list as position openings occur during the effective period of the list.

B. Normally there will be no promotional list established for the positions of lieutenant, captain, major, or bureau chief.

34.2 PROMOTION: ADMINISTRATIVE PRACTICES AND PROCEDURES

This General Order consists of the following sections:

34.2.1 Probationary Period

POLICY

Each member elevated in rank as a result of a promotional process shall serve a probationary period.

PROCEDURES

34.2.1 Probationary Period

A. The probationary period is regarded as an integral part of the overall examination process. It is a period used by the Sheriff to closely observe the member's work, for securing the most effective adjustment of a new employee to the position, and for rejecting or separating from service an employee whose performance does not meet the required standards.

B. All appointments of personnel from a promotional list will be tentative and subject to a probationary evaluation period of twelve (12) months.

35.1 PERFORMANCE EVALUATION: ORGANIZATION

This General Order consists of the following sections:

35.1.1 Objectives of the Performance Evaluation System
35.1.2 Performance Evaluation System
35.1.3 Annual Performance Evaluation
35.1.4 Documentation
35.1.5 Evaluation Period
35.1.6 Performance During Evaluation Period
35.1.7 Performance Criteria
35.1.8 Evaluation Review - Supervisor
35.1.9 Evaluation Review - Employee
35.1.10 Personnel Early Warning System

POLICY

The Frederick County Sheriff's Office is committed to excellence among its members. An employee evaluation system will be used to aid in reaching the goal of excellence among all members of the Sheriff's Office.

PROCEDURES

35.1.1 Objectives of the Performance Evaluation System

The performance evaluation system provides a standard format which is used by a supervisor to assess the conduct of and work performed by an employee for their permanent record. The performance evaluation serves to:

A. Initiate and maintain a flow of valuable communication between employees and supervisors.

B. Illustrate employees' strengths and weaknesses.

C. Provide background needed in order to devise methods for improving employee performance.

D. Provide information used in developing employees for higher level and more responsible positions.

E. Point out areas of performance where the employee needs special training.

F. Provide information used as a factor in layoffs, merit pay increases, pay for performance incentive (civilian), transfers, reclassification, and successful completion of the probationary period.

35.1.2 Performance Evaluation System

A. All performance evaluations are to be considered confidential information and shall be treated as such. All copies shall be kept in a secure file. Performance evaluations shall not be disclosed to anyone but the employee or their representative, Sheriff's Office supervisory staff, and the Sheriff or his representative. Once the evaluation process is completed, each member shall receive a copy of the evaluation.

B. The rater may keep a copy of the most recent evaluation for reference purposes only, provided the evaluation copy is secured in a manner appropriate for a confidential document.

C. Civilian personnel will be evaluated utilizing the Frederick County Government's Performance Appraisal and Pay for Performance Plan.

D. Uniformed members will be evaluated utilizing Form 35-A. Performance measurement definitions for uniformed personnel will be attached.

E. Rater Responsibilities

1. The rater of the employee will generally be the immediate supervisor at the end of the rating period. The rater will contact previous supervisors during the review period for additional performance evaluation information. The rater will complete the performance evaluation form accurately and in a timely manner.

2. The performance evaluation should be representative of the employee's total performance and contribution for an entire evaluation period. Evaluations require well-planned, accurate and detailed information. Raters should take enough time and put thought into each evaluation.

3. After the rater has completed the performance evaluation form and it has been reviewed through the chain of command, the rater will discuss the performance evaluation with the employee in an evaluation interview. At this time, the employee should be given an opportunity to include their own comments.

F. Raters will receive training on the preparation and administration of the performance evaluation process. They will be provided a guide to writing and administering performance evaluations.

G. Raters will receive informal training in the use of the personnel evaluation form 35-A during staff meetings prior to the annual evaluation periods.

35.1.3 Annual Performance Evaluation

A. Performance evaluation reports will be completed for all full-time and regular part-time Sheriff's Office employees. The evaluation period will be from the July 1 through the June 30.

B. No employee will be considered to have successfully completed his/her probationary period until an acceptable performance report has been completed. Law Enforcement probationary employees, to include employees promoted and that are in their probationary period, will be

evaluated quarterly. Corrections Bureau probationary employees will be evaluated bi-monthly, beginning within the first 60 days of their assignment after a formal training period.

35.1.4 Documentation

A. Performance Evaluation Form 35-A shall be used for rating all uniformed employees. All raters will complete all applicable performance factors and comments.

B. Performance Evaluation Form 35-A will be distributed as follows:
   1. Original - Sheriff's Office, Personnel Services employee personnel file
   2. Frederick County personnel file
   3. Employee copy
   4. Supervisor copy

C. The performance Appraisal Observation Form (Form 35-B) will be used on a continuous basis by all supervisors during the evaluation period. The form is intended for confidential use by employees and their supervisors. Its purposes are to:

   1. Serve as a guideline for employees and supervisors to jointly plan and review each employee's objectives, goals and commitments for job performance.

   2. Document and review the employee's accomplishments during the rating period.

   3. Form 35-B will be maintained by the employee's supervisor and will be reviewed quarterly with the employee. The employee will be given the opportunity to make comments and sign the form.

   4. Commanders will ensure that their staff's quarterly reviews are completed by review and signature.

D. The FCSO Daily Activity Report (DAR) Form 35-C will be used when appropriate by command staff and supervisors to assist them in evaluating an employee's activities and tasks performed on a daily basis. The DAR is a supervisory tool used to capture the employee's activities that may not be getting accounted for through other monthly statistical reports. The information captured on the DAR will allow command staff and supervisors to develop a plan of action to address the employee's questionable performance.

   1. The deputy completing the DAR on a daily basis will be specific and not generalize their activities. The deputy has the opportunity to add additional comments at the end of the report that may not be captured in the fields provided.

   2. The DAR will be completed in detail and turned into the employee's immediate supervisor by the end of the tour of duty. The deputy and the supervisor will review the report together and will sign their names verifying that the report was reviewed and is accurate.

   3. The supervisor will submit the DAR reports weekly through the chain of command to the Sheriff.

4. The DAR reports will be retained for the duration of the rating period and utilized in completing the employee's annual performance evaluation.

35.1.5 Evaluation Period

Sheriff's Office employees will be given written performance evaluations on an annual basis. An employee may be evaluated more often, for good reason and with approval of the Bureau Chief. The actual dates covered by the evaluation will be listed on the face of the performance evaluation form.

35.1.6 Performance during Evaluation Period

An employee's performance will be rated only for the period of time listed on the face of the performance form.

35.1.7 Performance Criteria

The criteria used to form the basis of the employee's performance evaluation will reflect the tasks that the employee performs relative to the job description of his/her position per general order 21.3.

35.1.8 Evaluation Review - Supervisor

A. Prior to being given to the evaluated employee, the performance evaluation report will be reviewed and signed by the rater's supervisor and sent up the chain of command to the Bureau Chief. The Bureau Chief will be the final reviewing authority.

B. The reviewing persons will record any additional comments on the evaluation report as necessary.

C. The reviewing person(s) and the rater should discuss the results of the performance evaluation prior to the presentation of these ratings to the employee. In cases where there is disagreement, the reviewing person will discuss the discrepancy with the rater and reach an agreement on the appropriate evaluation ratings prior to the presentation of the ratings to the employee. If agreement cannot be reached, the reviewing person has the authority to change the ratings or make comments on the evaluation form and reflect a new overall rating. This new rating will be the official rating. Before a reviewer makes any rating change, the respective Division Commander will be consulted.

D. If the Bureau Chief is the supervisor doing the employee's initial evaluation, no review is required.

E. Upon completion of the process, Division Commanders shall forward performance evaluations to the Bureau Chief for review and then to Personnel Services for filing in the appropriate personnel files.

35.1.9 Evaluation Review - Employee

A. After the performance evaluation report has been reviewed according to section 35.1.8, the performance evaluation will be discussed with the employee by the rater. This discussion is the most important part of the performance evaluation process. It provides an opportunity for a frank and constructive discussion of the employee's performance in relation to his/her position.

B. It is the supervisor's responsibility to clearly explain to the employee what was taken into consideration in making the evaluation. Specific examples of performance should be discussed in detail. The employee should be commended for work well done and helped to understand in what specific ways they need to improve.

C. Employees will be given the opportunity to include their own comments in the space provided. These comments can include: suggestions for improved performance, ways to improve the overall operations of the work unit, career goals and interest, training, and concurrence or disagreement with the evaluation.

D. The supervisor should discuss the employee's interest in, advancement, specialization and career goals. The supervisor should help by making recommendations on how to achieve certain performance levels, appropriate training and other resources available to the employee.

E. After the report has been discussed with the employee, the employee will be requested to sign the evaluation. The employee still has the right to appeal the evaluation as per General Order 35.2.3 and signing the evaluation form does not necessarily indicate agreement.

F. If the employee refuses to sign the evaluation form, the supervisor will note this on the form and record the reason, if given.

35.1.10 Personnel Early Warning System

A. The Sheriff's Office utilizes an Early Warning System (EWS) to identify agency employees who may require agency intervention efforts. This is a non-punitive support system initiated to assist all employees in both their personal and professional lives. This system applies to all employees, both sworn and non-sworn.

B. The Personnel Services Commander will be given a copy of all Counseling Forms, Use of Force reports, Departmental Collision reports, Pursuit reports, and Worker's Compensation Claims. These materials will be compiled by the Personnel Services Commander on a monthly basis.

C. The Office of Policy and Compliance will forward the disposition of citizen complaints, civil litigation, and disciplinary actions to the Bureau Chief who will inform the Personnel Services Commander of this information on a monthly basis. The Personnel Services Commander will collate this information for the Early Warning System

D. Supervisors will advise the Personnel Services Commander via email of any EAP referral they make which is not initiated by the Early Warning System. Information will be limited to the employee's name and date of referral.

E. The Early Warning System will be activated by the Personnel Services Commander when an employee has received two (2) occurrences from any single category listed above or three (3) or more occurrences from all categories combined within a twelve (12) month period, except that for some categories only problematic incidents (e.g., departmental collisions determined to be preventable/chargeable, pursuits or use of force deemed unreasonable or requiring further review, legitimate citizen complaints, etc.) will count toward activation of the Early Warning System.

F. The Personnel Services Commander will initiate an Early Warning System report, utilizing FCSO Form #35-C, and will indicate the reason for the report.

G. The original report will be forwarded to the employee's supervisor for immediate action. A copy of the report will be maintained by the Personnel Services Commander.

H. The supervisor will review the report and determine if a pattern of conduct is developing or has developed and if intervention is necessary.

I. If the supervisor determines intervention is appropriate, the Employee Assistance Program (G.O. 22.2.13) will be initiated. The employee will be counseled by the supervisor so that the employee can be made aware of the Early Warning Report. The Sheriff's Office Chaplain or the employee's personal chaplain or counselor should be considered along with any other appropriate intervention techniques.

J. The employee will only be made aware of the report if the supervisor determines intervention is necessary.

K. The supervisor will submit a first endorsement detailing what action, if any, was taken as a result of the Early Warning System report. This will be forwarded through the chain of command to the Bureau Chief.

L. An annual evaluation of the program will be completed by the Personnel Services Commander.

35.2 PERFORMANCE EVALUATION: MANAGEMENT

This General Order consists of the following sections:

35.2.1 Supervisors as Raters
35.2.2 Evaluation of Raters
35.2.3 Appeal Process
35.2.4 Retention of Reports
35.2.5 Annual Inspection

POLICY

The Frederick County Sheriff's Office will periodically review its performance evaluation process in an effort to preserve the integrity of the system, and achieve the goal of excellence in the Sheriff's Office.

PROCEDURES

35.2.1 Supervisors as Raters

Evaluation will be completed by the employee's immediate supervisor. If the employee has had more than one supervisor during a rating period, the previous supervisors should be conferred with by the rating supervisor.

35.2.2 Evaluation of Raters

As part of the annual performance evaluation, supervisors are rated on their ability to fairly evaluate and provide feedback and counseling to their subordinates. When performance evaluations are reviewed, prior to the evaluation interview between the employee and his/her supervisor, the reviewer should ensure that comments and ratings are consistent and complete.

35.2.3 Appeal Process

A. Civilian personnel

If an employee feels that he/she has not been rated properly, the employee may file a written appeal requesting a hearing to the Division Commander within five (5) working days of the final review session. The request should set forth the grounds for the appeal. The appeal process shall follow the procedures established in Frederick County Personnel Rules, Chapter V., Section 6 – "Appeal of Performance Evaluation." Personnel Rules are issued to all employees and also available on the County intranet.

B. Sworn and Uniformed Corrections Personnel

The rated member has ten (10) business days to appeal a performance rating. The appeal shall be in writing, utilizing a Form 25-A, outlining the specific points being appealed. The appeal process shall follow the procedures established in General Order 25.1, "Grievance Procedure."

35.2.4 Retention of Reports

Performance evaluation reports are retained by Personnel Services, Administrative Services Division, as part of the employee's permanent file, with a copy forwarded to the Frederick County Personnel Office.

35.2.5 Annual Inspection

A. It is the intent of the Sheriff's Office to review, modify, and improve any component of the performance evaluation system, if necessary. The performance evaluation system is a dynamic, evolving process.

B. The Sheriff will informally review the Performance Evaluation System annually. The Sheriff may choose to appoint a review team to research a new evaluation system if applicable.

35.3 PERFORMANCE EVALUATION: UTILIZATION

This General Order consists of the following sections:

35.3.1 Probationary Reports
35.3.2 Employee Counseling
35.3.3 Unsatisfactory Performance
35.3.4 Explanatory Narratives
35.3.5 Evaluation Conferences
35.3.6 Distribution of Report

POLICY

It shall be the policy of the Frederick County Sheriff's Office to utilize its performance evaluation system to attain excellence among all Sheriff's Office employees. Accurate reporting, counseling and guiding employees in improvement of their performance are important tools to be utilized.

PROCEDURES

35.3.1 Probationary Reports

A. Sworn Personnel

1. Daily observation reports and weekly performance evaluation reports will be completed on probationary deputies during their field training program. These reports will be completed by the field training deputy.

2. A formal evaluation report will be completed by the probationary deputy's immediate supervisor quarterly during the probationary period. All sworn personnel shall serve an 18-month probationary period from the date sworn.

3. Raters should not hesitate to receive input from field training deputies or other deputies regarding the performance of the probationary members.

4. The final report of the probationary period should contain the rater's recommendation as to granting permanent status. At this time the documentation and information from all previous evaluations may be used to support the recommendation.

5. Upon promotion all sworn personnel will serve a twelve-month probationary period.

B. Civilian Personnel

1. All non-sworn employees will participate in on-the-job training to prepare them for the responsibilities of their positions. This process involves tests and/or evaluations to measure progress in the positions.

2. A formal evaluation report will be completed by the probationary employee's immediate supervisor quarterly during the probationary period. All civilian personnel shall serve a 6-month probationary period. All Special Police Officers shall serve a 1-year probationary period.

3. Upon promotion all civilian personnel shall serve a 6-month probationary period. Upon promotion all Special Police Officers shall serve a 1-year probationary period.

C. Corrections Personnel

1. Corrections personnel shall serve an 18-month probationary period.

2. Counselors, Classification Counselors, and Institutional Support Staff shall serve an 18-month probationary period per Maryland Police and Correctional Training Commission standards.

3. A formal evaluation report will be completed by the probationary employee's immediate supervisor bimonthly during the probationary period.

4. The final report of the probationary period should contain the rater's recommendation as to the granting of permanent status. At that time the documentation and information from all previous evaluations may be used to support the recommendation.

5. Upon promotion all correctional employees shall serve a six-month probationary period.

35.3.2 Employee Counseling

A. At the beginning of the rating period, each employee will be counseled by their supervisors concerning:
   1. Duties and responsibilities (tasks) of the position.
   2. The level of performance expected.
   3. The criteria used for evaluating the employee.

B. Supervisors should counsel their subordinates regarding their performance at any time during the rating period when necessary.

C. A formal counseling session shall be conducted quarterly.

35.3.3 Unsatisfactory Performance

A. At least 90 days prior to the end of the rating period, employees will be notified in writing by their supervisors if their overall performance is unsatisfactory or in need of improvement. This notice should include reasons for the unsatisfactory or in need of improvement appraisal and suggested measures that should be taken to improve the employee's performance.

B. Appropriate written forms of notification shall be used. If no improvement is made by the end of the rating period, this information should be included in the employee's performance evaluation report.

35.3.4 Explanatory Narrative

A narrative portion will be included in all performance evaluations regardless of the level of employee performance.

35.3.5 Evaluation Conferences

A. Completed performance evaluations will be discussed between the employee and rater. This provides an opportunity for an open and constructive discussion of the employee's performance in relation to the requirements of their position. It is the supervisor's responsibility to clearly explain to the employee what was taken into consideration in making the evaluation. The employee should be commended for work well done and helped to understand the areas in which they need improvement.

B. Employees will be given an opportunity to include their own comments on the form. These comments may include suggestions for improved performance, ways to improve the overall operations of the work unit, or concurrence or disagreement with the evaluation.

35.3.6 Distribution of Report

The completed evaluation report form will be copied and distributed as follows. A copy is retained by the supervisor for their file. A copy is given to the rated employee during the evaluation conference. A copy will be forwarded to the Frederick County Human Resources Department and the original will be forwarded to Personnel Services for inclusion in the employee's personnel file.

41.1 PATROL: ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

41.1.1 Patrol Functions
41.1.2 Performance Objectives
41.1.3 Coordination with Other Components
41.1.4 24-Hour Law Enforcement Response
41.1.5 24-Hour Law Enforcement Coverage
41.1.6 Shift Assignments
41.1.7 Patrol Area Assignments/Rotation
41.1.8 Shift Rotation
41.1.9 Patrol Supervisor Span of Control
41.1.10 Day-Off Scheduling
41.1.11 Roll Call Procedures
41.1.12 Prisoner Van Duties
41.1.13 Special Purpose Vehicles
41.1.14 Radio Identification Numbers
41.1.15 Radio Communication with Interacting Agencies
41.1.16 Incident Response
41.1.17 Foot Patrol
41.1.18 Motorcycle Operations
41.1.19 Incident Reports from Complaints Received by Mail or Telephone
41.1.20 Supervisory Response to Incident Scenes
41.1.21 Bicycle Operations

POLICY

It shall be the policy of the Frederick County Sheriff's Office to develop procedures emphasizing effective use of Patrol resources, organization, assignment, and scheduling as well as operational practice.

PROCEDURES

41.1.1 Patrol Functions

A. The mission of the Frederick County Sheriff's Office is to provide a full service law enforcement agency; an arm of the court, and a keeper of offenders. In this regard, it exists to serve all the people within Frederick County with respect, fairness, and compassion. The Sheriff's Office is committed to prevention of crime; the protection of life and property; the preservation of peace and order; the enforcement of laws and ordinances; the safeguarding of constitutional guarantees; and safekeeping of prisoners. Patrol Operations is the primary organizational function for the attainment of the Office mission and primary objective.

B. Patrol Operations provides a continuous delivery of police services to the community.
C. Preventive Patrol
D. Criminal Law Enforcement
E. Traffic Enforcement and Control
F. Preliminary Investigations
G. Case and Incident Reporting
H. Collision Investigation
I. Crime Prevention Efforts
J. Maintenance of Public Order
K. Discovery of Hazards
L. In addition to preliminary investigations, Patrol Operations conducts varied follow-up investigations. The Commander of Patrol Operations reports directly to the Operations Division Commander.

41.1.2 Performance Objectives

A. Establishing, and routinely updating, goals and objectives of the Office and each organizational component is an important process within the Office. This effort helps to ensure direction and unity of purpose as a basis for measuring progress.

B. The continuing goals of the Office are general and permanent goals which serve as a basis for organizational goals within each bureau, division, and section.

C. Each organizational component will develop goals and objectives by fiscal year in order to ensure that necessary funding will be available in the pursuit of these goals.

D. Each bureau will assist in the formulation of goals and objectives for each of their organizational components. These goals should be realistic, attainable, and, if at all possible, quantifiable. They must be submitted to Fiscal Services by June 1 for the following fiscal year.

E. Fiscal Services will review the goals and objectives and ensure that there are no conflicts. They will then be forwarded to the Sheriff for review.

F. Upon approval by the Sheriff, each bureau will ensure that its division or section goals and objectives are disseminated to the personnel who will be instrumental in attempting to meet them.

G. In the interest of the safety and rights of the citizens, Sheriff's Office personnel will adopt the following general performance objectives as a guide:

1. To reduce personal injury collisions through the use of directed patrol and aggressive traffic law enforcement.

2. To reduce the overall crime rate by increasing efficiency in preventive patrol, investigative efforts, and reporting.

3. To reduce the effects of the impaired driver by concentrated law enforcement efforts and increased public awareness.

4. To increase the effectiveness of community policing and problem oriented policing by interacting and educating the public with this philosophy.

41.1.3 Coordination with Other Components

A. Patrol Operations will encourage and support the exchange of information with other components for the purpose of coordinating performance.

B. Interoffice coordination by Patrol Operations is manifested by the following methods:
   1. Monthly command and staff meetings as assigned
   2. Periodic attendance by detectives and other support unit personnel of patrol roll calls
   3. Supervisory communication via face to face discussion, phone and email communication
   4. Briefing logs forwarded to Criminal Investigations Shift Information Database
   5. Crime Analyst and W.M.I.C. Bulletins

C. The supervisor of Criminal Investigations shall coordinate the establishment of a rotating schedule which shall ensure periodic attendance at patrol briefings by criminal investigators.

D. The Criminal Investigations Supervisor shall be responsible for:
   1. Monitoring attendance at patrol briefings by investigators
   2. Assigning investigators to attend briefings when scheduling conflicts arise which preclude the originally assigned investigator from attending
   3. Disseminating information to other investigators received at the briefings as reported by the attending investigator.

E. Investigators shall be responsible for the following:
   1. Attending Patrol briefings as assigned
   2. Providing pertinent information to Patrol personnel which is relevant to their duties such as scheduled search and seizure warrants, criminal intelligence information and other information which would assist in improving police efficiency and communication between the two components.
   3. Notifying his/her supervisor, in advance, if it appears he/she will not be able to attend a scheduled briefing.
   4. Informing his/her supervisor of any pertinent informational exchange at the briefing as soon as possible after attendance at the briefing.
   5. Periodically provide briefing sheet to patrol.

41.1.4 24-Hour Law Enforcement Response

The Frederick County Sheriff's Office provides 24-hour, seven day a week, police service to its residents. The responsibility for this continuous service is delegated to Patrol Operations. In addition, mutual aid agreements have been signed with other local law enforcement agencies to ensure uninterrupted police service.

41.1.5 24-Hour Law Enforcement Coverage

Patrol Officers will not leave their beats/areas during their tour of duty without supervisory approval. This excludes dispatched calls for service or other Office-related assignments.

41.1.6 Shift Assignments

Patrol Operations will assign deputies to areas, teams, and shifts based on the following criteria:

1. Operational needs as determined by the Commander of Operations Division, the Patrol Operations Commander, and Patrol Shift Commanders;
2. Recommendations by supervisors;
3. Personal preference of the individual member may be given consideration;
4. Performance evaluations as presented by the member's supervisor

41.1.7 Patrol Area Assignments/Rotation

A. Patrol Commanders and Supervisors analysis of where the member can best serve the Office and the community will determine beat assignments.

B. Length of service in a particular patrol area. Efforts will be made to balance the need for members to become familiar with a beat against the problem of becoming stagnant in a patrol area.

C. Performance evaluations which may indicate that a member is performing well in a patrol area or a member needs a change as an incentive for improvement.

D. Personal preference of a member may be given consideration based on the above criteria.

E. Analysis of Analytical/Statistical Data where deployment of personnel will best serve the Community

41.1.8 [Redacted]

41.1.9 Patrol Supervisor Span of Control

A. Supervisors will have a maximum of fifteen (15) employees assigned to them for direct supervision.

B. Supervisors will be responsible for the day-to-day supervision and long-term guidance, coordination and evaluation of those deputies under their direct control.

C. Due to days off or unavailability of other supervisors, a Patrol supervisor may have to temporarily supervise personnel assigned to other supervisors.

41.1.10 [Redacted]

41.1.11 Roll Call Procedures

A. The purpose is to establish roll call as a vehicle for dissemination of current information and training to agency personnel.

B. It is the primary responsibility of the Patrol supervisors to see their personnel are properly assigned, inspected and briefed on all pertinent information available.

C. A formal roll call will be conducted at the beginning of each patrol work cycle, the first day of a series of working days. Formal roll calls will generally be conducted at the LEC, but it is understood that emergencies and calls for service may necessitate waiving roll calls at times.

D. A rolling roll call may be completed as needed by the Shift Supervisor for each following shift. Rolling roll call may be done on an alternate channel, CAD message, or email to affected team members.

E. Roll call may contain any or all of the following items:
   1. Review new policy or procedures.
   2. Review general orders or special orders.
   3. Conduct brief training exercises to review training material
   4. Review law updates
   5. Conduct formal and informal inspections
      a. Personal care and grooming
      b. Uniform and equipment checks
   6. Each team member's status for that particular shift
   7. Each team member's area assignment, special assignments, or any other assignment as directed.
   8. Any other information which may be beneficial to the oncoming shift

F. The information covered during the formal roll call and each employee's attendance will be documented on the Roll Call Information Sheet (Form 41-R). Those who are absent and miss the formal roll call will be required to review and initial acknowledgment of the information upon their return

41.1.12 Prisoner Van Duties

A. Prisoner van duties will be the responsibility of the Corrections Bureau. Personnel operating the prisoner van are to transport prisoners from the Detention Center to court.

B. Prisoner vans may also be used for the following:
   1. Transporting a large number of prisoners to Patrol from the point of arrest
   2. Transporting prisoners to the Frederick County Adult Detention Center from other local jails or from the Frederick County Adult Detention Center to other local jails
   3. Transporting prisoners for now-emergency medical services at a local facility
   4. Other assigned prisoner details as they arise

C. Transportation vans will not be utilized as patrol vehicles

41.1.13 Special Purpose Vehicles

The Frederick County Sheriff's Office utilized special purpose vehicles. These vehicles include a SWAT van, a prisoner transport van, police motorcycles, police bicycles, canine vehicles, an armored vehicle, and a crime scene/evidence vehicle.

A. Special Weapons and Tactics (SWAT) Team Van

1. The SWAT van provides for the transport of SWAT Team personnel and equipment in the event of an SWAT call out.

2. As a general policy, the SWAT van is limited to the needs of the SWAT Team. While the SWAT Team has priority use, the Patrol Operations Commander has the authority to use the van for emergency situations which supersede the needs of the SWAT Team.

3. The vehicle will be deployed at the direction of the Patrol Operations Commander, SWAT Commander, or SWAT Team Leader when the need or potential need exists for the equipment and supplies stored within it.

4. This vehicle may be deployed in support of surveillance or other undercover activities when deemed appropriate.

5. This vehicle is not equipped as an emergency vehicle and will not be operated as such under any circumstances.

6. All traffic laws will be strictly adhered to when this vehicle is operated

7. The SWAT Team Leader shall be responsible for the condition and maintenance of the van.

8. There are no special qualifications or training needed to operate the special operations van.

9. The van is used for storage of multiple pieces of equipment. The van will be kept locked at all times, even when secured at the Law Enforcement Center.

B. Tactical Rescue Vehicle (TRV)

1. The Tactical Rescue Vehicle is an armored vehicle used to safely transport members of the agency inside a protective environment during certain high-risk operations.

2. The TRV can be used for mobile cover and containment during operations in areas where little or no natural cover is available.

3. The TRV can be utilized to evacuate downed officers and civilians from dangerous locations.

4. The TRV is equipped with emergency lights and a siren categorizing it as an emergency vehicle; however, due to the size and weight of the vehicle it will not be operated in excess of safe speeds during routine functions.

5. During emergency operations the TRV may be used in unconventional roles.

6. Only trained agency personnel will operate the TRV. Any member operating the vehicle will complete a familiarization course designed to demonstrate the capabilities, limitations, and handling characteristics of the vehicle.

7. The TRV will be deployed at the direction of the Patrol Operations Commander. Approval for use of the TRV by outside agencies will be made by the Patrol Operations Commander upon consultation with the Sheriff.

C. Motorcycle

The Office motorcycle will only be utilized as designated in section 41.1.18.

D. Bicycle

The Office bicycles will only be utilized as designated in section 41.1.21.

E. Canine Patrol Cruiser

Patrol cruisers which have been modified to accommodate a canine will only be utilized as designated in section 41.2.14.

F. Crime Scene/Evidence Vehicle

1. The Crime Scene / Evidence vehicle provides a mobile unit for use by crime scene evidence technicians and collision reconstructionists. The vehicle contains equipment and supplies beyond what evidence technicians normally carry in their regular assigned vehicles that are needed to process large or intricate crime and collision scenes.

2. As a general policy, the Crime Scene / Evidence vehicle use will be limited to crime scene and collision reconstruction needs. While the crime scene evidence unit has priority use, the Special Operations Commander can authorize use of the vehicle by other Sheriff's Office units in emergency situations.

3. The vehicle can be used by any of the crime scene evidence technicians as the need exists. The vehicle will primarily be utilized for the processing of crime scenes, collision scenes, transportation of evidence from crime scenes and to the crime lab, and public demonstrations. Other uses must be approved by the Special Operations Commander when the need or potential need exists for the equipment and supplies stored within it.

4. The vehicle is equipped with emergency equipment.

5. The Crime Scene Evidence Unit supervisor or other designee shall be responsible for the condition and maintenance of the vehicle.

6. A list of the specific equipment maintained in the Crime Scene / Evidence vehicle will be maintained both in the vehicle and in the Crime Scene Evidence Unit office. The Crime Scene Evidence Unit supervisor will be responsible for maintaining a current list of equipment and its location.

7. Persons authorized to operate the Crime Scene / Evidence vehicle are evidence technicians, collision reconstructionist, and other sworn personnel when requested to do so by an evidence technician.

G. Traditional Sport Utility Vehicles

1. A sport utility vehicle (SUV) may be assigned to personnel on a case by case basis based on the operational need.

2. Pursuits involving any agency SUV will be consistent with General Order 41.2.5, with the following additions:

   a. Emphasis is on the fact that the traditional SUV is not a high-speed enforcement vehicle, and shall not join any pursuit in progress. An exception maybe made by the on-duty supervisor, during weather conditions where the SUV maybe more useful than a patrol cruiser.

   b. Upon initiation of a pursuit by the SUV, the operator will immediately request that the nearest patrol cruiser respond and become the primary pursuit vehicle.

   c. The SUV operator will relinquish ANY pursuit upon the arrival of a patrol cruiser.

   d. Once relinquished, the SUV may back up the primary pursuit vehicle, at a safe speed, and be available to provide assistance once the pursued vehicle has been stopped; or provide direction for other units responding, the duty officer, and/or the dispatcher.

   e. During a pursuit, the SUV operator is authorized to deploy stop sticks from a stationary position.

   f. The restrictions in this section are for traditional SUV models only and do not apply to the use of OEM "police package" vehicles (e.g., Ford Police Interceptor Utility Model, Chevrolet Tahoe PPV, etc.), which are high-speed pursuit-rated.

H. Mobile Command Center

1. The Mobile Command Center (MCC) is a mobile incident command center with the necessary equipment and supplies to serve as a command post for large scale sustained incidents. The MCC also provides a base of operations should conditions necessitate the evacuation of the LEC.

2. The vehicle will be deployed at the direction of the Operations Division Commander, Special Operations Commander, Patrol Operations Commander, and the Special Assignment Commander.

3. Only trained members are authorized to operate the MCC. Drivers are required to maintain a valid Class B operator's license or higher, with an air-brake endorsement. Members must participate in a driver-training course prior to operating the MCC. The Special Operations Commander shall approve the driver training, and maintain a list of approved operators.

4. The MCC is mechanically maintained by the Frederick County Motor Pool. The overall condition of the vehicle and equipment is to be monitored by the Special Operations Commander and the Motor Pool.

5. A documented inspection for operational readiness of the MCC and equipment will be conducted at least quarterly.

I. Gator

1. The Gator is an off-road utility vehicle used primarily by the SRO unit for conducting substance abuse education programs and as an additional tool to assist SRO unit deputies at school functions.

2. The Gator is not a registered motor vehicle and will not be driven on a public roadway.

3. While the SRO unit has priority, other units within the Sheriff's Office may utilize the Gator, on an as-need basis, with approval of the Support Services Commander.

4. The Gator does not require any specialized training or qualification. Any licensed member of the Sheriff's Office may operate it. Other persons may operate the Gator under the direct supervision of a Sheriff's Office member or with the approval of the Support Services Commander.

5. The Support Services Commander is responsible for the condition and maintenance of the Gator.

6. No equipment is required to be carried in or on the Gator.

41.1.14 Radio Identification Numbers

A. In order to clarify the identification of individuals operating Frederick County Sheriff's Office vehicles, vehicle identification numbers will be assigned according to bureau, division and unit.

B. A current list of vehicle call numbers is maintained by the Administrative Aide.

41.1.15 Radio Communications with Interacting Agencies

A. When a situation warrants such action, members communicating via radio with other agencies, whether they are law enforcement agencies or not, will adhere to all existing radio procedures.

B. One exception includes the use of plain English in place of "10 codes" during the transmissions to ensure that messages are accurately transmitted and received.

C. When communicating with other agencies, personnel will maintain courtesy and professionalism on the radio.

41.1.16 [Redacted]

41.1.17 Foot Patrol

A. Frederick County Sheriff's Office personnel shall conduct foot patrol on an as needed basis in commercial, business, and residential areas.

B. Foot patrol is defined as the movement of deputies outside and away from their vehicles for the purpose of preventing criminal activity, reducing criminal activity, and/or providing day-to-day service to the citizens of Frederick County, Maryland. This definition does not encompass the movement of deputies outside and away from their vehicles in the course of conducting investigations.

C. Foot patrol assignments shall be determined at the discretion of the Patrol Supervisor, other proper command authority, or by the request of a deputy. Manpower strength and the amount of calls for service being received shall be considered before permission to conduct foot patrol is granted.

D. Except as otherwise directed by the Patrol Supervisor, or other proper command authority, all foot patrol assignments shall be conducted in commercial, business and/or residential areas. Factors to be considered in determining the need for foot patrol assignments are:

1. Frequent inspections of business and commercial establishments as crime prevention, or crime reduction measures.

2. Saturation patrol in areas that are experiencing an increased amount of calls for service having a nature where foot patrols would act as a deterrent, and/or facilitate the identification and apprehension of suspects. An example of such calls for service would be prowler complaints, trespass (peeping-tom), thefts from automobiles, thefts from persons (purse snatching), vandalism or malicious destructions, burglaries and or breaking & entering.

3. The potential for an increased amount of criminal activity exists where foot patrols would act as a preventive measure.

E. Before exiting his/her vehicle to conduct foot patrol, deputies shall first notify Communications of his/her location and purpose.

F. Vehicles shall be left in a secured condition and parked in a conspicuous manner (when applicable) to allow the public and the deputy to observe the vehicle while foot patrol is conducted. Deputies shall be dressed accordingly and armed with his/her issued service weapon, handcuffs, portable radio and flashlight (when necessary).

G. While conducting foot patrol, deputies shall be responsible to respond and act on all complaints received by them, regardless of the manner in which the complaint was received (i.e., dispatched, on-view). If a deputy was not dispatched to a complaint, but received a complaint in person (on-view), the deputy shall immediately notify Communications of his/her location, the nature of the complaint, and the course of action.

41.1.18 Motorcycle Operations

A. The Sheriff's Office motorcycle shall be assigned to the Operations Division. The designated Commander or designee shall:

1. Designate assignments for the motorcycle in compliance with this general order and any assignments that would best benefit the Office.

2. Ensure that routine maintenance and inspections are performed.

3. Ensure that ONLY qualified personnel who have been properly trained and certified operate the motorcycle.

4. Ensure that adequate storage facilities are available and maintained for the motorcycle when it is not in use.

5. Evaluate the use of the motorcycle and the need for additional ones via an annual report.

B. The motorcycle may be utilized by other units - e.g., Crime Prevention, School Resource, Narcotics Task Force - when deemed necessary, if authorized by the Operations Division Commander and the Sheriff.

C. Only deputies who meet the following requirements will be authorized to operate the motorcycle:
1. Possession of a valid Maryland Class "M" driver's license
2. Experience as a motorcycle operator
3. Acceptable agency driving record
4. Satisfactory completion of MVA basic riding class
5. Satisfactory completion of Certified Police Motorcycle class
6. Possession of and ability to demonstrate the following basic riding skills (all of which are covered in the MVA basic riders class):
    a. Control - mounting, and astride balance
    b. Straight ride - slow, moderate ride
    c. Sharp turns - ability to perform 90 degree turns
    d. U-turns - right and left
    e. Cone weave
    f. Shifting - all gears, up and down
    g. Emergency stopping - utilizing both brakes
    h. Identification of dangerous surfaces
    i. Stopping in traffic
    j. Traveling through intersections
    k. Lane changes and passing
    l. Proper negotiation of curves
    m. Interstate riding vs. back roads riding

7. Sound physical condition, including

    a. Free of disabling defects or injuries, with the full use of hands, arms, feet, legs, and back

(1) If necessary, a full physical examination shall be performed on the deputy by the office physician, which may include a full series of back x-rays.

(2) The cost of this examination will be paid for by the Office.

b. Acceptable health record

c. In compliance with office physical fitness guidelines

8. Authorized by Sheriff to operate an Office motorcycle

D. The following equipment and uniform items will be standard issue:
1. For the motorcycle deputy:
   a. Helmet - correct size and straps adjusted
   b. Shatterproof glasses
   c. Leather gloves which allow the handling of a weapon with gloves on
   d. High style riding boots
   e. Leather jacket (when applicable)
   f. Riding breeches (2 pairs summer cloth, 2 pairs winter cloth)
   g. Expandable Baton
   h. Minimum of six flares
   i. Rain gear
   j. Citation, warning book/SERO book, Civil Citations
   k. Tire gauge
   l. Flashlight
   m. Traffic vest
   n. Protective Vest

2. Motorcycle required equipment:
   a. Lighting devices (both normal and emergency)
   b. Component parts securely mounted
   c. Siren and horn
   d. Radio and controls
   e. Adequate markings as emergency/police vehicle
   f. Small first aid kit
   g. Measuring tape
   h. Clipboard with appropriate agency forms

3. The motorcycle deputy will retain a take home patrol car for transportation to and from the motorcycle storage facility, and for those times when conditions do not permit use of the motorcycle. However, this patrol car may be used by other deputies for patrol when there are car shortages.

E. The motorcycle deputy will wear
1. The issued helmet, safety glasses, leather gloves, and boots at all times while on motorcycle duty
2. The authorized motor helmet or agency approved ball cap during assignments of extended foot duty, e.g., traffic direction and special events
3. The uniform of the day if assigned to the patrol car for the tour of duty

F. The motorcycle deputy will remain on his current assignment, under the command of his/her supervisor.

G. The motorcycle shall be used as follows:

1. The motor deputy must keep in mind that he is the MOST VISIBLE member of the Sheriff's Office, and his uniform and demeanor will mirror the professional commitment of this Office.

2. The motorcycle shall be used in the same fashion as a patrol car, with an emphasis on traffic enforcement, especially in areas where patrol vehicles have difficulty maneuvering; and patrol of the numerous county roadways, residential developments, and rural neighborhoods.

3. The motorcycle may be assigned to areas that would be noticeably more effective than a patrol car, e.g., stop sign enforcement in developments.

4. The motorcycle can provide assistance at
   a. Special events
   b. Direction of traffic in congested areas
   c. Funerals
   d. Parades
   e. VIP escorts

5. Pursuits involving the agency motorcycle will be consistent with General Order 41.2, section 41.2.5, with the following additions:

   a. Emphasis is on the fact that the motorcycle is not a high-speed enforcement vehicle, and shall not join any pursuit in progress.

   b. Upon the initiation of a pursuit by the motorcycle, the motorcycle deputy will immediately request that the nearest patrol car respond.

   c. The motorcycle deputy will relinquish ANY pursuit upon the arrival of a patrol car, and at any time when speeds are in excess of the following:
      (1) Interstates - 90 mph
      (2) State/Numbered routes - 70 mph
      (3) Rural county roads - 65 mph

   d. Once relinquished, the motorcycle may back-up the pursuit vehicle, at a safe speed, and be available to provide assistance once the pursued vehicle has been stopped; or provide direction for other units responding, the duty officer, and/or the dispatcher.

6. The motorcycle deputy should always have assistance prior to making a felony stop, since the deputy is at a definite disadvantage on this type of stop.

H. The motorcycle operation is subject to the following restrictions:

1. The transportation of passengers on the motorcycle is PROHIBITED. When it becomes necessary to transport passengers/ prisoners, the nearest patrol vehicle will respond to the motorcycle's location.

2. The motorcycle will not participate in any roadblock, whether it be stationary or rolling.

3. The motorcycle will not be operated:

   a. In any weather or time of day:
      (1) Which, in the operator's opinion (which will be final), will hinder the safe operation of the motorcycle
      (2) When the temperature or wind chill is below 32 degrees Fahrenheit

   b. If the motorcycle operator suffers any health condition that affects coordination or balance, in which case he will be assigned other patrol duties

4. No member of the Frederick County Sheriff's Office shall operate, move, or tamper with the motorcycle unless authorized by the Operations Division Commander.
5. Off duty use of the motorcycle is prohibited, except in instances for cleaning and/or maintenance.

I. Maintenance procedures will be as follows:

1. The motorcycle will be garaged in an enclosed, secured area at an office facility. The Operations Division Commander may make exceptions under specific conditions.

2. The following inspections shall be conducted daily, by the operator, before the motorcycle is placed in-service:
   a. Frame fractures or broken motor mounts
   b. Front and rear suspension
   c. Front and rear brakes
   d. Tire wear and tire pressure
   e. All lights
   f. Security of component parts, i.e. fenders, saddlebags, etc.
   g. Clutch cables, brake cables, and levers
   h. Siren and horn
   i. All fluid levels - battery, oil, gas
   j. Windshield condition
   k. Whether any service is needed

3. If any discrepancies are found, the motorcycle will be repaired before being placed in-service.

4. Monthly inspections will be performed by the Traffic Unit supervisor.

J. Equipment installed by an approved vendor at the direction of the Sheriff's Office is standard. Minor changes, alterations, or addition of equipment, require prior approval of the Operations Division Commander.

1. The Operations Division Commander will notify the Sheriff by memorandum, of any alterations or additions to the motorcycle, and said changes will be inspected for proper installation.

2. NO additional chrome ornamentation or accessories will be permitted.

3. Routine maintenance (e.g., oil changes, tune-ups, etc.) will be performed by authorized vendors or will be performed by the Frederick County Motor Pool.

41.1.19 Incident Reports From Complaint Received by Mail or Telephone

A. The Frederick County Sheriff's Office will accept information for specific criminal or non-criminal incident reports given in person by a victim, complainant or witness.

B. When unusual circumstances preclude personal contact or when more appropriate, a criminal or non-criminal incident report may be taken based upon information received by means other than personal interview, including receipt of information by mail, email, or telephone.

1. The following criteria must be met in order for any incidents to be handled by telephone:

a. The incident is not in progress, or has not just occurred.

b. The suspect is unknown.

c. The suspect has left the scene.

d. There is no substantial physical evidence on the scene which would lead to the solving of the crime and/or apprehension of the suspect.

e. There are no injuries.

f. The complainant or victim must be willing to have the complaint handled by telephone.

2. Personnel receiving telephone complaints shall complete an incident report briefly describing the incident.

a. All reports shall receive a CAD generated number.

b. All Incident Reports will be completed in I-Leads

c. Reviewing supervisor shall forward the report to the Criminal Investigations supervisor who will indicate a case status at the bottom of the report.

d. The Criminal Investigations supervisor will forward the report to the Records Section.

41.1.20 Supervisory Response to Incident Scenes

A. Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with the problem.

B. In order to assume command, a Patrol supervisor will respond to the scene of the following incidents, but not limited to:

1. Homicide
2. Suicide
3. D.O.A. other than suicide
4. Natural Disasters/Terrorists Acts
5. Incidents involving injury to a deputy
6. Hostage or Barricaded incidents
7. Any felonious person's crime (Robbery, Shootings, Stabbings, 1st degree assaults, etc.)
8. Sheriff's Office motor vehicle accidents
9. Use of Force incidents
10. Hate Crime incidents
11. All fatal crashes
12. Any other incident as directed, dispatched, requested, or at the discretion of the Patrol supervisor/Commander.

41.1.21 Bicycle Operations

A. The Sheriff's Office Bicycle Patrol is assigned to the Operations Division. The Patrol Operations Commander or designee shall oversee the program. They shall:
1. Ensure bicycles are available for supervisors to assign deputies to bike patrol.
2. Ensure that adequate storage facilities are available.
3. Ensure routine maintenance and inspections are performed.
4. Evaluate the use of the bicycles and the need for additional equipment.
5. Evaluate the need for additional bike certification courses or annual refresher trainings.
6. Maintain maintenance records for the bicycles.
7. Maintain an Inventory/Location of all agency bicycles

B. The bicycles assigned to Patrol Operations may be utilized by other units (e.g., Crime Prevention, School Resource Officers) when deemed necessary, if authorized by the Patrol Operations Commander.

C. Only deputies who meet the following criteria will be authorized to operate the bicycle:
1. Experience as a bicycle operator.
2. Satisfactory completion of a Certified Police Bicycle Patrol class.
3. Sound physical condition, including:
    a. Free of disabling defects or injuries, with the full use of hands, arms, feet, legs, and back.
    b. Compliance with agency weight and physical fitness guidelines.

D. Deputies assigned to the uniformed bicycle patrol shall be responsible for the following:
1. Answering calls for service in their assigned patrol area.
2. Performing general patrol duties, including but not limited to:
    a. Enforcement of municipal infractions.

b. Enforcement of criminal statutes.
c. Enforcement of parking regulations.
d. Enforcement of traffic regulations when such enforcement does not jeopardize the safety of the deputy riding the bicycle.
e. Crime prevention activities
f. Special details, such as school crossings, parades, and community activities.

E. Deputies assigned to the uniformed bicycle patrol shall pay particular attention to the following types of locations:
1. Areas not easily accessible to marked patrol vehicles; e.g., alleys, walkways.
2. Designated high crime areas.
3. Parks and playgrounds.
4. Schools.
5. Parking areas.
6. High volume pedestrian areas.
7. Designated developments.
8. Defined municipal areas.

F. Uniformed bicycle patrol may be utilized during all shifts, with:
1. The permission of the supervisor.
2. Adequate staffing to ensure manpower minimums are maintained in addition to the deputy assigned bike patrol.

G. Operation during inclement weather shall be according to the following procedures:
1. There will be no deployment during extreme weather conditions such as:
a. Heavy rain.
b. Thunder/lightning storms.
c. Snow and/or ice on the ground.
d. Extreme temperatures.
e. Winds in excess of 20 mph.

2. When weather conditions are marginal, the uniformed bicycle deputy will consult with the on-duty supervisor to determine if the bicycle shall be deployed.

3. Only approved and issued rain/cold weather gear will be worn by the uniformed bicycle patrol deputy.

H. The following equipment and uniform items will be standard issue:

1. For the bicycle deputy:
a. Bicycle helmet.
b. Black polo style bike shirt with reflective lettering.
c. Black bike shorts or pants with reflective lettering.
d. Black, or dark, athletic or bike shoes (provided by the deputy).
e. Agency issued baseball cap may be worn when off the bicycle.

2. Required bicycle equipment:
a. Lighting devices, front and rear.
b. Bell.

c. Cable lock to secure bicycle.
d. Tire pump.
e. Speedometer.
f. Spare tubes.
g. Tire levers.

I. The uniformed bicycle deputy will carry other issued equipment items from the patrol cruiser, including but not limited to:
1. Citation, warning, and SERO books.
2. Juvenile, criminal, and civil citation books.
3. Flashlight.
4. Small first aid kit.

J. In addition to the approved bicycle patrol uniform the deputy shall wear:
1. The standard issued gun belt and equipment.
2. The hand-held radio with shoulder microphone.
3. The issued protective ballistic vest.

K. The patrol bicycle uniform is only to be worn when prior supervisor permission to ride has been obtained. The deputy shall change back into the uniform of the day if:
1. He/she has court.
2. His/her assignment changes such that they will be unable to utilize the patrol bicycle and will be assigned to vehicle or foot patrol or to a special assignment.

L. Inspection and maintenance of bicycles:

1. Deputies assigned to the bicycle patrol will inspect their assigned bicycle prior to use. This inspection will include a check of the following:
a. Air pressure and wear of the tires.
b. Brakes - front and rear.
c. Chain - lubrication and wear.
d. Quick release hubs.
e. Lighting equipment.
f. Shift mechanism and gear selectors.
g. Headset and handlebar tightness.
h. Cranks and pedals.
i. Wheels and spokes.

2. If there are any mechanical problems, which would jeopardize the safety of the operator, the bicycle will not be used until necessary repairs are made.

a. Any problems noted, during the pre-check or during the tour of duty, should be reported to an immediate supervisor, who will report the mechanical problem to the designated supervisor of the bike program.

b. At the conclusion of his/her tour of duty, the bicycle deputy is responsible to properly secure the bike at the designated storage location and ensure all equipment is ready for use by the next operator.

3. Maintenance
    a. The dealer from whom the bike was originally purchased shall perform warranty work.
    b. Most routine maintenance can be performed by an experienced mountain bike rider. There are certain specialized tools that are required to render some repairs or adjustments.
    c. Serious damage (e.g., bent rims, cracked or damaged frame) will be handled by an authorized bicycle repair shop.

M. Bicycle operations are restricted to the following restrictions:
1. Deputies will open a "Bike Patrol" card with dispatch when beginning their tour.
2. Deputies shall obey the rules of the road.
3. Deputies will adhere to General Order 1.3 for all Use of Force guidelines
4. Deputies will not engage in traffic enforcement activity that jeopardizes officer safety; e.g., vehicle pursuits.
5. The bicycle deputy shall ensure that he/she is prepared to rapidly return to their patrol vehicle in the event that they need to re-deploy to another area, is called to return to normal patrol duties, or needs it for prisoner transportation.
6. In the event of an emergency that requires the immediate response of a patrol vehicle the deputy shall secure the bike and respond as soon as possible.
7. Transportation of passengers on a patrol bicycle is prohibited.
8. The issued cable lock shall be used whenever the bicycle is unattended and out of view of the deputy.

N. All other General Orders pertaining to bicycle operations will be adhered to as required.

41.2 PATROL OPERATIONS

This General Order consists of the following sections:

41.2.1 Preliminary Investigations by Patrol Deputies
41.2.2 Follow-Up Investigations by Patrol Deputies
41.2.3 Field Interviews
41.2.4 Informant Use by Patrol Deputies
41.2.5 Pursuit of Motor Vehicles
41.2.6 Response Procedures
41.2.7 Markings for Patrol Vehicles
41.2.8 Patrol Vehicle Equipment
41.2.9 Required Operational Equipment
41.2.10 Use of Safety Restraints
41.2.11 Uniforms, Equipment, and General Appearance
41.2.12 Clothing and Cleaning Allowance
41.2.13 Protective Vests
41.2.14 Canine (K-9) Program
41.2.15 Notification of Next of Kin of Deceased, Seriously Injured or Seriously Ill Persons
41.2.16 Notification of Proper Authority in Specific and/or Emergency Situations
41.2.17 Assistance to Family Member(s) at Attended Death Scenes
41.2.18 Off-duty Vehicle Use by Sworn Personnel
41.2.19 Missing Persons
41.2.20 Search and Rescue
41.2.21 Automated External Defibrillator (AED) Operator
41.2.22 Emergency Ramp
41.2.23 Law Enforcement Center Security
41.2.24 Terrorism Threat Levels

POLICY

The Frederick County Sheriff's Office recognizes the Patrol Operations function as the primary point of contact with the public and the primary provider of law enforcement services. Patrol Deputies are expected to serve the public in a professional manner as safely and efficiently as can be reasonably expected.

PROCEDURES

41.2.1 Preliminary Investigations by Patrol Deputies

A. Frequently the most important factor in solving a crime is the information supplied by a victim or witness to the first responding deputy. The first responding patrol deputy will generally conduct the preliminary investigation of most crimes and will be responsible to call for Criminal Investigations personnel or evidence technicians as needed, upon approval of a supervisor. In the case of all death investigations, except fatal traffic collisions where foul

play is not suspected, and where the decedent was under a physician's care and the physician will sign the death certificate, a criminal investigator will be called to the scene and assume control of the investigation. Patrol deputies will continue to assist in the preliminary investigation at the direction of the lead investigator. In the case of other serious, unusual or complex crimes, Criminal Investigations shall be notified and Patrol and Criminal Investigations supervisors will confer and determine if a criminal investigator is needed for the preliminary investigation. A criminal investigator will respond to all homicide, suicide, rape, and armed robbery crime scenes, and conduct the preliminary investigation.

B. Preliminary investigations begin when the deputy arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime has been or is being committed. The preliminary investigation continues until such time as the postponement of the investigation or transfer of responsibility. The preliminary investigation usually includes some or all of the following:

1. Providing medical attention to injured persons

2. Protecting the crime scene to prevent evidence from being lost or contaminated

3. Determining whether a crime has been committed and if so, the exact nature of the offense

4. Determining the identity of the suspect(s) and arresting them when appropriate

5. Providing information to the Emergency Communications Center and other units regarding descriptions, method and direction of travel, and any other relevant information concerning suspects and/or suspect vehicles

6. Identifying all witnesses

7. Interviewing victims, witnesses and suspects to determine in detail the exact circumstances of the offense

8. Arranging for evidence collection

9. Taking written statements, when possible and appropriate, from victim(s), witnesses, and suspects

10. Accurately and completely recording all pertinent information in the proper format

11. Referring the complainant to the State's Attorney or District Court Commissioner for review of the case when charges will be sought and responsibility for pursuing prosecution rests with the complainant

12. Any other action which may aid in resolving the situation, solving the crime, or as directed by supervision

41.2.2 Follow-Up Investigations by Patrol Deputies (updated 10/28/2019)

A. The Patrol Supervisors will run the "Report Status" monthly for their respective Patrol Team, with the search criteria for the previous three months. The Report Status report will ensure that all calls for service requiring a written report have been completed and approved by a Supervisor. The report will be evaluated for:

   1. Proper call type classification and case disposition codes.

   2. Level of Approval Status in the I/Leads Records Management System.

   3. Investigating Deputy Assigned.

B. The Patrol Shift Commanders and Criminal Investigations Supervisors will review the Report Status reports on an ongoing basis to ensure compliance of above listed criteria.

C. Follow-up investigations may include interviews with victims and witnesses, interrogation of suspects, determining the exact circumstances of the crime, recovery of stolen property, identification and apprehension of the offender, determining if other crimes may have been committed by the suspect, consulting with the State's Attorney regarding charges to be brought, and preparing the case for court.

D. Incident reports that have been forwarded to Criminal Investigations shall be screened by a supervisor or their designee. Some are then returned to patrol for follow-up investigation based upon certain factors. As a general rule, Patrol is responsible for follow-up misdemeanor investigations with the exception of certain juvenile related investigations, illicit drug investigations, and others as determined by Criminal Investigations supervisors. The investigations returned to Patrol deputies usually fall into the following categories:

   1. Those requested by patrol supervision to be returned.

   2. Those requested by the deputy to be returned.

   3. Those misdemeanor investigations in which the Criminal Investigations supervisor feels a patrol deputy can adequately address the follow-up needs of the case.

   4. Any others at the discretion of the Criminal Investigations supervisor.

E. Upon return to Patrol Operations, the investigations shall be returned to the assigned deputy through their Patrol Team Supervisor.

F. The Patrol Team Supervisor has the discretion to assign the case to other deputies on his/her team for reasons of expediency or efficiency.

G. The patrol deputy will submit follow-up reports as directed by policy to their Patrol Team Supervisor.

   1. The Patrol Team Supervisor will review the follow-up report and decide whether the investigation remains open or is closed.

2. If the Patrol Team Supervisor closes the case, they then assign the proper closure code to the last follow-up report.

    a. The last follow-up report and copies of the entire report will be forwarded to the Criminal Investigation Supervisor.

    b. The Criminal Investigation Supervisor will then review the entire report and determine final status of the case.

3. The Criminal Investigation Supervisor has the discretion in all instances to change the disposition and return the case to the supervisor for further follow-up.

41.2.3 Field Interviews

A. Field interviews are a productive tool and source of information for the Office. They shall only be used in the pursuit of legitimate goals of the office and not to harass any segment or any particular member of the community. When used properly, they can discourage criminal activity, identify suspects and add intelligence information to the files of known criminals. Some legitimate uses of the field interview report include:

    1. Identifying a suspicious person in a high crime area who fits the description of a suspect.

    2. Identifying a suspicious person who is in an area at a time which is unusual or abnormal.

    3. Identifying a suspicious person under circumstances in which one would believe criminal activity may be afoot.

B. The process of making an investigative stop, conducting a field interview and recording these persons' identities, descriptions, vehicles, times and places found, and circumstances of the situation may be beneficial to other deputies for various reasons, including, follow-up investigations and other patrol activities. This information may also be useful to criminal investigators working current and/or future cases. The information on persons, or in some instances vehicles only, should be recorded on an electronic FIR (Field Interview Report) through the Delta+ system or on the face of a Field Interview (F.I.) card, form # 41-B, with other details of the situation on the reverse side of the card. The paper field interview cards are to be manually entered into the Delta+ system by the deputy and then destroyed. The electronic FIR is forwarded to the supervisor for review and approval through Delta+ and then to the State and entered into the Delta+ database.

    1. The Delta+ database can be searched for electronic; FIR’s, citations, warnings and SERO’s, information by the subject’s name or vehicle registration.

    2. The FIR information can also be searched in the “Report Manager” section of Delta+ by case number, name, vehicle registration, deputy or date.
    3. Photographs may be attached to an electronic FIR in the Delta+ system. The investigating deputy will ensure that all photographs taken are entered into the agency photograph storage system.

C. A deputy may not stop a person for the sole purpose of completing a FIR. The person may be stopped if the deputy has reasonable grounds to believe the individual has committed, is committing, or is about to commit a crime; or when the deputy has in their possession or is aware of an outstanding arrest warrant for the individual.

D. For their own protection, when deputies make an investigative stop based on reasonable suspicion, and have reason to believe the subject of the stop may be armed, the deputy may conduct a "frisk" or "pat down" search for weapons.

E. The most common circumstances which result in the filling out of an FIR are those where the deputy has reasonable suspicion that a criminal act is being, has been, or is about to be committed. The standard for reasonable suspicion is substantially less than the requirement of probable cause. The reasonable suspicion must be based on objective circumstances which lead the deputy to suspect possible criminal activity and possible involvement of the person on which the FIR will be completed. This standard of reasonable suspicion complies with the requirements of the Fourth Amendment to the U.S. Constitution which prohibits unreasonable seizures

Since the requirements of reasonable suspicion to stop must be based upon objective grounds, deputies should specifically record these objective grounds on the FIR. Phrases such as "he was acting suspicious" are not sufficient. Only the specific conduct of the person which contributed to the deputy's reasonable suspicion should be noted.

F. Deputies who discover potential Homeland Security related information shall:

1. Document the information utilizing an electronic FIR (Field Interview Report), an Incident Report (FCSO Form 82-A), or Field Interview Form (FCSO 41-B).

2. If an Incident Report is completed then the deputy will send a report link in I-LEADS to the Western Maryland Information Center for the report (FCSO assigned supervisor or personnel); or if a FIR has been completed then an email with the case number is to be sent to: wmic@frederickcountymd.gov. During business hours, the WMIC can also be reached by calling 1-866-969-9642 (WMIC).

3. Contact is necessary by the initiating Deputy as the WMIC / MCAC may request additional direct information or dispatch assistance from the Maryland - Delaware Joint Terrorism Task Force to the scene.

4. Contact the Sheriff's Office Homeland Security Section.

G. Deputies who discover potential gang related information shall:

1. Document the information utilizing an electronic FIR (Field Interview Report), an Incident Report (FCSO Form 82-A), or Field Interview Form (FCSO 41-B).

2. If an Incident Report is completed then the deputy will send a report link in I-LEADS to the Agency Assigned Gang Investigator; or if a FIR has been completed then an email with the case number is to be sent to the Agency Assigned Gang Investigator.

41.2.4 [Redacted]

41.2.5 Pursuit of Motor Vehicles

A. Policy

Vehicular pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in a pursuit. It is the responsibility of the agency to assist deputies in the safe performance of their duties. To fulfill these obligations, it will be the policy of the Frederick County Sheriff's Office to regulate the manner in which vehicular pursuits are undertaken and performed. A decision to terminate a pursuit may be the most rational means of preserving the lives and property of the public, as well as the deputies and suspects engaged in the pursuit.

B. Definitions

1. Vehicular Pursuit - is the active attempt by a deputy in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics and/or a refusal to yield to the pursuing deputy's authority.

2. Authorized Emergency Vehicle - a department vehicle equipped with operable emergency equipment as designated by state law.

3. Primary Unit - the police unit which initiates a pursuit or any unit which assumes control of the pursuit.

4. Secondary Unit - any police vehicle which becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

5. Serious Traffic Offense - a traffic violation which is outlined in §26-202 (excluding §21-904 fleeing and eluding, in and of itself) of the Maryland Transportation Article as an "arrestable offense" or any other traffic violation, or combination thereof, that poses a significant danger to other motorists, pedestrians, or bystanders.

C. A sworn deputy in an authorized emergency vehicle may initiate a vehicular pursuit when all of the following criteria are met:
1. The suspect exhibits the intention to avoid arrest by using a vehicle to flee apprehension for an alleged felony, misdemeanor, or serious traffic offense.

2. The suspect operating the vehicle refuses to stop at the direction of the deputy.

3. The deputy decides that the risk of allowing the driver to flee is greater than the risk of the pursuit. Consideration shall be given to the following when determining whether to initiate and continue a pursuit:
   a. Any information known about the suspect, other occupants of the vehicle, and the offense committed
   b. The performance capabilities of the pursuit vehicle
   c. The condition of the road surface upon which the pursuit is being conducted
   d. The amount of vehicular and pedestrian traffic in the area

e. Weather conditions
f. Location (e.g., schools, business districts, residential areas)
g. Speed involved
h. Visibility
i. Driver capabilities

D. The primary unit shall immediately notify Emergency Communications Center (ECC) personnel upon initiating a pursuit.

1. The deputy shall provide the following information:
   a. Unit identification
   b. Location, speed, and direction of travel of the fleeing vehicle
   c. Description and license plate number of the fleeing vehicle, if known
   d. Number of occupants in the fleeing vehicle, and description, when possible
   e. Reasons supporting the decision to pursue

2. Failure to provide this information may result in an immediate decision by the on-duty supervisor to order termination of the pursuit.

E. Upon notification that a pursuit is in progress, Emergency Communications Center personnel will:

1. Immediately advise the on-duty patrol supervisor of essential information regarding the pursuit.

2. Receive and record all incoming information on the pursuit and the pursued vehicle.

3. Control all radio communications and clear the radio channels of all non-emergency communications.

4. Obtain criminal record and vehicle checks of the suspect, when known.

5. Coordinate and dispatch back up assistance and air support units under the direction of the on-duty patrol supervisor.

6. Notify neighboring jurisdictions, where practical, when pursuit may extend into their locality.

F. Upon notification that a vehicular pursuit is in progress, the on-duty patrol supervisor shall monitor and control the pursuit, including:

1. Continuously reviewing incoming data to determine whether the pursuit should be continued or terminated

2. Directing pursuit vehicles and/or air support units into or out of the pursuit

3. Assigning primary, secondary, and other back up vehicle responsibilities

4. Approving or disapproving, and coordinating pursuit tactics

5. Deciding whether to allow pursuit vehicles to leave the jurisdiction to continue pursuit

6. Contacting and coordinating the pursuit with other agencies

7. Approving and/or assigning additional back up vehicles or air support units, based on an analysis of:

    a. The nature of the offense for which the pursuit was initiated

    b. The number of suspects and any known propensity for violence

    c. The number of deputies in the pursuit vehicles

    d. Any damage or injuries to the assigned primary and back up vehicles or deputies

    e. The number of deputies necessary to make an arrest at the conclusion of the pursuit

    f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles

8. Patrol beats are not stripped of coverage

G. When operating an emergency vehicle in a pursuit situation, the primary concern of the operator shall be safety of all possible contacts. Although deputies are given a qualified privilege from observing certain traffic regulations while operating an emergency vehicle utilizing emergency equipment during a pursuit, they are not relieved of the responsibility of driving with due regard for the safety of all persons, nor protected from the consequences of failing to exercise reasonable care under these circumstances, despite the operation of emergency equipment. Deputies authorized to engage in a vehicular pursuit:

    1. Shall activate headlights and all emergency vehicle equipment (lights and siren) prior to beginning the pursuit

    2. Shall at all times exercise reasonable care for the safety of themselves and all other persons and property within the pursuit area

    3. May suspend conformance with normal traffic regulations during pursuit as long as reasonable care is used when driving in a manner not otherwise permitted, and the maneuver is reasonably necessary to gain control of the suspect.

    4. Shall not pass through stop signs and/or red stop signals without first coming to a stop, and then proceeding with caution

    5. Shall not discharge a firearm at or from a moving vehicle except as provided in General Order #1.3 - Use of Force

H. The primary pursuit vehicle shall reduce the level of pursuit if any of the following occurs:

1. The fleeing vehicle comes under the surveillance of an air unit; or

2. The suspect's identity has been determined, immediate apprehension is not necessary to protect the public or deputies, and apprehension at a later date is feasible.

I. Any primary or secondary unit sustaining damage to or failure of essential vehicular equipment during the pursuit shall discontinue the pursuit. The unit shall notify the dispatcher and the on-duty supervisor so that another unit may be assigned to the pursuit.

J. Forming a caravan (succession of patrol vehicles in single file) will not be allowed. Additional units will take up positions along the pursuit route in case of a "double back" of the pursued vehicle.

K. Unmarked vehicles equipped with emergency lights and siren may initiate a vehicular pursuit. When a marked unit becomes involved in the pursuit, it will become the primary unit, and the unmarked vehicle will assume the role of a secondary vehicle.

L. Unless expressly authorized by the on-duty supervisor, pursuit shall be limited to the assigned primary and secondary units; and K-9 team if available.

1. Deputies shall not join the pursuit team, or follow the pursuit on parallel streets.

2. Agency motorcycles shall not join any pursuit in progress (See 41.1.19.G.6. for further details).

M. Forcible stops using the deputy's vehicle to ram, spin, or otherwise strike a fleeing vehicle are prohibited.

N. The pursuing deputy shall notify communications center personnel and the on-duty supervisor when it is likely that a pursuit will continue into a neighboring jurisdiction.

1. Deputies shall not pursue a violator known or believed to have committed only a misdemeanor or a traffic violation across a state line.

2. Authority to pursue the vehicle will be decided by the supervisor.

3. Deputies may arrest felons after a legal pursuit across a state line; however, they shall hold the violator for and relinquish custody to the law enforcement agency of the entered jurisdiction for processing. Extradition will be at the discretion of the Frederick County State's Attorney.

O. A decision to terminate the pursuit may be the most rational means of preserving the lives and property of the public, as well as the deputies and suspects engaged in the pursuit.

1. Pursuit may be terminated by the pursuing deputy, the on-duty supervisor, or members of the command staff.

2. Pursuit shall be immediately terminated when any of the following occur:

    a. Weather or traffic conditions substantially increase the danger of pursuit beyond the worth of apprehending the suspect

    b. The distance between the pursuit and fleeing vehicle is so great that further pursuit is futile

    c. The danger posed to the public, the deputies, or the suspect, by continued pursuit is greater than the value of apprehending the suspect(s)

    d. The suspect's identity has been established, and the need for immediate apprehension is no longer present

    e. A violator who is known or believed to have committed only a misdemeanor or a traffic violation leaves the state of Maryland, in which case the deputy shall ensure that the affected jurisdiction is notified

3. Deputies involved in a vehicular pursuit, as well as the on-duty supervisor, will be held accountable for the continuation of the pursuit when circumstances indicate the pursuit should have been terminated.

4. Upon termination, the pursuing deputy shall relay this information to Emergency Communications Center personnel, along with any further information acquired which may assist in the arrest of the suspect at a later date.

P. If a vehicular pursuit occurs in our jurisdiction by another law enforcement agency, no deputy will enter that pursuit unless requested to do so by the pursuing agency. If requested, the on-duty supervisor must approve this request. Deputies and supervisors will adhere to this agency's policy and tactics when assisting other law enforcement agencies in a vehicular pursuit.

Q. The use of roadblocks (stationary or moving), intentionally driving in front of, or alongside the violator's vehicle is prohibited.

R. When time permits and safety considerations are met, the use of a controlled tire deflation device (Stop Stick) is authorized. Only sworn personnel shall be permitted to deploy a controlled tire deflation device when the following criteria is met:

1. The deploying deputy has been trained in the use of the tire deflation device's use and deployment per the manufacturer's recommendations.

2. The pursuing deputies will be notified of and acknowledge that the controlled tire deflation device will be used. Notification will include location and any lane restrictions being established at the deployment site.

3. The deploying deputy will collect the device immediately after its use ensuring personal safety at all times.

4. Any injuries incurred as a result of the use of a controlled tire deflation device will have the appropriate medical aid rendered immediately.

5. Use of the Stop Stick will be reported according to General Order 1.3.13, Use of Force Report.

S. Reporting responsibilities regarding pursuits are as follows:

1. The primary pursuit deputy shall submit an incident reports and an FCSO Vehicle Pursuit Form #41-J to their supervisor by the end of their shift. A primary deputy involved in another agency's vehicular pursuit, shall submit an FCSO Vehicle Pursuit Form # 41-J to their supervisor by the end of their shift.

2. Other deputies involved in the pursuit shall submit a supplement report to the incident report detailing their actions.

3. Supervisors who observe/monitor emergency vehicle responses by their subordinates will discuss the incident with the deputies, and document their review/observations on the form 41-J.

4. Supervisors shall review and submit all reports and endorsements through the chain of command to the respective commander within 24 hours of receipt of the initial report.

T. Review of Pursuits

1. The supervisor shall make the initial determination as to the reasonableness of the pursuit - based upon the totality of the circumstances.

2. The Patrol Operations Lieutenant shall:

a. Obtain copies of the voice radio transmissions, video recordings (if available), and the Event Chronology (if appropriate).

b. Review the form #41-J, related documentation, and the supervisor's review/observations.

c. Make a determination as to the reasonableness of the pursuit, adherence to policy, tactics, and training.

d. Refer the report to other sections (if appropriate).

e. Forward the form through the chain of command to the Bureau Chief.

3. Each commander in the review process shall evaluate the pursuit and may refer it, whether reasonable or unreasonable, for addition review by the Office of Policy and Compliance, Training, or the Patrol Commander.

4. Following final determination, the Bureau Chief shall forward the form #41-J to Training Services for review.

5. Following their review, Training Services shall forward the form #41-J to Personnel Services for record keeping purposes.

U. Annual Analysis of Pursuits

1. The Patrol Operations Administrative Lieutenant will conduct an annual analysis of all pursuit reports as required in this section.

2. The analysis shall be compiled with regard to recognizing any trends or patterns that may indicate training and/or policy modifications. A review of the pursuit policy and reporting procedures will be included in the analysis.

V. Training

1. Sworn personnel will be provided initial training during any entrance-level police academy. Deputies may be scheduled for remedial training when necessary.

2. Supervisors will routinely review the agency pursuit policy during roll call briefings.

41.2.6 [Redacted]

41.2.7 Markings for Patrol Vehicles

A. Vehicles utilized for patrol are conspicuously marked.

B. Marking packages for patrol vehicles include:

1. A full color Frederick County Sheriff's Star on the front doors

2. White roof and white doors on a black vehicle

3. SHERIFF in black letters, outlined in gold, across the side doors

4. FREDERICK COUNTY in black letters across the side doors directly below SHERIFF

5. DEPUTY SHERIFF in gold letters on the trunk lid

6. A map of Maryland highlighting Frederick County, in gold outline, on each front quarter panel directly over the wheel well.

7. An American flag on each side panel behind the rear vent window

C. No alterations to existing markings, additional markings, window stickers or bumper stickers will be permitted without the written permission of the Sheriff.

D. Sheriff's Office employees who are assigned unmarked vehicles may request an official window placard for identification purposes.

1. The identification placard will be displayed on the top center of the dashboard so that it will be clearly visible from the outside of the vehicle. It is not intended to be used to avoid, circumvent, or transgress any traffic laws of the State of Maryland or elsewhere to include private parking area restrictions.

2. Requests for placards will be made to Fiscal Services.

41.2.8 Patrol Vehicle Equipment

Each vehicle used in routine patrol will be equipped with the following minimum equipment:

1. Either of the following emergency light packages:

   a. One red and blue dash-mounted strobe light; two red and blue, rear deck-mounted strobe lights; flashing headlights; flashing strobe lights in all four corner lights; and two flashing grill lights; or

   b. Roof-mounted red and blue flashing lights; flashing headlights; flashing strobe lights in all four corner lights; and two flashing grill lights.

2. A siren

3. A mobile radio transceiver

4. Seat belts

5. Spotlight

6. MDC equipment

41.2.9 Required Operational Equipment

A. Every marked patrol vehicle will be equipped with the following items before assuming patrol:
   1. First aid kit
   2. Blanket
   3. Fire extinguisher
   4. Minimum of 12 flares
   5. Spare tire (if required by the manufacturer)
   6. Traffic Vest

   Any of the items in paragraph A shall be replenished as used. Replenishment shall be done by contacting either Fiscal Services for expendable supply items or the Motor Pool for spare tires, tire jacks, fire extinguishers, or other vehicle specific equipment.

B. Non-Issued Equipment

   1. There will be no non-issued equipment (temporary or permanent) installed in or on Sheriff's Office vehicles without written approval of the Bureau Chief commanding the respective division.

2. Any deputy wishing to install non-issued equipment (CB's, scanners, satellite radio, MP3 players, etc.) shall submit in writing utilizing Sheriff's Office Form 42-C to the respective Bureau Chief, via the chain of command, requesting permission to install the item and giving a description of the item. Included in the request shall be the reason for the installation, type of installation and approximate time required for the installation.

3. Supervisors and Commanders will endorse the request, recommending approval or disapproval and if the installation of the item would be advantageous to the deputy and the Sheriff's Office.

4. The Bureau Chief shall review and approve or deny the request.

5. The original request will be forwarded to the Fleet manager. A copy of the request will be returned to the requesting deputy and their respective supervisor.

6. Non-issued equipment and accessories authorized by the Bureau Chief will be purchased by the requesting deputy and reviewed and/or installed by Frederick County Fleet Services personnel. No equipment will be installed by the individual deputy or outside entity without the approval of Fleet Services.

7. When approved equipment is ready to be removed, the vehicle shall be restored to its original condition. No equipment will be removed by the individual deputy or outside entity without the approval of Fleet Services.

8. The Frederick County Sheriff's Office will not accept any claim for damage or loss of non-issued equipment.

9. Supervisors shall inspect vehicles and equipment as provided in General Order #53.1 and will ensure that all vehicles are standardized.

10. Personnel in violation of this section shall be subject to disciplinary action including but not limited to revocation of the privilege of a take home vehicle.

41.2.10 Use of Safety Restraints

A. Frederick County Government has a policy for all county employees regarding passenger restraints. The policy requires that, when any county vehicle is in operation for the purpose of county business, the operator and/or occupants will use the passenger restraints, i.e., seat belts, shoulder harness, etc.

B. All Sheriff's Office personnel who operate a vehicle owned, leased or rented by the County or Sheriff's Office are required to instruct all passengers to use the passenger restraining devices, in accordance with the Maryland Transportation Article. Vehicles shall not be set in motion until all occupants are belted in.

C. The driver of the vehicle is responsible for ensuring compliance by all occupants of the vehicle they are operating. Approved child safety restraints shall be used for all children of age, size, or weight for which such restraints are prescribed by law.

D. No person shall modify, remove, deactivate or otherwise tamper with vehicle safety belts except for vehicle maintenance and repair and not without the express permission of the Sheriff.

E. Personnel who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

41.2.11 Uniforms, Equipment, and General Appearance (updated 10/28/2019)

A. Appearance

1. An entire organization is often judged by the actions and appearance of just one of its members. For this reason it is important for each and every member of the Sheriff's Office to provide a business-like appearance when representing the county and the Sheriff's Office.

2. It is the responsibility of all supervisory and command staff to ensure that all members of the Sheriff's Office maintain a neat, clean, businesslike appearance at all times.

B. Prescribed Uniform

1. The following summer and winter uniforms shall be worn by sworn deputies of the Frederick County Sheriff's Office. Only deputies working non-uniformed assignments and those with special permission of the Sheriff will be permitted to be out of uniform.

2. Class A Uniform Special Occasions / Events

a. The class A uniform will consist of the following:
   (1) Hat - winter Stetson
   (2) Shirt - white long sleeves
   (3) Name bar - gold
   (4) Tie - regulation tan tie with tie pin
   (5) Trousers - regulation
   (6) Dress Shoes – black (No duty boots/sneakers permitted with Class A Uniform)
   (7) Socks - black
   (8) Dress blouse coat
   (9) Gun belt - issued regulation Sam Brown type
   (10) Holster – issued leather
   (11) Leather equipment issued
   (12) Sidearm - issued
   (13) Rain gear as needed
   (14) Badge
   (15) Marksmanship medal
   (16) Dress belt buckle
   (17) Awards Ribbons

b. All personnel will wear the white long sleeve uniform shirt with the dress blouse coat while in class A attire.

c. No rank chevrons will be sewn on white uniform shirts.

d. Rank chevrons will be displayed on the class A dress blouse coat along with the FCSO insignia collar pins displayed on the white uniform shirt.

e. The Maryland state seal will be displayed on the upper lapel of the class A dress blouse coat.

3. Class B Uniform (Winter Season)

a. Same as the Class A uniform except the dress blouse coat and white long sleeve shirt will not be worn. All personnel will wear the brown uniform shirt while dressed in the class B, and C uniforms.

b. Class B attire will consist of a Stetson, gun belt, trousers, long sleeve brown uniform shirt worn with the option of the agency issued tie, agency issued mock turtleneck, or plain black crewneck t shirt. The patrol jacket and brown sweater may also be worn with the Class B uniform.

4. Class C Uniform (Summer Season)

Class C attire will consist of a Stetson, gun belt, trousers, short sleeve brown uniform shirt worn with a plain black crewneck t shirt. The patrol jacket may also be worn.

5. Class D Uniform

a. All Sheriff's Office personnel are issued "polo style" shirts with a Sheriff's Office design on the left chest.

b. The shirts are to be worn with “Docker-style” khaki/tan/beige colored pants, appropriate business slacks, or BDU pants. No jeans will be allowed. Black BDU style shorts may be worn for certain events upon approval by the Sheriff.

c. Appropriate, business type footwear or uniform boots must be worn (no sneakers). Black athletic footwear will be worn when shorts are approved.

d. An agency issued baseball cap may only be worn with the class D uniform.

e. This soft uniform is only to be worn for certain events. These events include, but are not limited to: in service training, specialized training, out of county training, and out of state training as dictated by an issued personnel order.

6. Minimum Issue

a. The following will constitute the minimum issue of uniforms and equipment for each sworn deputy, to be furnished upon appointment and kept in good serviceable condition at all times. All uniforms and equipment remain the property of the Sheriff's Office. Normal repairs and/or replacement of Sheriff's Office property will be at the Sheriff's Office expense unless personal carelessness is evident, in which case the member will be held responsible.

Item	**#**
Action Packer	1
Badge	2
Barricade tape	1
Baseball cap	2
Baton	1
Baton Holder	1
BDUs, set	1
Belt, dress	1
Belt, duty	1
Belt buckle, dress	1
Blanket	1
Bloodborne pathogens kit	1
Body armor with carrier	1
Camera	1
Coat, blouse	1
Coat, Gortex patrol jacket	1
Collar brass, set	1
CPR mask	1
Fingerprint kit	1
First aid kit	1
Flashlight	1
Flashlight holder	1
Gas mask	1
Glove case	1
Handcuffs (pair) and key	1
Handcuff case	1
Handgun w/magazines as approp.	1
Hat, Stetson	1
Hazmat reference guide	1
Holster	1
Identification card	1
Keepers (for Garrison belt)	4
Keys, building	1
Magazine pouch, double	1
Marksmanship medal	1
Measuring tape (100’ metal)	1
Name bar	1
OC Spray & holder	1
Radio with charger	1
Rain hat cover	1
Raincoat	1
Riot baton	1
Riot helmet	1
“Serving since” pin	1
Shirt, dress	1
Shirt, mock turtleneck	5
Shirt, summer	5

Shotgun	1
Shoulder strap	1
Tie (pink tan)	3
Tie tack	1
Traffic vest	1
Trigger safety lock for handgun	1
Trousers*	5

**Summer/winter to be specified when ordering replacements*

b. After-Hours Equipment Issue (Emergency Only)

(1) If a deputy's issued equipment is damaged or inoperable, they will contact their Supervisor. The Supervisor will determine if in fact the deputy can make it through the remainder of the shift safely or whether the need exists to replace the equipment immediately.

(2) If the equipment needs to be replaced, the Supervisor will contact their respective Patrol Shift Commander. The Patrol Shift Commander will access the emergency equipment storage cabinet in the Patrol Operations Supervisor's room and issue the equipment to the deputy. The Patrol Shift Commander will complete the After Hours Sign-Out Log that will be maintained in the emergency equipment storage cabinet.

(3) Any equipment that is issued from the emergency equipment storage cabinet is to be used on a temporary basis, only until the deputy acquires replacement equipment through the Quartermaster. Once the equipment is acquired through the Quartermaster, the deputy will return the loaned equipment to the Patrol Shift Commander so it may be replaced in the emergency equipment storage cabinet and recorded on the After Hours Sign-Out Log.

(4) The following equipment will be stored in the emergency equipment storage cabinet. Equipment items that are denoted with an asterisk (*) are excluded from paragraph c. because they are consumable items.

Item	**#**
Maglight flashlight	1
Flashlight bulbs*	2
Flashlight charger	1
800 MHz radio battery	2 of each type
Radio charger	1 of each type
Holster	RH & LH Sig 226
Batteries*	5-6 C, D, AA, AAA, lithium
Handcuffs	1 pair
OC Spray	2 cans
Hat cover*	3
Uniform tie*	3
Flex cuffs*	10
FCSO collar brass*	2 pair

FCSO tie tacks*	2 pair
First aid kit	1
ADC Map book*	1
Barricade tape*	1 roll
CPR mask*	1
Belt keepers	4

(5) The Patrol Operations Commander or his designee will maintain the inventory of consumables, and oversee the maintenance and accountability of the equipment, in the emergency equipment storage cabinet. The Patrol Operations Commander and the Patrol Shift Commanders will each be issued an access key.

7. Each member of the Special Weapons and Tactics (SWAT) Team shall

   a. Be issued two BDU uniforms with cloth badges and Sheriff's Office patches

   b. Be issued SWAT patches and pins

   c. Ensure that the following items are affixed to the uniforms as described to allow ready identification of deputies:

      (1) The SWAT patch shall be worn on the right shoulder.

      (2) The Sheriff's Office patch shall be placed on the left shoulder after being subdued.

      (3) The SWAT pin shall be worn in the area designated for "Specialty Unit Designation" on the Class "B" and "C" uniforms.

8. Property/Evidence and K-9 shoulder patches shall only be allowed on the BDU uniforms.
   a. The patches will be placed on the right shoulder.
   b. The patches will be purchased by the deputies at their own expense.

9. K-9 deputies shall be issued
   a. Five BDU's
   b. A patrol field jacket

C. Wearing and Maintaining the Uniform

1. Class B, C, and D uniforms will be worn according to season. Summer and winter uniform seasons are as follows:
   a. The Class B uniforms will be worn from November 1 through March 31.
   b. The Class C uniform will be worn from April 1 through October 31.
   c. Command personnel may wear the Class A uniform all year, if desired.

2. In the event of unseasonable weather, the Law Enforcement Bureau Chief or Patrol Operations Commander will determine if a uniform change is necessary and will maintain uniformity among deputies in the field.

3. Sworn deputies will maintain clean, pressed, Class A and Class B uniforms at all times to provide flexibility of change.

4. Deputies and Correctional Officers attending training shall wear:
   a. The uniform of the day according to their duty assignment, or
   b. Business attire, or
   c. Class D Uniform, or
   d. Appropriate attire as dictated by the issued personnel order, or
   e. Appropriate attire as dictated by the instructor, but not contrary to Office standards.

5. During special operations/assignments and training, members of the S.S.T. shall be authorized to wear the issued BDU uniforms.

6. All uniformed personnel shall wear the appropriate uniform of the day while attending court.

D. Uniform Specifications and Guidelines

1. Uniform Trousers

   a. Any uniform trousers that have been previously issued or authorized will be acceptable provided they are pink tan in color and would give the exact same appearance as those currently issued. Any uniform trouser, regardless of material blend and weight, which are pink tan in color, in the same style as the issued trouser, giving the same appearance will be acceptable.

   b. Any uniform trousers which fail to meet the above criteria to the satisfaction of the Sheriff or his designee will be prohibited.

   c. The Sheriff's Office will issue trousers to all deputies upon appointment.

2. Uniform Shirt

   a. Class B uniform - The dark brown, long sleeved, shirt will be the field uniform shirt. A regulation tie, agency approved turtle neck or plain black crewneck t- shirt must be worn with the Class B uniform.

   b. Class C uniform - The dark brown shirt, short sleeved, will be the summer season field uniform. This shirt is to be worn with the collar open without a tie. While wearing the summer shirt, it will be mandatory that a clean black crew neck T-shirt be worn, with the exception of a V-neck white T-shirt.

   c. Buttons of the same general color as the shirt material will be used on the shirt front and cuffs of the long sleeved shirt, and front of the short sleeved shirt.

   d. A regulation Sheriff's Office shoulder patch will be worn on the left sleeve of all uniform shirts. The patch will be centered on the sleeve one-half inch from the top seam.

e. A United States flag will be worn on the right sleeve of all uniform shirts. The flag will be centered on the sleeve one-half inch from the top seam.

3. Neck Ties

Issued ties will be the 3-inch wide clip-on type with a Windsor knot, pink tan for the Class A and B uniforms.

4. Tie Tack
   a. The tie tack shall be a brass miniature Sheriff's Office badge 3/16" in diameter.
   b. No other tie tack or tie bar shall be worn with the uniform.
   c. The tie tack will be worn in the middle of the tie.

5. Uniform Stetson

   a. Wearing of the uniform Stetson enhances the deputy's visibility and authority, as well as projecting a professional appearance. Deputies are encouraged to wear the uniform Stetson when engaged in activities requiring them to be outside of their patrol vehicle and/or outside of buildings.

   b. The uniform Stetson will be worn at the discretion of the supervisor for special details and assignments. Deputies will keep a Stetson available in the event such a detail or assignment arises.

   c. The uniform Stetson will be worn in such a manner that the hat bill is approximately one and one half inches above the bridge of the nose. At no time is the Stetson to be worn in a "cocked" position or in any unmilitary fashion.

6. Jackets
   a. The field jacket for Sheriff's deputies will be Gortex or similar style material.
   b. A regulation Sheriff's Office shoulder patch will be worn on the left shoulder of all uniform jackets. The patch will be centered on the sleeve one half inch from the top seam.

7. Rain Gear

Sheriff's Office deputies shall be issued a raincoat, and a clear vinyl hat cover.

8. Optional Cold Weather Gear
   a. Gloves, black in color, made of cloth, leather or a combination of both.
   b. The issued black fleece hat may be worn as an option in cold weather.

9. Foot Gear

Shoes worn by Sheriff's Office deputies will be black in color, with a plain toe only, of a smooth leather finish capable of being shined to a high luster. Lace up boots, having a combination black leather and black waterproof nylon uppers (Rocky Eliminator model or equivalent) may be worn on special occasions such as inclement weather, etc. No buckles are permitted, and laces will be black in color and made of either cloth or leather. Boots

may be equipped with zippers on their inside to facilitate easy use. No platform or high heel shoes will be permitted.

10. Socks

    Socks worn by uniform deputies will be plain black in color. White soled socks may be worn so long as no white shows above the top of the shoes. Permission to wear all white socks will be granted only upon written order by a physician and with the approval of the Sheriff, and will be worn under black socks.

11. Portable Radios

    Deputies will be required to carry their issued portable radio with them at all times while on patrol, unless in their radio equipped vehicle, and maintain communication with the dispatcher, unless otherwise directed by a supervisor.

12. Baton

    Sworn deputies of the Frederick County Sheriff's Office shall be issued an expandable baton. Deputies are encouraged to carry their batons when away from their vehicle, and may be required to carry them on special details or at special events when ordered to do so by a supervisor.

13. Knife

    A folding utility- only knife may be worn.

14. Name bar

    When in uniform, members of the Sheriff's Office (non-commissioned) shall wear their issued name bar with the top of the bar in line with the top of the right pocket flap. Members wearing the blouse and command staff, in all cases, will wear the name bar above the right pocket with the bottom of the name bar resting on the top of the pocket.

15. CALEA Pin/ACA Pin

    The CALEA pin will be worn on the Class A uniforms only. The pin will be worn centered under the name bar between the pocket button and the name bar.

E. Ceremonial Detail Uniform

1. All uniformed deputies will wear Class A uniforms whenever attending formal police ceremonies, unless specified by special order.

    a. Command staff will wear Class A uniforms with the dress blouse.

    b. If attending a ceremony conducted by another department, deputies will comply with the instructions for dress given by that department.

2. Deputies taking part in ceremonies (i.e., pallbearers and rifle squad members) will wear Class A uniforms with dress blouse, hat and white gloves.

F. Building Keys, Proximity Reader, and Sheriff's Office Identification Cards

1. All members of the Sheriff's Office have been issued a proximity reader card for the Law Enforcement Center (LEC). The proximity reader card activates exterior doors as well as designated interior doors within the LEC. Personnel assigned an office are also issued a key to that office. This key will also allow access into the LEC. Keys are only to be used for entry through exterior doors in emergency situations.

2. Security and safety are of primary concern. Certain procedures must be followed concerning issued keys and proximity reader cards.

   a. Lost or damaged keys and proximity reader cards must be reported immediately to the Bureau Chief in writing. Personnel are subject to payment of a replacement fee as assessed dependent upon the circumstances of the loss or damage.

   b. No duplicate keys or proximity reader cards may be made without the permission of the Bureau Chief.

   c. No key or proximity reader cards may be loaned to anyone.

   d. All keys and proximity reader cards must be returned to the Quartermaster upon termination of employment.

3. Personnel not in uniform will prominently display their issued proximity reader card while inside of the LEC, within the secured parking area and inside the Motor Pool facility.

4. An annual inventory of all Sheriff's Office identification cards, proximity cards and keys will be conducted by the Bureau Chief or his designee.

G. Rank Insignia

1. The following rank insignia will be used for sworn and civilian members of the Frederick County Sheriff's Office based on their title.

   a. Sheriff - The insignia of the Sheriff will be a gold star. The star will be worn on both sides of the shirt collar. The Sheriff will not display a rank insignia on outer garments.

   b. Chief Deputy - The collar insignia for the Chief Deputy will be a silver eagle (rank of Colonel). Shoulder insignia worn on outer garments, blouse, waist coat and winter coat, will also consist of a silver eagle, to be worn at a right angle to the center line of the shoulder strap equidistant from the outer edge of the shoulder strap in a line from front to rear, with the midpoint of the outboard edge three-quarters of an inch from the armhole seam.

c. Bureau Chief - The collar insignia for bureau chiefs will be a silver oak leaf cluster (rank of Lieutenant Colonel). Shoulder insignia worn on outer garments, blouse, waist jacket and winter coat, will also consist of a silver oak leaf cluster, to be worn at a right angle to the center line of the shoulder strap equidistant from the outer edge of the shoulder strap in a line from front to rear, with the midpoint of the outboard edge three-quarters of an inch from the armhole seam.

d. Major - The collar insignia for major will be a gold oak leaf cluster (rank of Major). Shoulder insignia worn on outer garments, blouse, waist jacket and winter coat, will also consist of a gold oak leaf cluster, to be worn at a right angle to the center line of the shoulder strap equidistant from the outer edge of the shoulder strap in a line from front to rear, with the midpoint of the outboard edge three-quarters of an inch from the armhole seam.

e. Captain - The collar insignia of captain will consist of two smooth gold bars. Shoulder insignia worn on outer garments, blouse, waist jacket, and winter coat, will also consist of two smooth gold bars, to be worn with the long axis of the bars at a right angle to the center line of the shoulder strap equidistant from the outer edge of the shoulder strap in a line from front to rear, with the midpoint of the outboard edge three-quarters of an inch from the armhole seam.

f. Lieutenant - The collar insignia of lieutenant will consist of one silver bar. Shoulder insignia worn on outer garment, blouse, waist jacket, and winter coat, will also consist of one silver bar, to be worn with the long axis of the bars at a right angle to the center edge line of the shoulder strap in a line from front to rear, with the midpoint of the outboard edge three-quarters of an inch from the armhole seam.

g. Sergeant

(1) Shirts and blouse coats: the insignia will consist of three yellow stripes on a dark brown background. Stripes will be three inches from top to bottom, including the background when measured at the center of the stripe, and three and one half inches wide at the widest part including part including the background. Stripes will be of cloth and sewn on the uniform sleeve. Stripes shall be worn centered on the sleeve with the top point of the stripes one inch below the Frederick County Sheriff's Office patch.

(2) Sweaters: the insignia will consist of brass chevrons of three stripes each. The chevrons will be approximately 3/4" wide. Chevrons shall be worn on epaulet "bands" on both shoulders.

h. Corporal

(1) Shirts and blouse coats: the insignia will consist of two yellow stripes on a dark brown background. The stripes will be made of cloth and sewn to the uniform sleeves. Stripes shall be worn centered on the sleeve with the top point of the stripes one inch below the Frederick County Sheriff's Office patch.

(2) Sweaters: the insignia will consist of brass chevrons of two stripes each. The chevrons will be approximately 3/4" wide. Chevrons shall be worn on epaulet "bands" on both shoulders.

i. Deputy First Class / Special Police Officer II

(1) Shirts and blouse coats: the insignia is one yellow stripe on a dark brown background. The stripes will be made of cloth and sewn to the uniform sleeves. Stripes shall be worn centered on the sleeve with the top point of the stripes one inch below the Frederick County Sheriff's Office patch.

(2) Sweaters: the insignia will consist of brass chevrons of one stripe each. The chevrons will be approximately 3/4" wide. Chevrons shall be worn on epaulet "bands" on both shoulders.

H. Marksmanship Medals

1. Deputies and corrections officers will wear the appropriate marksmanship medals, which reflect their achievements of the preceding year.

2. Deputies and corrections officers will fire two (handgun) day fires, which will be averaged to arrive at the percentage which represents the shooter's classification. The medal designating this classification will be worn the following year.

3. Classifications are as follows:

(1) MASTER	98.1 to 100%
(2) EXPERT	90.0 to 98.0%
(3) SHARPSHOOTER	80.0 to 89.9%
(4) MARKSMAN	70.0 to 79.9%

4. Training Specialist will compute the averages and notify the deputies and corrections officers of their results as part of their annual training report so that proper badges may be worn.

5. Deputies and corrections officers shall report to the Training Specialist to exchange badge designations as necessary upon annual notification.

I. Awards Ribbons

1. Personnel are authorized to wear a maximum of two Sheriff's Office awards ribbons.

2. Local, state and national ribbons may be considered with approval of the Sheriff. Individual requests to wear local, state or national ribbons must be submitted for endorsements through the chain of command. These ribbons will be worn on the right pocket, between the name tag and the pocket’s button.

J. Specialty Unit Pins

1. Personnel are authorized to wear specialty unit pins on the right side of the uniform above the pocket, in the area between the awards/ribbons and the marksmanship medal.

2. Individual requests to wear Specialty Unit pins must be submitted for endorsements through the chain of command with approval of the Sheriff.

41.2.12 Clothing and Cleaning Allowance

Sworn members of the Sheriff's Office are provided annual stipend allowances for the care and maintenance of their issued uniforms and to purchase appropriate attire for plainclothes assignments. These allowances are a benefit to the sworn staff and are subject to budget conditions and personnel assignments throughout the qualifying calendar year.

A. Clothing Allowance

1. Subject to budget conditions, a clothing allowance is authorized for deputies assigned to eligible plainclothes units involved in active police investigative functions to purchase required business attire.

2. Eligible plainclothes assignments authorized to receive the clothing allowance are determined by the Law Enforcement Bureau Chief as needed.

3. In order to be eligible for a clothing allowance, the following conditions shall apply:

   a. The deputy must be permanently assigned to the eligible assignment to receive a clothing allowance. Temporarily assigned personnel are not eligible to receive an allowance.

   b. The deputy must be physically able to perform all of the duties and responsibilities of the eligible assignment to which he or she is assigned. Personnel on modified or restricted-duty status are not eligible during the period of time they are on restricted duty.

B. Cleaning Allowance

Subject to budget conditions, a cleaning allowance is authorized for deputies to launder and maintain their issued uniforms to inspection standards.

C. Regular payment of allowances:

1. Allowances are budgeted by fiscal year (July 1 through June 30) and are pro-rated per month and based on eligibility during the previous six-month period

2. Eligible personnel should receive ½ of the allocated funds by January and the other half by July of each year.

D. Personnel transferred to or from an eligible assignment, or placed on restricted duty status while in an eligible assignment within the calendar year will receive a pro-rated allowance based on time served in the eligible assignment.

41.2.13 Protective Vests (updated 01/02/2020)

A. Protective vests (soft body armor) are issued to all sworn members of the Frederick County Sheriff's Office as well as corrections officers assigned to prisoner transportation. Vest selection, purchasing and replacement is coordinated through Fiscal Services.
   1. Wearing the protective vest while in the field, subject to the exceptions below, is required of:
      a. All sworn Law Enforcement personnel while on duty
      b. Corrections personnel assigned to prisoner transportation and security details such as hospital duty
      c. Court Security personnel
      d. All sworn deputies during high-risk and/or tactical operations
      e. All deputies working in a police-related secondary employment/extra-duty detail arranged through the agency.

   2. Exceptions to the mandatory wearing of protective vests include:
      a. Command personnel
      b. Plainclothes investigators
      c. Personnel assigned undercover
      d. Personnel assigned to administrative duties
      e. Personnel who have a medical condition, as determined by an agency –approved physician, that precludes the wearing of a protective vest.

   3. It is highly recommended that all deputies wear a protective vest during their tour of duty. However, staff members listed as an exception to mandatory wearing of their vests in this order must have it immediately available at all times during their tour of duty.

B. Deputies shall only wear agency-issued protective vests, either in an approved under or over-the-shirt carrier.

C. Protective vests will be stored in a location readily accessible to personnel while on duty.

D. [Redacted]

E. Protective vests will be replaced in accordance with the guidelines and protocols established by the National Institute of Justice.

F. Maintenance and inspection of protective vests

   1. As dirt and perspiration may erode ballistic panels, each deputy shall be responsible for cleaning their issued protective vest in accordance with the manufacturer’s guidelines.

   2. Fiscal Services shall conduct an inspection of protective vests for fit, cleanliness, and signs of damage, abuse, and wear, prior to being issued.

3. If a protective vest needs to be replaced for any reason prior to its expirations date, the deputy issued the vest will coordinate with Fiscal Services.

4. Supervisors shall check for compliance at the start of each tour of duty and perform spot checks when encountering deputies in the field.

5. Wearing or availability of a protective vest as required in paragraph A of this section will be recorded on the Monthly Line Inspection Sheet by the supervisor performing the inspection.

41.2.14 Canine (K-9) Program (updated 10/28/2019)

A. General

1. Objective of Program

a. Provide line support to the various divisions and units within the agency with a highly mobile, specially trained police dog.

b. Utilize (either by handler self-initiation or officer request) the particular attributes of the trained police dog to search for and locate items or people.

c. Provide better management of resources by saving time and manpower while at the same time affording additional safety for the police officer.

d. Although the trained police dog is primarily utilized for location purposes, when necessary and justified, it can become an instrument of force affording added protection for both the handler and officers on the scene.

2. Rules for Sheriff's Office Employees (not in the K-9 program)

a. Personnel will not tease or harass the canine.

b. Personnel will not pet the canine without permission of the handler.

c. Personnel will follow the directions of the handler and/or K-9 supervisor when the canine is being utilized.

d. Personnel (other than K-9 Unit members) will not give commands to the canine.

B. [Redacted]

C. Criminal Apprehensions and Apprehensions Resulting in Injury

1. All apprehensions made as a result of a request by another office will require the requesting officer to assist in documenting the arrest.

2. When a canine unit handler observes criminal activity and /or makes an arrest, they will immediately request the assistance of a patrol unit. This does not relieve the handler from his responsibilities of documenting the incident.

3. Any time a person is injured by a canine or handler during the course of an apprehension, it will be the handler's responsibility to:

   a. Administer or provide for immediate medical aid as soon as possible.
   b. Summon EMS to the scene (once the suspect is secured) to evaluate, treat, and transport, as appropriate, to a medical facility for treatment.

   c. Notify the on-duty supervisor as well as the on call Patrol Commander.

   d. Complete a Canine Report and a Sheriff's Office Use of Force Report.

   e. Ensure that photographs are taken of the injuries, if possible.

   f. Secure a copy of the Medical Treatment form for the suspect.

4. Any time a person is unintentionally injured by a trained police canine, the handler will:

   a. Provide immediate medical aid.

   b. Summon EMS to the scene to treat, evaluate, and transport (if necessary) for medical treatment.

   c. Notify the on-duty supervisor as well as the on call Patrol Commander.

   d. Record the incident in a memorandum sent through the chain of command.

   e. Ensure that photographs of the injuries are taken, if possible.

   f. Secure a copy of the Medical Treatment form for the individual.

   g. If the injured party is a member of this agency, the injuries will be treated and documented in accordance with Sheriff's Office guidelines on line of duty injuries.

5. Any instance where the handler permits his trained police canine to make an unjustified physical apprehension upon any person, may be considered unnecessary and excessive use of force and will not be tolerated.

D. Canine Vehicles

1. Canine handlers will be assigned patrol vehicles which are specifically modified to accommodate the canines, but otherwise will be equipped similarly to regular patrol vehicles.

2. Passengers in canine vehicles will be limited based on the discretion of the canine handler with the approval of the K-9 Commander.

3. Only trained canine personnel will operate the canine vehicle when a trained police canine is present inside the vehicle. When the dog is not present, there are no limitations for vehicle usage.

4. The handler shall be responsible for the cleanliness and general appearance of the vehicle which will be noted on the monthly inspection sheet.

5. The Motor Pool is responsible for the mechanical condition and maintenance of the vehicle.

6. Canine handlers making an arrest should request a patrol unit to transport the prisoner. Only in extreme circumstances, by order of a supervisor, will a canine unit be permitted to transport a prisoner.

E. Health and Care of Canine

1. Each handler will ensure that his canine is kept in the best possible health and cleanliness. The handler shall be responsible for routine bathing of the canine.

2. Handlers will take their canines immediately to the assigned veterinarian upon sickness or injury, whether it occurs on or off duty. The handler will notify the K-9 Commander as to any such incident.

3. Handlers are authorized to draw food and supply from current vendor for canines owned by the Sheriff's Office.

4. Handlers will keep their assigned kennels clean and in proper working order.

5. In the event a canine is sick or injured to the degree it cannot perform its duties, the handler shall contact the K-9 Commander.

6. Handlers will be allowed one hour per day for K-9 maintenance, care, and training of their assigned partner on scheduled work days. This shall be accomplished by the handlers working one hour less than the scheduled full-length shift. Additionally, handlers will be compensated on their days off (leave of any type inclusive) in the amount set forth by the Sheriff.

7. The K-9 Commander or his designee will conduct monthly inspections of the condition of the canine, the canine handler, canine vehicle, and other assigned equipment. His observations will be recorded on a line inspection form. Should the need arise for an inspection of the canine's kennel at the handler's residence, it shall be the responsibility of the K-9 Commander and/or his designee to conduct the inspection. These inspections will also be recorded on line inspection forms.

F. Issued Equipment and Departmental Obligations

1. The following equipment and uniform items will be standard issue:
   a. (5) sets of BDU style uniforms
   b. Winter Jacket

c. Tracking Lead
d. Patrol Lead
e. Choke Chain or fur-saver chain
f. Food Dish
g. Water Dish
h. Muzzle
i. Agitation Collar
j. Rain Jacket
k. Sig Sauer P226R (w/Lasermax)
l. Waist Lead (42 inches)
m. Police Cruiser equipped for canine (tinted windows, cage, door opener)
n. Tactical Thigh Holster

2. Canine handlers are responsible for the care and condition of these items.

3. The K-9 Commander or his designee will conduct monthly inspections of the canines, canine handler, and K-9 vehicle. Should the need arise for an inspection of the canine's kennel at the handler's residence, it shall be the responsibility of the K-9 Commander and/or his designee to conduct the inspection.
4. All equipment will be approved by the K-9 Commander and/or trainer prior to use.

5. The Frederick County Sheriff's Office will assume certain financial responsibilities involving the care and use of canines. They are as follows:
   a. Necessary medical expenses
   b. Grooming items and other supplies, including food
   c. Licensing
   d. Necessary handling and training equipment
   e. Other material needs to facilitate the operation of the canine unit
   f. Training of the handler and canine as needed
   g. Necessary insurance coverage for the canine and handlers
   h. Boarding expenses, as determined by the Sheriff.

6. The canine shall remain the sole property of the Frederick County Sheriff's Office.

G. Reporting Procedures and Special Assignments

1. All uses of an agency trained police canine will be recorded in detail on an I/LEADS Incident Report. This includes usage for patrol, narcotics detection, demonstrations, etc.

2. In addition, all physical apprehensions by the canine will require a Use of Force Report.

3. All requests for special assignments such as escorts, parades, stake-outs, demonstrations, etc. will be made through the K-9 Commander or his designee.

4. Handlers conducting or assisting with a public demonstration must conduct themselves in such a manner as to leave the public with a positive impression. Handlers must keep in mind the following for public demonstrations:

   a. Demonstrations will not be conducted without the approval of the K-9 Commander.

b. Canine handlers conducting demonstrations must be in uniform.

c. Only members of the Sheriff's Office or other canine personnel will be allowed to actively participate in the demonstration.

d. The safety of the audience will always be the first priority throughout the demonstration.

e. The audience will be allowed to pet the canine only in the presence and with the permission of the handler.

H. Training

1. All agency canines and handlers will undergo rigorous and thorough training and evaluation prior to being placed into active service.

2. All agency Patrol Canine Teams will attend a fourteen week (or equivalent) school taught by a recognized K-9 trainer with the approval of the K-9 Commander and the Sheriff. All patrol teams will be evaluated each calendar year by sources utilizing recognized and accepted standards. These teams will be trained and proficient in the following areas:
   a. Obedience
   b. Agility
   c. Article Search
   d. Area Search
   e. Building Search
   f. Tracking
   g. Criminal Apprehension
   h. Handler Protection

3. All agency Canine Teams with additional specialty (Narcotics Detection, Explosives Detection, etc.) will attend a specialty school taught by a recognized K-9 trainer with the approval of the K-9 Commander and the Sheriff. All specialty teams will be evaluated each calendar year by sources utilizing recognized and accepted standards.

4. Training of Patrol Teams will occur on a regular basis. In addition to dedicated monthly training, the K-9 trainer will also coordinate training with handlers during their normal work shifts. The training will include all patrol skills in which the canine is trained in.

5. Training of Narcotics Detection Teams will occur on a regular basis. In addition to dedicated monthly training, the K-9 trainer will also coordinate training with handlers during their normal work shifts. The training will include all narcotics detection skills in which the canine is trained in.

6. Each team will receive annual training in "Use of Force" in accordance with General Orders.

7. The handler must possess control of his canine in all situations and is responsible for his canine's actions. Failure to maintain control of the canine could result in disciplinary action, retraining, removal from the position, or termination from service.

41.2.15 Notification of Next of Kin of Deceased, Seriously Injured or Seriously Ill Persons

A. Within Frederick County

1. Notification will be made in person by a uniformed Deputy.

2. Notification will be made to either an adult family member or close friend of the family.
3. If the religion of the deceased is known and a clergyman can be notified, this should be done.

4. FCSO Form 41-H may be completed by the deputy and given to the family member.

B. Outside of Frederick County

1. Notification of the law enforcement agency having jurisdiction over the residence of the next of kin will be made by telephone.

2. The agency will be asked to contact the next of kin in person. If they are reluctant or unable to do so, the patrol supervisor should be advised.

3. The agency will be asked to re-contact the Frederick County Sheriff's Office upon notification of the next of kin as to the contact and any special instructions.

4. The name of the patrol supervisor and telephone number for the Frederick County Sheriff's Office shall be provided to the next of kin for any additional information requests.

5. No explicit details of a death are to be given over the telephone.

C. Notification requests initiated by other agencies should include a teletype message or some other form of confirmation.

41.2.16 Notification of Proper Authority in Specific and/or Emergency Situations

A. Deputies who discover potential or actual hazards will immediately contact the Emergency Communications Center. Information such as location, type of problem, and the urgency of response should be reported. The dispatcher shall then report the hazard to the appropriate authority, state highway department, county roads department, etc.

B. Deputies should immediately notify the Emergency Communications Center when a situation is brought to their attention that presents an actual or potential safety hazard to persons or property and is the responsibility of a public utility company. The dispatcher will then notify the appropriate public utility company.

41.2.17 Assistance to Family Member(s) at Attended Death Scenes (updated 10/28/2019)

A. When a deputy responds to the scene of a deceased person, and upon investigation, finds that the incident will be classified as an attended death, the deputy shall be responsible for:

1. Assisting the family in making phone calls to other family and/or friends

2. Attempting to have another family member, friend, or clergy member, come to the home if there is only one surviving member on the scene

B. The deputy shall give any and all care and consideration to the family and loved ones' feelings for the deceased.

41.2.18 Off-duty Vehicle Use by Sworn Personnel

A. Off-duty is defined as any time other than the deputies' regular tour of duty or assignment for which they are receiving compensation from the Frederick County Sheriff's Office. As of July 1, 2008 deputies that reside outside of Frederick County, Maryland, that have county-assigned take home vehicles, will not be permitted to use the county vehicle for off-duty use. Deputies will be permitted to drive to and from their scheduled workday, court, extra duty assignments, call outs, training, or any other function approved by the Division Commander.

B. The Frederick County Sheriff's Office Take Home Car Program is a benefit to the community and the agency that provides:
1. An extra margin of safety for on-duty personnel
2. Greater visibility for the community
3. Improved response to emergency calls
4. A savings in vehicle maintenance and longevity

C. Sheriff Office employees hired prior to July 1, 2008 will be allowed the use of county-assigned vehicles as part of the Take Home Car Program in accordance with all previously approved requests. Employees hired after July 1, 2008 will be provided a county assigned vehicle and be permitted to park the vehicle at their residence in Frederick County or at an approved off-site location within Frederick County only. Employees must submit a request in writing through their chain of command to receive permission from the Sheriff to park at an offsite location. The Sheriff reserves the right to approve the location, limit the number of approved off-site locations, and limit the number of vehicles permitted to park at each location.

D. Criteria for approval of an offsite location shall include the following:

1. The location is in Frederick County, in close proximity to an adjoining County/State line.

2. The location is a secure facility and/or is under video surveillance.

3. Permission has been granted by the agent/owner/representative of the property that will designate the approved number of parking spots at the location.

E. Off-duty vehicle usage is deemed a privilege and shall be subject to suspension or revocation for abuse thereof. Removal of an employee's privilege to operate an office vehicle while off duty should not be construed to constitute a formal disciplinary action since this privilege, like all other privileges, is subject to suspension or revocation when it is in the best interest of the Sheriff's Office.

F. Off-duty travel will be permitted within Frederick County for members of the employee's immediate family and office personnel.

1. Out-of-county travel will only be allowed upon approval of command staff.

2. Other passengers may be permitted upon approval of the applicable Bureau Chief, Chief Deputy, or the Sheriff.

G. Regulations - members shall:

1. Conduct themselves in a professional manner and be ready for duty at all times.

2. Monitor and maintain radio communications with ECC and respond to any crime-in-progress or emergency incident they become aware of in the immediate vicinity. The deputy will notify ECC and assist until relieved by on-duty personnel.

a. Initiate appropriate action to resolve other situations (crashes, disabled vehicles alarms, etc.) which they encounter by notifying ECC and assisting until relieved by on-duty personnel.

b. If required by the on-duty supervisor to revert to an on-duty status and continue to assist with or handle an incident, they will receive compensation per agency policy.

3. Be appropriately attired to effectively perform a police function while at the same time presenting a favorable image. Personnel will wear acceptable attire consisting of long pants or “cargo-style” shorts (athletic shorts or "cut offs" are not permitted), a shirt with sleeves, and closed toe shoes or sneakers. In all cases, the clothing worn will be professional. Clean and neat. Personnel will also be responsible for the proper appearance and conduct of all passengers in the off-duty vehicle.

4. While attired in civilian clothes, exercise due care in responding to and answering calls for service so they do not endanger themselves unnecessarily. They will display their issued agency arm-band, badge and identification as soon as practical to all parties involved.

5. Be equipped with the office-issued weapon or other authorized weapon, handcuffs, portable radio, flash light, at least one less lethal option, badge and agency issued identification.

6. Lock the vehicle whenever unattended. Removable equipment will be secured in the locked trunk or placed out of public view while the vehicle is unattended while off duty.

a. Firearms will not be left unattended in the vehicle, unless secured in the locked trunk.

b. If the vehicle will be unattended other than for a short period of time, all firearms will be removed from the vehicle. For example, when the vehicle is parked overnight at an approved off-site location, all firearms will be removed from the vehicle (except for vehicles with an agency approved gun vault secured in the vehicle).

H. Sheriff's Office vehicles shall not be used

1. By off-duty deputies or passengers having consumed or intending to consume alcoholic beverages. The purchasing or transporting of alcoholic beverages while utilizing Office vehicles is strictly prohibited.

2. For carrying heavy or excessive loads or any object that protrudes from the trunk or windows.

3. For transporting pets or other animals.

I. If immediate police action is necessary, the off-duty deputy will take necessary action and notify Communications. Follow-through may entail being placed on an "on-duty" status. In routine cases encountered while off-duty, the deputy may call for a regular patrol car to handle the situation. The requesting deputy shall stand by and assist until the unit arrives.

41.2.19 Missing Persons

A. **JUVENILE** - Initial Investigation

1. A Missing Child/Juvenile is defined by Maryland Code as a person under the age of 18, who is the subject of a missing persons report filed with a Maryland law enforcement agency and whose whereabouts are unknown. (To include: lost, abducted, kidnapped, child custody dispute, or apparent runaway).

2. Any time a call is received in the Communications Center, indicating that a child is or may be missing, a deputy will be assigned to investigate. The deputy is required to make personal contact with the complainant. Should the juvenile return to the residence prior to the deputy's arrival, the call for service will be closed as "unfounded".

3. Once contact has been made with the complainant, and the deputy has established that the child is missing, the deputy will inform the family that there is no mandatory waiting period before taking a missing person report. The deputy will then complete a State of Maryland Missing Person Report Form. Additionally, the deputy will prepare an investigative narrative on a supplemental report to detail the circumstances surrounding the disappearance and all investigative efforts taken to locate the juvenile.
If it is found that more than one subject is missing, a separate case number, Missing Persons Report, and supplemental report must be completed for each subject.

4. The initial investigating deputy shall take prompt action, including, but not limited to, concentrated efforts to locate the missing child. A thorough search of the juvenile's residence is recommended.

5. The deputy will complete the Missing Persons Report Form entirely, acquiring a photo of the missing child if available.

    a. Deputies should also record the missing child's Social Security number on the Missing Persons Report Form.

    b. All Missing Person Report Forms must have the complainant's signature on the form. (The complainant's signature on the form indicates that all information and the stated condition of the reported person is accurate to the best of the complainant's knowledge.)

6. If upon initial investigation it appears that the child is lost or the victim of a criminal act, i.e., abduction, child stealing, kidnapping, or meets one of the following "critical factors" from the Missing Person Report Form, the deputy will immediately notify the on-duty supervisor:
    a. C/K - A missing child who is reasonably believed to have been kidnapped or abducted by someone other than a parent.
    b. CPC - A missing child who is reasonably believed to have been abducted by a parent or guardian, who has legal custody. Include all cases where there is no formal custody agreement to the contrary.
    c. CPW - A missing child who is reasonably believed to have been abducted by a parent or guardian who does not have custody. Include only those cases where it has been reported that a formal custody agreement to the contrary exists.
    d. C/C - A missing child who is considered critically missing by the existence of one or more critical factors.
    e. C/M - A missing child 14 years of age or older, for whom no critical factors are known to exist.

7. The "critical factors" mentioned in subsection F. above are as follows:
    a. A child of any age, who has not been the subject of a previous missing persons report,
    b. A child of any age, who has a mental or physical handicap,
    c. A child of any age who's disappearance is considered to be suspicious or dangerous,
    d. If the reporting party has reason to believe that an abduction has occurred,
    e. A child of any age who has been the subject of a past child abuse investigation,
    f. Any child under the age of seventeen (17).

8. Upon becoming acquainted with the facts of the case, the supervisor shall determine if a detective is to be immediately notified or if any other special efforts to locate the child are to be initiated.

    These efforts could include, but are not limited to, the use of K-9 teams, the helicopter, search parties, etc.

9. The deputy on the scene should also ascertain if the missing child has been reported to any other law enforcement agencies, so that duplication does not occur.

10. The deputy will advise the complainant that they must immediately notify the Sheriff's Office if the child is located or heard from so that follow up investigation can be completed.

11. Amber Alert Plan

When a child is reported to be involuntarily missing from person(s) having care-taking responsibilities for the child, it may be determined the Amber Plan (America's Missing Broadcast Emergency Response) needs to be activated.

a. The Maryland State Police (MSP) will set the Maryland Amber Alert Plan in motion only upon requests made by law enforcement. The Sheriff's Office personnel authorized to make such a request will be the Criminal Investigation Supervisor, Patrol Commander or the Special Operations Commander. Refer to the MSP Procedures.

b. Patrol personnel and/or detectives must first determine that the following criteria exist:

(1) Verify the child has been abducted

(2) Circumstances surrounding the abduction indicate the child is in danger of bodily harm or death.

(3) There is enough descriptive information about the child, abductor, and suspect's vehicle to believe an immediate broadcast alert would help.

(4) The abductor and/or child are likely to still be in the broadcast area.

c. Child abduction by a non-custodial parent is not a case which would routinely meet the Amber Plan criteria. Unless, the investigating personnel can articulate a reasonable suspicion that the parent intends to physically harm the child.

d. Upon confirmation of the above criteria, the MSP Headquarters Duty Officer will be contacted to request the Maryland Amber Plan be activated. The contact numbers and MSP plan will be kept at the PIS desk. Refer to MSP procedures.

e. Once the Amber Alert Plan is activated, a command post will be established at Law Enforcement Center in the second floor conference room. Tip lines will be activated and personnel will be assigned to receive incoming calls. The Special Operations Commander will coordinate the activities of the command post.

f. Criminal Investigations will follow up on all leads received.

g. The Special Operations Commander will update the Sheriff's Office Spokesperson for press briefings. A schedule of media briefings will be established to inform the public and media of the progress and latest information regarding the missing person(s).

h. If the child has not been recovered within twenty four (24) hours, the alert will be cancelled.

B. **Adults** - Initial Investigation

1. Any time a call is received in the Communications Center, indicating that a person is or may be missing, a deputy will be assigned to investigate. The deputy is required to make personal contact with the complainant. Should the person return to the residence prior to the deputy's arrival, the call for service will be closed as "unfounded".

2. Once contact has been made with the complainant, and the deputy has established that the adult is missing the deputy will inform the family that there is no mandatory waiting period before taking a missing person report. The deputy will then complete a State of Maryland Missing Person Report Form. Additionally, the deputy will prepare an investigative narrative on a supplemental report to detail the circumstances surrounding the disappearance and all investigative efforts taken to locate the subject.

   If it is found that more than one subject is missing, a separate case number, Missing Persons Report and supplemental report must be completed for each subject.

3. The investigating deputy will complete the Missing Persons Report Form entirely, acquiring a photo of the missing subject if available.

4. The investigating deputy will contact and apprise the on-duty supervisor of all pertinent information in this case.

5. Upon becoming acquainted with the facts of the case, the supervisor will determine if a detective or other resource(s) are to be notified or called out.

6. The deputy will advise the complainant that they must immediately notify the Sheriff's Office if the subject is located, returns, or is heard from so that a follow up investigation can be completed.

7. Silver Alert Program

   a. Patterned after the Amber Alert Program, the intent of this program is to alert public safety agencies and the general public in instances of an adult, suffering certain cognitive impairments, who has been reported missing. The Alert will help put out information on the missing person in an expeditious manner, aiding in the locating and safe return of the individual.

   b. The Maryland State Police (MSP) will set the Maryland Silver Alert Plan in motion only upon requests made by law enforcement. The Sheriff's Office personnel authorized to make such a request will be the Criminal Investigation Supervisor, Patrol Commander, or the Special Operations Commander.

   c. Criteria To Activate a Silver Alert

      Law enforcement agencies making such requests must first determine that the following criteria exist:

      (1) The missing person is at least 60 years of age, AND

(2) The missing person suffers a cognitive impairment, including a diagnosis of Alzheimer's disease or Dementia, AND

(3) The missing person's disappearance poses a credible threat to the health and safety of the individual, AND

(4) The missing person is traveling in a vehicle and there is enough descriptive information about the missing person and the vehicle for law enforcement to issue an alert, AND

(5) The investigating agency has already activated a local or regional alert by contacting media outlets in their jurisdiction, AND

(6) The missing person has been entered into the NCIC

C. NCIC Computer

Once all pertinent information has been obtained at the scene, and other investigation in the area is completed, the deputy will immediately respond to Sheriff's Headquarters so that the subject can be entered into NCIC. All missing individuals will be entered into NCIC immediately.

1. NCIC has various categories in its Missing Person File. A missing person must meet the criteria of one of the categories in order to be entered into the NCIC computer:

   a. Disability - A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.

   b. Endangered - A person of any age who is missing under circumstances indicating that his/her physical safety is in danger.

   c. Involuntary - A person of any age who is missing under circumstances indicating that the disappearance was not voluntary, i.e., kidnapping or abduction.

   d. Juvenile - A person of any age who is missing and declared un-emancipated as defined by the laws of his/her state of residence and does not meet the entry criteria set forth in sections 1, 2, 3, or 5 listed within.

   e. Catastrophe Victim - A person of any age who is missing after a disaster.

   f. Other – A person over the age of 18 not meeting the criteria for entry in any other category who is missing and for whom there is a reasonable concern for his/her safety.

2. It is also the deputy’s responsibility to ensure that a "lookout" is broadcast over the Sheriff's Office radio, and that lookout information is forwarded to other local law enforcement agencies.

3. If the suspected destination of the missing subject is known, the deputy should assure that a teletype is sent to that jurisdiction, so that they may be on the lookout for the subject. This should be done after the subject is entered into NCIC as missing, so that the teletype can refer to the "NIC#". If this teletype is sent, a supplemental report must be completed by the requesting deputy.

4. Cancellation of NCIC Entry

    a. When the missing subject is found, returns voluntarily, or is located by another law enforcement agency, a supplemental report will be completed indicating the circumstances of why the subject was missing, etc.

    b. The supplemental report will be brought to Sheriff's Headquarters so the NCIC entry may be cleared. The deputy will ensure the NCIC operator has all pertinent information for removal of the subject from NCIC.

5. NCIC Validations

    All NCIC validations will be done in accordance with prescribed NCIC requirements.

D. Follow-Up Investigation

1. All missing person complaints shall be assigned to the initial reporting deputy for follow-up investigation, unless assigned to a detective. If the missing person has been located and the investigation has been completed by patrol units, the Criminal Investigations supervisor will review the investigation and ensure that proper procedure was followed and all NCIC entries have been cleared. Any follow up investigation will require a supplemental report be completed by the deputy.

2. If the missing person investigation is still active, the follow-up investigator shall re-contact the complainant, parent or guardian of the subject to ascertain if the subject has been returned or if there is any additional information to assist in locating the subject.

3. Deputies conducting follow-up investigations shall make every appropriate effort to locate the missing subject.

4. If the subject is missing for 30 days, the deputy conducting the follow-up investigation shall request the subject's dental records from the complainant, parent or guardian if any such records exist. Once consent is given by the complainant, parent or guardian, the records will be obtained from dentist by the deputy and incorporated into the NCIC message. A copy of the updated message will be attached to the investigation.

5. If additional information is uncovered during the course of a missing person investigation, it shall, if appropriate under the circumstances, be integrated into NCIC. It is the responsibility of the investigating deputy to ensure the additional information is entered into NCIC and a copy of the revised message is included in the investigative report.

E. Returned Missing Juveniles

1. Any time a call is received in the Emergency Communications Center indicating that a missing child has been located, a deputy will be assigned to investigate. Whenever possible, the deputy handling the investigation will be assigned. In all cases where a detective has been assigned, he/she will be notified.

2. Any time it is brought to the attention of a deputy that a child previously reported missing is now located, the deputy shall investigate the circumstances surrounding the child's disappearance and return. This will include, but not be limited to, the reason for leaving, their location during the time the child was missing, who, if anyone, the child was with, and was the child involved in any criminal activity during the time he was missing.

3. It is the responsibility of the deputy handling the returned missing juvenile investigation to:

    a. Have the missing juvenile information removed from NCIC and the administrative message canceled.

    b. Notify the complainant / reporting person of the missing juvenile being located.

4. When a missing juvenile from another jurisdiction is located by a deputy, the following process will be completed.

    a. An NCIC locate message will be sent to the originating jurisdiction to confirm the juvenile is still considered missing.

    b. Once the juvenile's status has been confirmed as missing, and if the originating agency is local, the juvenile will be turned over to that agency. If it is not a local agency, the subject will be transported to Sheriff's Headquarters for appropriate disposition.

    c. The juvenile may also be turned directly over to the parents/guardian.

5. Should the missing juvenile not be returned safely or if criminal activity is evident, a normal criminal investigation will be initiated.

F. Returned Missing Adults

1. Any time a call is received in the Emergency Communications Center indicating that a missing adult has been located, a deputy will be assigned to investigate. Whenever possible, the deputy handling the investigation will be assigned. In all cases where a detective has been assigned, he/she will be notified.

2. The investigating deputy shall investigate the circumstances surrounding the subject’s disappearance and return. This will include, but is not limited to, the reason for leaving, their location during the time the adult was missing, who, if anyone, the adult was with, and was the subject involved in any criminal activity during the time he was missing.

3. It is the responsibility of the deputy handling the returned missing adult investigation to:

    a. Have the subject removed from NCIC.

    b. Notify the complainant / reporting person of the missing person being located.

4. When a missing adult from another jurisdiction is located by a deputy, the following process will be completed.

    a. An NCIC locate message will be sent to the originating jurisdiction to confirm the adult is still considered missing.

    b. Once the subject's status has been confirmed as missing, and if the originating agency is local, the subject will be turned over to that agency. If it is not a local agency, the subject will be transported to Sheriff's Headquarters for appropriate disposition.

    c. The subject may also be turned directly over to a family member.

G. Project Lifesaver (PLS)

1. The Frederick County Sheriff's Office is the designated Project Lifesaver agency for Frederick County, Maryland.

2. Project Lifesaver is a pilot program of proactive involvement and specialized search and rescue operations that respond to missing person incidents where PLS registered victims of Alzheimer's disease, Autism, and other related disorders have "wandered away." Project Lifesaver relies on proven radio technology and a specially trained search and rescue team. Clients that are enrolled in the Project Lifesaver program wear a personalized wristband that transmits an individually assigned tracking signal. When a caregiver notifies us that the person is missing, a trained search and rescue team responds to the wanderer's area and initiates the search with the mobile locater tracking system.

3. Response to a reported missing person, registered with Project lifesaver, will be handled as a "Critical Missing" individual.

4. Program responsibilities:

    a. Community Services Supervisor is responsible for the overall administration of the PLS program including training, client/caregiver relations, client files, equipment control, equipment maintenance, and serving as liaison with sponsoring organizations. Additionally, the Community Services Supervisor reviews and amends the Project Lifesaver SOP as necessary.

    b. Communications will notify the on-duty Shift Supervisor when a PLS "client" is reported missing.

    c. On-duty Shift Supervisor will notify appropriate Response Search Personnel to report.

d. P.I.S. will maintain a call-out list of trained Response Search Personnel.

e. Incident Commander will ensure Response Search Personnel have necessary equipment and background file(s), respond to the last known location of the missing person, and coordinate and direct the response search team(s). Following a search operation, conduct a debriefing and submit an after-action report consistent with requirements of the Project Lifesaver SOP.

f. Response Search Personnel (RSP) will respond, with appropriate equipment and "client" file, to the last known location (LKL) of the missing person when notified. Following a search operation, RSP will submit appropriate report(s) to the Incident Commander, with copies to the Community Services Supervisor, documenting their activities.

41.2.20 Search and Rescue

A. Purpose

The purpose of this policy is to establish responsibilities and procedures whereby the Frederick County Sheriff's Office and allied agencies can be fully and effectively mobilized to provide Search and Rescue assistance in order to protect life in the event of an emergency and/or major disaster.

B. Procedure

1. The Frederick County Sheriff's Office will be primarily responsible for Search and Rescue operations within Frederick County. The Sheriff's office will initiate or participate in Search and Rescue operations to the extent necessary to locate missing, lost, or unaccounted-for persons.

2. Coordination of Search and Rescue operations will be in conjunction with the Frederick County Emergency Plan and Mutual Aid agreements with allied agencies.

3. The incident commander of the Search and Rescue operation shall:
   a. Respond to the scene and establish a unified command, when appropriate, with other agencies participating in the operation.
   b. Establish a perimeter and/or determine the search area.
   c. Notify the on-duty and/or on-call Patrol Operations commander.
   d. Notify the Criminal Investigations Section if appropriate.
   e. Consider, and request if necessary, additional resources. Additional resources could include:
      (1) Search Managers (a list of certified Search Managers will be maintained by the agency).
      (2) Specialized Canine Teams (bloodhounds, air-scent dogs, etc.)
      (3) Aviation
      (4) Horseback teams
      (5) Volunteer Search Organizations
      (6) MSP Tech Unit (Assists with mapping, locating cellular phones, etc.)
      (7) Reverse 911 calls

f. Re-evaluate. The search and rescue operation should be re-evaluated on a consistent basis. The incident commander should determine whether to scale back the operation or request additional and/or fresh resources.

C. Documentation

All Search and Rescue operations will be documented in the form of an incident report. Larger scale operations will also be documented in the form of an After Action Report.

41.2.21 Automated External Defibrillator (AED) Operator

A. Participation:

1. Strictly on a volunteer basis within the agency.

2. A minimum of one deputy from each patrol team and one deputy from each of the Community Deputy Programs and one deputy/personnel from the courthouse will be trained in the use of an Automated External Defibrillator (AED).

3. The SWAT Team may sign out an AED unit when needed.

B. Training Requirements

1. Minimum of First Responder Certification. (All personnel currently trained and refreshed by Sheriff's Office instructors)

2. Current CPR certification.

3. Four (4) hours initial training in the care, use, and medical protocols of the Automated External Defibrillator. (Training provided by the Frederick County Sheriff's Office with the support of Advanced Life Support)

4. Refresher training with the Automated External Defibrillator will take place after initial training as mandated by current State of Maryland medical protocol. (Coordination and training conducted by Sheriff's Office Training Services Unit with direction from Frederick County's Office of Advanced Life Support).

C. Operational Guidelines

1. The Automated External Defibrillator (AED) units will be kept in the Patrol work room. Deputies will pick up the AED unit from the on-duty supervisor at the beginning of their tour of duty. The AED will be returned at the end of the tour of duty. A sign out log will be kept in Patrol work room near the units.

2. If the AED unit indicates that a problem does exist internally (by beeping when the unit is not turned on), the deputy will take the AED unit out of service, notify the on-duty supervisor, and report the problem, as soon as possible, to the current contact person within the agency. The AED unit will remain out of service until the AED unit is thoroughly tested and returned to service.

3. AED units will be permanently assigned to the Community Deputy Programs and the courthouse.

D. Dispatch Guidelines

1. When a call is received at the 911 center for a cardiac arrest patient, a police incident card will be initiated. Dispatchers will then broadcast the need for an Automated External Defibrillator (AED) at the specific location.

2. The nearest deputy with the AED will respond to the incident location.

3. The on-duty supervisor will monitor the call and make a decision if the deputy is too far from the call and cancel the response.

4. Any conflict with a current call for service will be brought to the attention of the on-duty supervisor and the on-duty supervisor will make the decision as to which call the deputy will respond.

5. Upon arrival on the scene, the deputy will administer appropriate patient care to include the application of the AED, per Maryland medical protocol for pre-hospital providers as outlined in the four (4) hour training course previously received.

6. Upon the arrival of EMS, the deputy will transfer patient care to EMS personnel and assist in any manner requested. If the AED has been applied, the deputy will remove the electrodes from his/her machine. The on-scene EMS AED will be plugged into the cables and used from that point on. The deputy will take the electrodes from the EMS AED and place them with his/her unit. The unit is then back in service.

7. If there is sufficient manpower on the scene, the deputy has not been specifically requested by EMS to assist with patient care, and the incident does not need police investigation, the deputy will return to service once EMS has arrived.

8. At the completion of an incident where the AED was used and before the end of the deputy's tour of duty, the deputy shall respond to Frederick Memorial Hospital's Emergency Department with their AED so data, stored in the unit about the event, can be downloaded into database computers. The procedures for this data transfer will be outlined in the 6-hour initial training described above.

9. An AED Incident Report Form will be completed after every use and submitted prior to the end of the deputy's tour of duty.

41.2.22 Emergency Ramp

A. The emergency entrance ramp from Bowman's Farm Road to westbound Interstate 70 is to be used by sworn personnel for emergency responses (Refer to G.O. 41.2.6) only.

B. Personnel utilizing the emergency ramp will notify the dispatcher and have the event radio logged.

C. The entrance gate can be activated in two ways:

1. An activation code can be entered on the key pad, or

2. The "yelp" siren mode can be used.

D. Once activated, the gate will open for a one minute interval. An electronic eye will monitor vehicle movement to avoid the gate striking an emergency vehicle.

E. If there is a power failure, a pad lock will be placed on the gate and a key must be used to open it.

F. The State Highway Administration will be responsible for maintenance on the gate.

41.2.23 [Redacted]

41.2.24 [Redacted]

41.3 INVESTIGATION OF VULNERABLE ADULTS

This General Order consists of the following sections:

41.3.1 Reporting of Abuse, Neglect and/or Exploitation of Alleged Vulnerable Adults
41.3.2 Investigative Procedures
41.3.3 Request for Assistance
41.3.4 Disposition
41.3.5 Situations Agreement Not Applicable

POLICY

Deputies shall assist in the investigation of community reports of at-risk, vulnerable adults upon request of the Frederick County Department of Social Services (FCDSS). This is in accordance with Family Law Article Title 14, Section 304 of Maryland Law and Regulations; and a joint agreement signed 09/09/93 between the FCDSS, FCSO, Maryland State Police (MSP), Frederick City PD, Brunswick PD, Thurmont PD, and the State's Attorney's Office (SAO).

DEFINITIONS:

A. Abuse - the sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment, or as a result of a malicious act by another person.

B. Adult Protective Service Worker - a social worker employed by the FCDSS and assigned to the Adult Service Unit.

C. Emergency - a situation in which a person is living in conditions which present a substantial risk of death or immediate and serious physical harm to himself or others.

D. Exploitation - any action which involves the misuse of a vulnerable adult's funds, property, or person.

E. Neglect - the willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or rehabilitative therapy, shelter, or supervision.

F. On-call worker - a social worker employed by the FCDSS and assigned to respond to after-hours emergency situations.

G. Self-Neglect - the inability of a vulnerable adult to provide for his/her basic life needs that are necessary for physical and mental health the absence of which impairs or threatens well being

H. Social Service Representative - an employee of the FCDSS assigned as on-call worker or assigned to an Adult Protective Service case.

I. Vulnerable adult - an adult who lacks the physical or mental capacity to provide for his/her daily needs.

PROCEDURES

41.3.1 Reporting of Abuse, Neglect and/or Exploitation of Alleged Vulnerable Adults

A. Deputies receiving reports or information that an alleged vulnerable adult has been abused, neglected or exploited shall make a report of the situation to the FCDSS by telephone, direct communication, or in writing as soon as possible.

1. During normal Department hours, deputies shall contact either

a. The Service Intake Unit, or

b. The Adult Service Unit

2. After Department hours, on holidays and weekends, deputies shall contact the Frederick City Police who will page FCDSS.

B. Insofar as possible, reports should include:

1. The name, age, telephone number, and home address of the alleged vulnerable adult

2. The name, telephone number and home address of the person responsible for the care of the alleged vulnerable adult

3. The location of the alleged vulnerable adult

4. The nature of the alleged vulnerable adult's incapacity

5. The nature and extent of the abuse, neglect, self-neglect, or exploitation of the alleged vulnerable adult, including evidence or information concerning previous injury, possibly resulting from abuse, neglect, self-neglect, or exploitation

6. Any other information that would help to determine

a. The cause of the suspected abuse, neglect, self-neglect, or exploitation

b. The identity of any individual responsible for the abuse, neglect, self-neglect, or exploitation

c. Any family or community supports which may be available to the vulnerable adult

41.3.2 Investigative Procedures

A. Upon receipt of a report regarding an alleged vulnerable adult, FCDSS shall begin an investigation which includes a face-to-face contact with the alleged victim

1. Within 24 hours in an emergency situation, or

2. Within 5 working days in a non-emergency situation

B. FCDSS shall complete its investigation

1. Within 10 days of the receipt of a report indicating an emergency, or

2. Within 30 days of the receipt of a report indicating a non-emergency

C. Where it is indicated (either in the initial report or through information obtained in the course of the investigation) that a crime has possibly been committed, FCDSS shall notify

1. The applicable police department, if the alleged incident occurs within a municipality, or

2. FCSO or MSP, if the alleged incident occurs within Frederick County but outside a municipality

D. Insofar as possible, the Social Worker making the report will provide

1. Date and time the report was received

2. Name and date of birth of the alleged vulnerable adult

3. Address and telephone number of the alleged vulnerable adult

4. Date, location and nature of the alleged crime

5. The name, address, and telephone number of any suspect(s)

6. Names, addresses, and telephone numbers of any witnesses

7. Any other information deemed relevant to the situation

E. Upon receipt of such a report from FCDSS, the deputy shall promptly advise the reporting FCDSS Representative whether a criminal investigation will be pursued, and the name of the investigator who will handle the case.

F. The law enforcement investigator shall be responsible for the criminal aspect of the investigation.

1. The FCDSS Representative shall not interfere in the criminal investigation.

2. The investigator shall not interfere in social work matters such as placement or removal.

G. Whenever possible, the interview of the victim shall be conducted in a setting known to the alleged vulnerable adult and out of the presence of the alleged abuser, neglecting person or exploiter.

1. The investigator and the FCDSS Representative shall agree on a case-by-case basis who should be the primary interviewer.

2. If an agreement cannot be reached, the investigator shall initially conduct the interview, during which the FCDSS shall be present.

   a. If requested by the investigator, the FCDSS Representative shall not contribute during the initial phase of the interview.

   b. After the investigator completes the initial phase of the interview, the FCDSS Representative shall ask any additional questions.

3. If both the investigator and the FCDSS Representative deem it necessary, either one may agree to be excluded from the interview. If this occurs, the individual who conducted the interview shall immediately inform the excluded individual of the substance of all statements made. Because of the need to coordinate investigations, exclusion of an agency's representative should rarely occur.

H. For interviews with witnesses, non-abusing caretakers, collateral personnel and the alleged abuser(s),

1. Both the investigator and the FCDSS Representative shall have equal authority, subject to the provisions of the agreement referenced in the POLICY statement, to be present.

2. The investigator and the FCDSS may decide to conduct these interviews independently of each other. If this occurs, the absent party shall be informed of the name and address of the person interviewed, the date and time of the interview, and the substance of all statements made.

41.3.3 Request for Assistance

A. If, prior to or during the course of an investigation of an alleged vulnerable adult, the FCDSS Representative deems assistance necessary, he/she shall request it from the appropriate law enforcement agency.

1. Municipal departments shall provide assistance upon request unless there is no officer available for assignment.

2. In such instances, the FCDSS Representative may, in emergency situations, contact MSP or FCSO, who shall then render assistance.

B. Assistance shall be requested by the FCDSS Representative under the following conditions:

1. There is indication from the initial report to FCDSS which shows that conditions are such that the safety and well-being of the FCDSS Representative would be jeopardized if he or she were not accompanied by uniformed law enforcement personnel.

2. The FCDSS Representative believes that an emergency exists regarding the conditions of a vulnerable adult.

   a. If the deputy agrees that an emergency exists as defined in Section 14-304 of the Family Law Article (the person will probably suffer immediate and serious physical injury or death if not placed in a health care facility, and the vulnerable adult is incapable of giving consent), the deputy shall ensure that the individual is transported to an appropriate emergency health care facility for the purpose of evaluation.

   b. The deputy's responsibility typically ends once the emergency evaluee has been transferred to the emergency facility staff.

3. The Social Worker is refused entrance into the alleged victim's home, or because of other reasons is unable to enter the residence, and there is probable cause to believe that the alleged victim is in danger as a result of abuse or neglect.

41.3.4 Disposition

At the conclusion of each investigation in which there is the possibility of a crime having been committed:

A. FCDSS shall send a copy of its investigation to Criminal Investigations of the applicable law enforcement agency and to the SAO.

B. The law enforcement agency shall forward a copy of its investigation report to the FCDSS and to the SAO.

41.3.5 Situations Agreement Not Applicable

A. This agreement does not apply to, nor do the investigative responsibilities of FCDSS apply to

1. The abuse of a patient in a mental health facility

2. The abuse of a patient in a facility for mentally retarded individuals

3. The abuse of a patient in a nursing home

4. The abuse of a patient in a hospital

B. The primary responsibility for investigations of abuse of adults in the above-listed facilities is with the Department of Health and Mental Hygiene, Office of Licensing and Certification.

41.4 INVESTIGATION OF PERSONS WITH MENTAL ILLNESS

This General Order consists of the following sections:

41.4.1 Training
41.4.2 Recognizing Characteristics of Mental Illness
41.4.3 Response to Calls for Service Involving People with Mental Illness
41.4.4 Emergency Psychiatric Evaluation Petitions
41.4.5 Community Mental Health Resources

POLICY

It is the policy of the Frederick County Sheriff's Office to ensure a consistently high level of service is provided to all citizens. Agency personnel shall afford people who have mental illnesses the same rights, dignity, and access to the Sheriff's Office and other government and community services as are provided to all citizens.

DEFINITIONS:

A. Mental Illness - Any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors, such as infection or head trauma.

B. Americans with Disabilities Act (ADA) - applies to people who have a physical impairment that substantially limits* one or more of their major life activities such as:
   1. the ability to communicate, hold a job, or care for themselves;
   2. people who have a record of such impairment;
   3. people who are regarded as having such an impairment

   *The term "substantially limits" is not a clinical term; it is a practical term to distinguish between people who have a mild physical or mental impairment and those whose impairment substantially limits one or more major life activities.

PROCEDURES

41.4.1 Training

In order to prepare personnel who, during the course of their duties may have to deal with persons with mental illnesses in an appropriate manner, the Sheriff's Office shall provide training to agency personnel. The agency will provide entry-level personnel with training on this subject and will provide refresher training at least every three years.

41.4.2 Recognizing Characteristics of Mental Illness

A. While many people with mental illnesses successfully control symptoms with the use of medications, others who do not have access to mental health services, fail to take their medications, or do not recognize that they are ill can experience psychiatric difficulties. Agency personnel must be prepared to deal with situations involving persons who have mental illnesses and know how to respond to these situations in an appropriate and sensitive manner.

B. Symptoms of different mental illnesses may include, but are not limited to:
   1. loss of memory
   2. delusions
   3. depression, deep feelings of sadness, hopelessness or uselessness;
   4. hallucinations
   5. manic behavior, accelerated thinking and speaking, hyperactivity
   6. confusion
   7. incoherence, and
   8. extreme paranoia

C. The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance, but are noticeable in conversation with the individual. The ECC dispatcher or deputy responding to the scene is not expected to diagnose a mental illness, but to decide on the appropriate response to the individual and situation.

D. Obtaining relevant information from family members, friends, or others at the scene who know the individual and his/her history, or seeking advice from mental health professionals can also assist agency personnel in taking the appropriate action.

E. Deputies on the scene will also have to determine the severity of the behavior, the potential for change in behavior, and the potential for danger presented by the individual to themselves or others.

41.4.3 Response to Calls for Service Involving People with Mental Illnesses

A. When responding to a call for service that involves a person who has, or exhibits symptoms of mental illnesses, deputies should obtain as much information as possible to assess and stabilize the situation. In particular, deputies should gather information regarding the nature of the problem behavior and events that may have precipitated the person's behavior and particularly the presence of weapons.

B. The following specific guidelines detail how to approach and interact with a person who may have mental illnesses and who may be a crime victim, witness or suspect. The guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Deputies, while protecting their own safety, the safety of the person with mental illnesses and others at the scene should:

   1. Remain calm and avoid overacting

2. Be helpful and professional

3. Provide or obtain on-scene emergency aid when treatment of an injury is urgent

4. Check for and follow procedures indicated on medical alert bracelets or necklaces

5. Indicate a willingness to understand and help

6. Speak simply and briefly, and move slowly

7. Remove distractions, upsetting influences and disruptive people from the scene

8. Understand that a rational discussion may not take place

9. Recognize that a person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment

10. Be friendly, patient, accepting and encouraging, but remain firm and professional

11. Be aware that your uniform, gun, handcuffs, and other equipment may frighten the person with mental illnesses, attempt to assure him or her that no harm is intended

12. Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her

13. Announce actions before initiating them

14. Gather information from family or bystanders

15. If the person is experiencing a psychiatric crisis, attempt to have a local mental health professional respond to the scene

C. While each incident will be different, when dealing with a person who may have mental illnesses, deputies should be aware that their actions may have an adverse effect on the situation. Actions that deputies should avoid include:

1. Moving suddenly, giving rapid orders or shouting

2. Forcing discussion

3. Direct, continuous eye contact

4. Touching the person (unless essential to safety)

5. Crowding the person or moving into his or her zone of comfort

6. Expressing anger, impatience or irritation

7. Assuming that a person who does not respond cannot hear

8. Using inflammatory language, such as "mental" or "mental subject"

9. Challenging delusional or hallucinatory statements

10. Misleading the person to believe that deputies on the scene think or feel the way the person does

D. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there are a range of options deputies should consider when selecting an appropriate disposition. These options include the following:

1. Refer or have transported for medical attention if he or she is injured or abused

2. Outright release

3. Release to care of family, care giver or mental health provider

4. Refer or have transported to mental health services

5. Refer or have transported to substance abuse services

6. Assist in arranging voluntary admission to a mental health facility, if requested

7. Transport for involuntary emergency psychiatric evaluation, if the person's behavior meets the criteria for this action; or

8. Arrest, if a crime has been committed

E. Deputies should remember that having mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illnesses that are not criminal in nature. Taking a person who has mental illness into custody can occur only when:

1. The individual has committed a crime

2. The individual presents a danger to the life and safety of the individual or others and meets the state's criteria for emergency evaluation; or

3. In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility

41.4.4 Emergency Psychiatric Evaluation Petitions

A. The Health Article of the Annotated Code of Maryland gives "Peace Officers" certain rights and responsibilities regarding persons who are diagnosed with, or are exhibiting behavior indicative of, a mental disorder. When dealing with such individuals, employees of the Sheriff's Office will follow the dictates of the law and any additional requirements placed by this section.

B. A petition for emergency evaluation may be made only if the petitioner has reason to believe the individual presents a danger to the life and safety of the individual or others. The petition for emergency evaluation may be made by:

1. A physician, a psychologist, or a health officer or designee of a health officer who has examined the individual.

2. A deputy who personally has observed the individual's behavior, or

3. Any other interested party.

C. A deputy who makes a petition for emergency evaluation commitment may base the petition on:

1. An examination or observation or

2. Other information obtained that is pertinent to the factors giving rise to the petition

D. A petition shall:

1. Be signed and verified by the petitioner

2. State the evaluee's name, and description

3. Whenever possible the evaluee's address, home and work telephone numbers

4. State the following information, if available, name and address of a spouse or a child, parent, or other relative of the emergency evaluee or any other individual who is interested in the emergency evaluee

5. Contain a description of the behavior or the statements that led the petitioner to believe the emergency evaluee has a mental disorder and that the individual presents a danger to the life or safety of the individual or others; and

6. Contain any other facts supporting the need for an emergency evaluation.

E. Duty of the deputy:

1. A deputy shall take the emergency evaluee to the nearest emergency facility if the deputy has a petition that has been endorsed by the court within the last five (5) days; or

2. Is signed and submitted by a physician, a psychologist, a health officer or designee of a health officer, or a peace officer.

3. After a deputy takes the emergency evaluee to an emergency facility, the deputy need not stay unless, the evaluee is violent and a physician asks a deputy to stay, or the evaluee is under arrest

4. When a juvenile has been taken into custody for an emergency evaluation pursuant to a

court order, or petition signed by a competent mental health authority, or a deputy's observations, the juvenile's parent or guardian shall be notified to respond to the treating facility as soon as possible to grant permission for treatment.

F. Arrest alternative: The arrest of a mentally disordered individual may not be the best alternative in minor law violations, however in serious cases such persons may be arrested the same as any other.

G. Completion of Required Report; The serving of an emergency petition will require completion of an incident report. The report will describe the circumstances surrounding the need for the emergency petition. A copy of the served petition will be attached to the incident report, along with any other information that might be relevant to the emergency evaluation.

H. Lay Petitioner: When deputies are questioned by a person who is not a physician, psychologist, or health officer, or designee of a health officer, concerning a person who may have a mental health disorder, and who is not in the deputies' presence, the deputy will direct the person to the Clerk of the District Court Office. The person will be told of the requirements of the law regarding the request to the court for a petition.

41.4.5 Community Mental Health Resources

A. There are government and community-based mental health organizations that will provide resources to assist law enforcement personnel, and the public in general, when dealing with mentally ill individuals. These organizations may be particularly valuable when encountering non-violent individuals whose behavior does not rise to the level requiring an emergency petition, but there is need to provide referrals for professional assistance.

B. Way Station, Inc. is a non-profit organization that provides mental health housing and vocational rehabilitation services to people with mental health illness or other disabilities. Frederick County Sheriff's Office personnel may utilize Mobile Crisis Response services, training assistance, and information sharing - within legal constraints. Contact information:

- 240-674-2387 Nextel number for law enforcement personnel
- 301-624-4682 General phone number (or to leave message)
- www.waystationinc.org
- Hours: Mon-Thur 1100-2100 hrs, Fri-Sun 1300-2300 hrs

C. Mental Health Association of Frederick County is a private, non-profit organization providing information, referral resources, education and counseling. In addition to many programs, MHA staff members are also available to conduct workshops and training programs on a variety of issues from stress/anger management, depression, suicide prevention, and children's issues to communication skills and dealing with difficult people for businesses, community groups and organizations. They publish a comprehensive annual handbook that is distributed to all FCSO deputies annually:

- Guide to Mental Health and Community Support Services
- 301-663-0011 Hours: 24/7
- www.fcmha.org

D. Other useful phone numbers:

1. Frederick County Hotline - Crisis intervention, support, information and referrals for all types of issues and situations to anyone in need.

    - 301-662-2255
    - Hours: 24/7

E. Maryland Crisis Hotline - 24-hour, toll-free phone line, providing information, referral and support, and crisis intervention for people of Frederick, Washington, Allegany and Garrett counties.

    - 1-800-422-0009

41.5 COMMUNICATING WITH DEAF OR HEARING-IMPAIRED PERSONS

This General Order consists of the following sections:

41.5.1 Definitions
41.5.2 Auxiliary Aids and Services
41.5.3 Promoting Effective Communication
41.5.4 Interpretive Services
41.5.5 TTY and Relay Services

POLICY

It is the policy of the Frederick County Sheriff's Office to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hearing impaired. The Sheriff's Office has, and will continue to comply with, specific legal obligations under the Americans with Disabilities Act (ADA) and the Rehabilitation Act. The Sheriff's Office will make every effort to ensure that all personnel communicate effectively with people who have identified themselves as deaf or hearing impaired so they may have an equal opportunity to receive the services of the Frederick County Sheriff's Office.

PROCEDURES

41.5.1 Definitions

A. Public Entity - defined in the Americans with Disability Act (ADA) as "any department, agency or organization of a state or local government – as such, the Frederick County Sheriff's Office qualifies as a public entity, and Agency employees are subject to the policies prescribed in the ADA.

B. Qualified Individual with a Disability - defined by law as "an individual that has a physical or mental impairment which substantially limits them from performing one or more 'major life activity', and an individual eligible for receiving services or programs, and auxiliary aids or services from a public entity." For purposes of this General Order, a disability or impairment relates specifically to those daily functions of speech, hearing, and communicating.

C. Major Life Activity - defined by law as "the daily ability and function of hearing and speaking, coupled with the ability to communicate equally with others."

D. Companion of a Qualified Individual with a Disability - defined by law as "a family member, friend, or associate of the deaf or hearing-impaired individual, and someone with whom the public entity should communicate."

E. Qualified Interpreter - A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf

or hearing-impaired individual (and interpret orally to the person who reads speech) what is being said by the hearing person and then voice to the hearing person what is being signed or said by the deaf or hearing-impaired individual. The interpreter must be able to interpret in the language that the deaf or hearing-impaired person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf or hearing-impaired person (e.g. where the deaf or hearing-impaired person uses Signed English and the interpreter uses American Sign Language) for the given situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Therefore, a certification is not required in order for an interpreter to be considered "qualified."

41.5.2 Auxiliary Aids and Services

A. Effective communication with deaf or hearing-impaired individuals – whether they are a victim, witness, suspect, or arrestee – is essential to ascertain the type of incident being reported, the urgency of the situation, and the specific facts concerning what occurred.

B. Various types of communication aids – also known as "auxiliary aids and services" – are used to supplement oral communication with deaf or hearing-impaired individuals. These can include: the use of gestures or visual aids; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices to amplify sound for the hearing impaired; and/or, the use of qualified oral or sign language interpreters.

C. The type of auxiliary aid needed to facilitate effective communication with a person who is deaf or hearing impaired will depend on the individual's primary method of communicating, along with the nature, importance, length, and complexity of the communication at issue. Typically, the more lengthy and complex the communication, the more likely a qualified interpreter will be needed to enable the effective two-way communication between a deputy and the deaf or hearing-impaired individual whose primary means of communicating is sign language or speech reading. For example:

   1. If a deputy is conducting an interview with a victim, witness, or suspect who is deaf or hearing impaired, a qualified sign language interpreter will most likely be needed to ensure effective communication, especially if their primary means of communication is sign language.

   2. If a deaf or hearing-impaired person is requesting directions, the use of gestures and/or an exchange of written notes will probably be sufficient to effectively communicate during that short exchange of information.

D. The Agency will ensure that all sworn employees receive the U.S. Department of Justice publication, "*Communicating with People Who are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers*," which is also available on their website. All sworn employees are responsible for reviewing this, and having a working knowledge of the recommended methods discussed for effective communication in the various situations law enforcement personnel often encounter, such as:

1. Issuing a non-criminal or motor vehicle citation,
2. Communicating with a person who initiates contact with a deputy,
3. Interviewing a victim or critical witness to an incident,
4. Questioning a person who is a suspect in a crime,
5. Making an arrest or taking a person into custody,
6. Issuing Miranda Warnings to a person under arrest or in custody, and
7. Interrogating a person under arrest or in custody.

E. Primary consideration should be given to the communication aid or service that works best for the deaf or hearing-impaired individual. Deputies must ask those who are deaf or hearing impaired what type of auxiliary aid or service they need, and must provide those expressed choices in a timely fashion, unless there is another equally effective way of communicating, given the circumstances, the length, the complexity, and the importance of the communication, as well as the communication skills of the person who is deaf or hearing impaired.

F. Under existing law, the Sheriff's Office is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Sheriff or his designee may make this determination. For example, since the Sheriff's Office has limited financial resources and if providing a particular auxiliary aid would cost a large sum of money, the Sheriff may determine that it would be an undue financial burden. In this situation, the most effective means of communication available will be used.

G. People who are deaf or hearing impaired will never be charged for the cost of an auxiliary aid or service needed for effective communication between them and a Sheriff's Office employee.

41.5.3 Promoting Effective Communication

A. The Frederick County Sheriff's Office shall furnish appropriate auxiliary aids and services where necessary to deaf and/or hearing-impaired individuals – in an accessible format, in a timely fashion, and in a manner that protects their privacy – so they may have an equal opportunity to participate in, and receive the services of the Frederick County Sheriff's Office.

B. Members of the Sheriff's Office shall give primary consideration to the communication aid or service that works best for the deaf or hearing-impaired individual.

C. Deputies will utilize the following auxiliary aids, when available, to communicate effectively:
1. Use of gestures,
2. Use of visual aids,
3. Exchange of written notes,
4. Use of computers or typewriters,
5. Use of assistive listening devices,
6. Use of teletypewriters (TTY's), and
7. Use of qualified oral or sign language interpreters.

D. No Sheriff's Office employee shall require a deaf or hearing-impaired person to furnish their own interpreter.

E. No member of the Sheriff's Office will utilize an adult friend, family member, or person accompanying the deaf or hearing-impaired individual to interpret or facilitate communication, except:

1. In an emergency involving an imminent threat to the safety or welfare of the person or a member of the public, and no interpreter is reasonably available; or

2. When the deaf or hearing-impaired individual specifically requests the adult accompanying them act as their interpreter, and that person agrees to assume the responsibility of interpreting, and their assistance at the time is appropriate under the circumstances.

F. No member of the Sheriff's Office will allow a minor child to interpret or facilitate communication, even with the approval of the deaf or hearing-impaired individual, except in an emergency involving an imminent threat to their safety, the welfare of another or the public, and no qualified interpreter is available.

41.5.4 Interpretive Services

The P.I.S. maintains a list of sign language and oral interpreting service(s) that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services are chosen after being screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Support Services Commander will update this information as necessary.

41.5.5 TTY and Relay Services

A. Maryland Relay is a public service program overseen by Telecommunications Access of Maryland (TAM) and funded under the State's Department of Budget and Management. With Maryland Relay, people who are Deaf, Hard of Hearing, Deaf, Blind or Speech Disabled can communicate through TTY (text telephone) with anyone using a standard phone. The service is accessible by dialing 7-1-1.

B. In situations when a non-disabled person would have access to a telephone, deputies will provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Deputies must also accept telephone calls placed by persons who are deaf or hard of hearing through the Maryland Relay service.

C. The Frederick County Emergency Communications Center maintains equipment to make and receive TTY calls and is accessible to FCSO personnel 24 hours per day.

D. The Support Services Commander will ensure that personnel receive training and knowledge on the use of the Maryland Relay program.

41.6 NOISE CODE ENFORCEMENT

This General Order consists of the following sections:

41.6.1. Definitions
41.6.2 Training, Certification, and Maintenance
41.6.3 Enforcement

POLICY

The Frederick County Sheriff's Office will investigate noise complaints and take enforcement action where appropriate in the unincorporated portions of Frederick County. Sheriff's Office deputies will utilize calibrated Type II sound level meters to measure possible violations of Frederick County Code, Section 1-11-6.

PROCEDURES

41.6.1 Definitions

A. Noise Complaint - Any incident where noise is generated by an audio device, vibration, musical instrument, mechanical equipment, or any other noise or sound-producing device that disturbs, injures or endangers the health, peace and safety of others.

B. Ambient Noise - The total noise associated with a given environment, excluding the noise source of interest.

C. Tonal Noise - Any sound that is comprised of one or more pure tones. A pure tone means any sound that can be distinctly heard as a single pitch.

D. Impulsive Noise - Noise characterized by short burst of acoustical energy, having a rapid rise to a maximum pressure followed by somewhat slower decay, a duration not greater than one second, and a field crest factor of 10dBA or greater. An example of impulsive noise would be weapons fire.

E. Daytime hours are 0700 to 2200.

F. Nighttime hours are 2200 to 0700.

G. Maximum allowable noise levels (dBA) as measured from the receiving property land use category are:

	Industrial	Commercial	Residential
Day	75	67	65
Night	75	62	55

NOTE: Noise levels generated at construction or demolition sites may not exceed 90 dBA during daytime hours. During nighttime hours the levels listed in the above table are applicable.

41.6.2. Training, Certification, and Maintenance

A. Only those deputies who have completed approved agency training/familiarization which is consistent with industry standards are permitted to use sound level meters for enforcement purposes.

B. The Patrol Operations Commander or designee will ensure that:

1. Sound level meters are issued.

2. Sound level meters are calibrated by an accredited laboratory consistent with industry standards.

3. All necessary care and maintenance is performed.

4. An inventory log and calibration log are maintained by the designated Noise Meter Coordinator.

C. Deputies discovering a sound level meter that does not function properly will immediately place the instrument out of service and notify the Patrol Operations Commander or designee.

D. All requests for repair and maintenance of noise meters will be forwarded to the Patrol Operations Commander. Reports of damage of noise meters will be documented FCSO Form 84-H, Damage to County Property.

E. The Sheriff's Office will lend to the public sound level meters so citizens may take their own readings to determine if a noise source is exceeding the maximum allowable levels. The Noise Meter Coordinator will ensure that FCSO Form 41-Z and 41-Z1 are filled out in their entirety. The Noise Meter Coordinator shall obtain identification and photocopy it for the file. Each sound level meter may be signed out for the public's use not to exceed 7 days.

41.6.3 Enforcement

A. Response

1. Any deputy dispatched to an initial noise complaint will respond and make contact with the complainant to determine the source of the noise.

2. When enforcing noise complaints the deputy will first attempt to gain voluntary compliance. The responsible party shall be informed they are in violation of the County Code and asked to take necessary immediate measures to become compliant. They will also be informed of the penalties associated with the violation.

3. If the source of the noise is located, voluntary compliance is not achieved, and it does not qualify as an exempted source as set forth in the County Code 1-11-6, deputies shall take a sound level meter measurement of the noise source when a noise meter is available.

4. Violators will be issued a civil citation as outlined in Frederick County Code, Section 1-1-9.

B. Monitoring

1. The measurement of noise levels shall be conducted at points on or within the property line of the receiving property or the boundary of a zoning district (Industrial, Commercial, Residential), and may be conducted at any point for the determination of identity in multiple source situations.

2. Conducted at least three feet from any reflecting surface.

3. Deputies shall account for ambient noise if possible. Once the ambient noise is isolated measurements may be conducted. The noise will be measured for a period of 10 minutes, when practical.

4. Sound level readings should not be conducted in adverse weather conditions.

C. Documentation

The issued civil citation will serve as sufficient documentation for a noise enforcement incident unless unusual circumstances exist in which case an Incident Report will be completed.

41.7 TRESPASS ENFORCEMENT

This General Order consists of the following sections:

41.7.1 Definition
41.7.2 Procedure
41.7.3 Enforcement Action

POLICY

The Frederick County Sheriff's Office will investigate trespassing complaints and take enforcement action where appropriate in Frederick County. In order to assist property owners and/or agents of the property, deputies will provide them with immediate service by issuing a Letter of Trespass Notification (FCSO Form 41-L), to any subject that is trespassing on the property.

PROCEDURES

41.7.1 Definition

Wanton Trespass – a person may not enter, cross over, or remain on private property including the boat or other marine vessel of another after having been notified by the owner or the owner's agent not to do so. A violation is a misdemeanor under Maryland Code.

41.7.2 Procedure

A. Pursuant to Property Owner / Agent Complaint

1. The Letter of Trespass Notification will be completed by a deputy when investigating any call for service related to trespassing and the property owner or agent of the property informs the subject that he/she is no longer welcomed on the property or premises. The deputy will complete the form as follows:

   a. The deputy must obtain the subject's name and associated information.

   b. The deputy will read the form to the subject that he/she is no longer welcomed on the property in question and obtain the subject's signature in the "signature for service" block. If refused, the deputy will write "refused" in the "signature for service" block.

   c. The deputy must obtain a signature from the property owner or agent.

   d. The deputy issuing the Letter of Trespass will provide their signature.

2. A property owner or agent of the property may withdraw the Letter of Trespass by providing the Sheriff's Office with a notarized letter requesting the withdrawal of the subject in question while it is active.

3. Any individual who is trespassed at the Great Frederick Fair (GFF), located at 797 E. Patrick St., Frederick, MD, in which the Letter of Trespass has been signed by the property owner or agent of the GFF and the issuing deputy, will only be trespassed for a period of one (1) year from the date of issuance.

4. Deputies completing the form will ensure that the copies are distributed as outlined at the bottom of the Letter of Trespass Notification Form.

B. Pursuant to Frederick County Public Schools Memorandum of Understanding

Pursuant a Memorandum of Understanding (MOU) under §26-102 of the Annotated Code Of Maryland, Trespass on the ground of a public institution of elementary, secondary, or higher education, Section (c) (1&2), the Frederick County Board of Education has authorized the Frederick County Sheriff's Office to carry out responsibilities of denial of access to school grounds when the institution is closed or when dually authorized staff are not present in the buildings or on the grounds of Frederick County Public Schools property.

1. The Letter of Trespass Notification will be completed at the discretion of the deputy when investigating calls for service or suspicious activity on Frederick County Public Schools Property when FCPS authorized staff are not present. The Letter of Trespass Notification should be issued if the Deputy believes that the continued presence of an individual on the property will lead to criminal or other activity detrimental to Frederick County Public Schools and the individual likely to/has failed to obey verbal direction. The deputy will complete the form as outlined in Part A above with the exception of:

   a. The deputy will sign as property owner/agent, pursuant to the MOU

   b. A copy will be provided to the School Resource Supervisor with a brief explanation of circumstance for issuance (attached note or email).

   c. Frederick County Public Schools may withdraw the Letter of Trespass by providing the Sheriff's Office with a written request for withdrawal.

2. Active trespass notifications are maintained in the Sheriff's Office records management system.

3. The School Resource supervisor will notify the FCPS Office of Security and Emergency Management pursuant to the MOU.

41.7.3 Enforcement Action

Persons, who are the subject of an active Letter of Trespass and are found in violation of same, may be cited or be arrested if the crime of Trespass occurs in the deputy's presence. Deputies may refer the property owner or agent to the District Court Commissioner to seek criminal charges if the crime of Trespass is not committed in their presence.

41.8 PRO-ACTIVE CRIMINAL ENFORCEMENT (P.A.C.E.) TEAM

This General Order consists of the following sections:

41.8.1 Purpose
41.8.2 Unit Structure
41.8.3 Supervisor Responsibilities
41.8.4 Member Responsibilities
41.8.5 Requests for Assistance
41.8.6 Vehicles
41.8.7 Uniform Standards
41.8.8 Work Schedules

POLICY

The Frederick County Sheriff's Office shall use its personnel in the most effective and efficient manner to accomplish its mission. The mission of the Pro-Active Criminal Enforcement (P.A.C.E.) Team will be to identify problem areas in Frederick County using information gathered from incident reports, crime analysis, criminal and narcotics investigators, and both internal and external intelligence. The P.A.C.E. team will use all of its available resources to proactively enforce problem areas in Frederick County by saturation patrols, surveillance, warrant investigations, covert operations, bike patrols, and direct support to Patrol Operations personnel.

PROCEDURES

41.8.1 Purpose

The primary purpose of P.A.C.E. is to provide the Sheriff's Office with an additional resource to target problem areas and communities in Frederick County which are victimized by criminal activity. This resource allows flexibility to move deputies to any area of the county without affecting Patrol allocation. P.A.C.E. will work cohesively as a team thus being able to communicate with each other on specific crime trends, intelligence, and information gathered through their assignments. Through the utilization of proactive patrol enforcement, investigative techniques, and community problem solving skills, the purpose will be to reduce crime and enhance community policing objectives.

41.8.2 Unit Structure

P.A.C.E. will work under the command of the Patrol Operations Commander with a sergeant and corporal assigned as first line supervisors.

41.8.3 Supervisor Responsibilities

A. The P.A.C.E supervisors shall be responsible for all members assigned to the team. The supervisors will coordinate and plan all functions, details, and assignments that P.A.C.E. will participate in. This will include, but is not limited to:

1. Scheduling daily activities, shift schedules, training dates,

2. Maintaining a liaison with Crime Analysis, Criminal Investigations, Vice/Narcotics, and Patrol,

3. Making the Patrol Operations Commander aware of any major incidents, functions, and completing a monthly report on P.A.C.E. activities.

B. The P.A.C.E. supervisor(s) will meet weekly with the Crime Analyst to identify problem areas and to determine where P.A.C.E. can most effectively be utilized based on reported criminal activity. The selection of problem areas may be based on several factors, to include:

1. Major criminal incidents,
2. Any increase in criminal activity,
3. Any increase in calls for service,
4. Any crime trends/patterns provided by the crime analyst,
5. Community complaints and/or concerns.

C. The P.A.C.E. supervisors will have other responsibilities to include but not be limited to:

1. Reviewing all police reports submitted by P.A.C.E. members,
2. Completing annual performance evaluations,
3. Completing monthly line inspections.

41.8.4 Members Responsibilities

A. Once a particular area in Frederick County has been identified as a problem area, the P.A.C.E. supervisor will be responsible for coordinating the appropriate action plan. P.A.C.E. team members will be responsible for identifying, locating, and apprehending individuals who are found to be committing crimes in a problem area.

B. P.A.C.E. members will conduct a variety of work assignments to include but not be limited to:

1. Saturation patrols in covert and overt capacity,
2. Provide direct support to Patrol Operations and other agency components,
3. Conduct bike and foot patrols as required,
4. Develop intelligence and conduct surveillance operations.

C. P.A.C.E. members will complete all paperwork, formulate charging documents, handle arrests and conduct follow ups as required. P.A.C.E. members will interview alleged criminals to gather intelligence and attempt to identify other individuals who may be committing similar crimes.

41.8.5 Requests for Assistance

A. When P.A.C.E. members are not committed to a detail, function, or planned assignment, their primary responsibility will be to assist Patrol Operations.

B. All requests to utilize P.A.C.E. from other divisions must be approved by the P.A.C.E. supervisor or Patrol Operations Commander.

41.8.6. Vehicles

P.A.C.E. members will be assigned marked and unmarked police vehicles. When the need arises for use of other unmarked vehicles assigned to Narcotics, the P.A.C.E. member may utilize these vehicles with permission from The Frederick County Narcotics Unit Supervisor or the Support Services Commander. These vehicles will be utilized for a particular shift and will be turned back in at the end of the tour of duty.

41.8.7 Uniform Standards

A. When P.A.C.E. members are working in a uniform capacity, they will adhere to General Order 41.2.11 (Uniforms, Equipment, and General Appearance).

B. When P.A.C.E. members are working a Bicycle Operation, they will adhere to General Order 41.1.22 (Bicycle Operations).

C. P.A.C.E. members will wear the uniform of the day for court proceedings. General Order 13.1.8 (Court Attendance) will be adhered to.

D. When P.A.C.E. members are working in a covert capacity, they will be allowed to wear plain clothes, however, they must have their police badge readily available for identification. General Order 1.3.17 (Recognition of Plain Clothes Personnel) will be adhered to.

E. P.A.C.E. members will generally function in a uniform capacity; however, may wear plain clothes depending on the particular detail and with the approval of P.A.C.E. supervisors.

41.8.8 Work Schedules

Generally, P.A.C.E. will have a rotating schedule consisting of working a modified day and evening shift schedule. Due to the nature of their assignments, the work schedule will be subject to change. The P.A.C.E. supervisors will make every effort to provide as much notice to members as possible.

41.9 OVERDOSE RESPONSE PROGRAM/NARCAN ADMINISTRATION

This General Order consists of the following sections:

41.9.1 Overdose Response Program
41.9.2 Overdose Response Program Coordinator
41.9.3 Indicators of Opioid Overdose and Administration of Narcan
41.9.4 Maintenance and Replacement
41.9.5 Documentation Requirements

POLICY

It is the policy of the Frederick County Sheriff's Office to respond to overdose calls for service and take necessary lifesaving steps until the arrival of Emergency Medical Services (EMS). Deputies will conduct investigations and administer Narcan if they arrive at an opiate overdose prior to EMS, in accordance with training and local medical protocol.

PROCEDURES

41.9.1 Overdose Response Program

A. The Frederick County Sheriff's Office will participate in the Overdose Response Program through training provided by the Overdose Response Coordinator under the direction of the Frederick County Health Department. This training authorizes the deputies to possess and administer Naloxone.

B. Naloxone is:

1. A fast-acting opiate antagonist used in emergency medicine to rapidly reverse opiate-related sedation and respiratory depression.

2. A scheduled drug with no euphoric properties and minimal side effects. If it is administered to a person who is not suffering an opiate overdose, it will do no harm.

3. Marketed under various trademarks, including Narcan, Nalone, and Narcanti.

4. For the purposes of this policy, Narcan will be the term used for Naloxone.

41.9.2 Overdose Response Program Coordinator

The Sheriff will appoint the Overdose Response Program Coordinator to administer the program. The Coordinator's responsibilities include:

1. Ensuring that the nasal Narcan kits are current and not past the expiration date.

2. Ensuring proper and efficient deployment of the nasal Narcan for field use.

3. Ensuring that authorized deputies are adequately trained in its use.

4. Ensuring that any use of Narcan on a subject is documented in an investigative report.

5. Replacing nasal Narcan kits that are either damaged, unusable, expired, or have been used.

6. Reporting nasal Narcan use statistics at the request of the Frederick County Health Department in accordance with grant reporting requirements.

7. Ensuring that each individual dose of Narcan has an appropriately labeled prescription.

41.9.3 Indicators of Opioid Overdose and Administration of Narcan

A. Authorized deputies shall utilize nasal Narcan on subjects believed to be suffering from an opiate overdose. Indications that a subject is suffering from an opiate overdose include, but are not limited to:
   1. Blood-shot eyes
   2. Pinpoint pupils, even in a darkened room/area
   3. Depressed or slow respiratory rate
   4. Difficulty breathing (labored breathing, shallow breaths)
   5. Blue skin, lips, or fingernails
   6. Decreased pulse rate
   7. Low blood pressure
   8. Loss of alertness (drowsiness)
   9. Unresponsiveness
   10. Seizures
   11. Evidence of ingestion, inhalation, and injection (needles, spoon, tourniquets, needle tracks, bloody nose, etc.)
   12. Past history of opiate use/abuse.

B. Deputies will:

   1. Follow the protocols outlined in their nasal Narcan training when administering the product:

   2. Maintain scene safety, universal precautions against pathogens, perform patient assessment, determine unresponsiveness, and absence of breathing and/or pulse.

   3. Update communications that the patient is in a potential overdose state and ensure that EMS has been dispatched to the scene.

   4. Help ensure the patient is transported to the hospital.

      a. If the patient will not go the hospital voluntarily, then the emergency evaluation process will be initiated if there is evidence that the patient attempted suicide by their ingestion of opiates or expresses suicidal thoughts or ideations, or there are other criteria for evaluation under the emergency petition process.

b. If the patient continues to refuse transport in all other cases, and they reasonably appear to have the capacity to make medical decisions they may legally refuse further medical assistance.

41.9.4 Maintenance and Replacement

A. Deputies authorized to use nasal Narcan kits are responsible for inspection of the kit prior to each shift.

1. Missing or damaged nasal Narcan kits will be reported through already established procedures for reporting missing or damaged Sheriff's Office property.

2. Additionally, the deputy will, by the end of their shift, send the Overdose Response Program Coordinator an email reporting the damage or loss so that replacement of the items can be facilitated in a timely manner.

B. Narcan has a shelf life of two years. It is important to store the Narcan at the proper temperature and not to expose the medication to light. It is recommended that the nasal Narcan kit be stored in the glove compartment of your assigned vehicle for protection from the elements such as light, heat and cold temperatures during the deputies Tour of Duty.

41.9.5 Documentation Requirements

A. Upon completing a medical assist with the Narcan, the deputy will complete an incident report detailing
1. the nature of the incident,
2. the care the patient received,
3. language within the narrative that Narcan was deployed, and
4. describe if the administration resulted in a positive outcome for the subject.

B. The offense code specifically developed for this type of incident must be indicated in the offense field of the report.

C. The deputy notify the Overdose Response Program Coordinator for statistical value, replacement, and tracking.

41.10 GUIDANCE FOR INTERACTIONS WITH TRANSGENDER INDIVIDUALS

This General Order consists of the following sections:

41.10.1 Definitions
41.10.2 Interactions
41.10.3 Calls for Service
41.10.4 Searches
41.10.5 Arrests
41.10.6 Transportation
41.10.7 Reporting
41.10.8 Training

POLICY

It is the policy of the Frederick County Sheriff's Office to treat all individuals with dignity, respect and professionalism. No person shall be discriminated against based on gender identity or sexual orientation.

PROCEDURES

41.10.1 Definitions

Birth Sex – The sex classification of a person as male or female that was assigned at birth based on their physical characteristics.

Gender – An individual's biological or anatomical identity as male or female.

Gender Expression – How a person expresses gender identity to others, often through their behavior, clothing, hairstyle, voice, or other characteristics.

Gender Identity – A person's innate, psychological identity as male or female.

Preferred Name – The name an individual prefers to use in daily life to refer to themselves (this may or may not be the individuals current legal name).

Transgender – Refers to people whose gender identity differs from their birth sex.

Transgender Female – A person whose birth sex is male and whose gender identity is female. This is sometimes called a male-to-female (MTF) individual.

Transgender Male – A person whose birth sex is female and whose gender identity is male. This is sometimes called a female-to-male (FTM) individual.

41.10.2 Interactions

A. Employees shall address a transgender individual using the person's clearly stated gender identity, including preferred first name and appropriate pronouns. Employees who are unsure which pronoun is appropriate shall respectfully ask the transgender person which they prefer. For example:

1. Transgender Male – Should be addressed using masculine pronouns (i.e., he, him, and his).

2. Transgender Female – Should be addressed using feminine pronouns (i.e., she, her, and hers).

B. If a person has not clearly stated their gender identity, but the person's intended gender presentation is reasonably clear based on attire and other cues, the person shall be treated in accordance with their expressed gender.

C. If a person's self-identified or expressed gender is unclear, the deputy(ies) should make a determination based on any other available information. Gender information on government-issued identification and other documents may be used as presumptive evidence of gender identity, but only in the absence of self-identification by the individual or some other obvious expression of gender identity. If an individual has a gender marker on their identification that is not consistent with their self-identity, the individual should be referred to by their self-identified first name and gender when feasible.

D. Employees shall avoid unnecessary personal questions regarding an individual's anatomy or sexual history.

E. Employees shall not use derogatory terms to describe a transgender individual.

41.10.3 Calls for Service

A. All calls for service or complaints by transgender individuals shall be addressed and investigated in accordance with applicable Departmental policies for any other call for service or complaint.

B. Discrimination based on gender-related identity is prohibited.

41.10.4 Searches

A. Deputies shall conduct all stop and frisk encounters, field interviews, searches and seizures following established departmental policy.

B. A stop, frisk or search shall not be performed for the purpose of determining an individual's anatomical gender. Transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals.

C. Authorized strip searches and body cavity searches should be done in accordance with established departmental policies.

D. Deputies should be aware the presence of syringes may be indicative of prescribed hormone treatment and/or therapy, not necessarily illegal drug use.

41.10.5 Arrests

A. Pat-Down searches of transgender individual's after arrest will be conducted per established policy. In situations where an arrestee's gender is not immediately apparent or an arrestee objects to the gender of the officer conducting the search, then the search will be conducted by an officer whose gender is requested by the arrestee, if available.

B. Subsequent pat-down searches during the booking process will be conducted by an officer whose gender is requested by the arrestee.

C. Requests to remove appearance-related items due to safety and security concerns such as the removal of prosthetics, clothes of the presenting gender, wigs, and cosmetic items shall be consistent with the requirements for the removal of similar items for non-transgender individuals.

41.10.6 Transportation

A. Whenever practical, known transgender arrestee's will be transported separately from other prisoners.

B. In temporary holding facilities known transgender prisoners shall be separated from non-transgender prisoners by sight and sound when feasible.

C. Members shall verbally and discreetly relay conflicting gender information to the attention of personnel of the Frederick County Adult Detention, another Law Enforcement Officer or any other agency upon transferring custody.

41.10.7 Reporting

A. Some transgender people may use a name different than their legal name. All reports and citations shall refer to the transgender individual's legal name in the respective name modules or blocks.

B. The person's preferred name shall be listed as an alias or Also-Known-As (AKA). In the narrative of any incident report or charging document the preferred name should be noted. The purpose for stating this is to clarify any discrepancies that refer to/describe the victim/suspect. Thereafter, the appropriate gender pronouns shall be used in the narrative. For example: If the person is male-to-female, depict the person as "female" and use the pronouns "she," "her," and "hers" within the report narrative

41.10.8 Training

The Frederick County Sheriff's Office will provide roll call training and refresher training every three years.

42.1 CRIMINAL INVESTIGATION: ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

42.1.1 Criminal Investigations Function
42.1.2 Criminal Investigations Component
42.1.3 Case Investigation Base on Expertise
42.1.4 Administrative Designation of Cases
42.1.5 Suspending Investigative Efforts
42.1.6 Informing Crime Victims of Case Status
42.1.7 Case File Management
42.1.8 Use of Informants
42.1.9 Special Investigative Fund
42.1.10 Preliminary and Follow-up Investigations Accountability
42.1.11 Activity Report
42.1.12 Utilization of Uniformed Deputies
42.1.13 Case Status Control System
42.1.14 Solvability Factors
42.1.15 Criteria Used to Assign Cases
42.1.16 Resources Committed to Case Follow-up
42.1.17 Temporary Assignment of Patrol Deputies
42.1.18 Rank Titles
42.1.19 Habitual/Serious Offenders
42.1.20 Review of Mishandled or Dismissed Cases
42.1.21 Cold Case Investigations
42.1.22 Regional Automated Property Information Database

POLICY

It shall be the policy of the Frederick County Sheriff's Office to develop standards that will provide for organization and administrative programs that will result in efficient and effective criminal investigations.

PROCEDURES

42.1.1 Criminal Investigations Function

In any police organization, including the Frederick County Sheriff's Office, the criminal investigative function is a very significant and integral part of the investigation of crime. It is the function of the Frederick County Sheriff's Office Criminal Investigations to complete follow-up investigations of crimes that are committed within Frederick County. Criminal investigators will, unless otherwise needed, be non-uniformed personnel and will investigate crimes as they are assigned.

42.1.2 Criminal Investigations Component

Criminal Investigations operates within Special Operations (Law Enforcement Bureau) of the Frederick County Sheriff's Office and is under the supervision of a Lieutenant.

42.1.3 Case Investigation Based on Expertise

It is the policy of the Frederick County Sheriff's Office to encourage deputies to investigate reported crime to the fullest extent possible and to allow those deputies considerable discretion depending on their ability and expertise. Criminal Investigators will be assigned cases based on their knowledge, expertise, skills, and qualifications.

42.1.4 Administrative Designation of Cases

A. Criminal cases being investigated by office personnel will be considered as "open cases".

B. Criminal cases that are not currently assigned or have been assigned and the investigation concluded will carry one of the following designations:

1. Suspended - Indicates all available leads have been exhausted, but the case has not been brought to a satisfactory conclusion and investigative efforts may be resumed.

2. Closed by one of the following conclusions:

a. Arrest - A person has been arrested and charged with this crime or a summons has been served. This includes juveniles who are released to their parents when a juvenile arrest form or referral is completed.

b. Unfounded - Incident is false or baseless. An offense did not occur or was not attempted.

c. Cleared - A warrant or summons is issued for this incident but not served.

d. Exceptionally cleared - An incident is exceptionally cleared if ALL enumerated questions can be answered affirmatively:
   (1) Has the investigation definitely established the identity of the offender?
   (2) Is there some reason outside law enforcement control that precludes arresting, charging and prosecuting the offender?
   (3) Is the exact location of the offender known, so that the subject could be taken into custody now?
   (4) Is there enough information to support an arrest, charge, and turn over to the court for prosecution?

42.1.5 Suspending Investigative Efforts

A. Whenever a case has been assigned for investigative follow-up, procedures outlined in General Order 42.2, Sections 42.2.1 shall be followed. Suspension of investigative efforts by the assigned deputy must be approved by the Criminal Investigations supervisor.

B. Criteria to be considered when suspending investigative efforts will include:

1. Absence of further leads or solvability factors.

2. Unavailability of investigative resources.

3. Victim fails to cooperate after making the initial report.

4. The degree of seriousness of the offense(s).

42.1.6 Informing Crime Victims of Case Status

A. All persons who file a criminal complaint with the Frederick County Sheriff's Office will be notified of the status of their complaint.

B. Investigating deputies (either patrol personnel or detectives) will keep complainants apprized of the status of their case when a follow-up investigation is conducted. These contacts with the complainant will be documented in a supplemental report. Detectives may also refer victims to Victim Services for case status.

Detectives assigned a follow-up investigation will make every effort to contact the complainant within 48 hours. Anytime there is a change in status of the case, the follow-up investigator will contact the complainant within 48 hours of the change.

C. Prior to a case being returned to file, the investigating deputy shall make a final contact with the complainant and advise them of the final disposition of the case.

42.1.7 Case File Management

A. A case file is maintained on all cases in which investigative activities are on-going. The case files provide an immediate information resource to investigators. Case files shall contain a copy of the preliminary investigative reports (all originals will be maintained by the Records Section), records of statements, results of examinations of physical evidence, case status reports, and other reports and records needed for investigative purposes.

B. The Criminal Investigations Supervisors shall maintain a case file (ledger) for each investigator listing the current cases assigned by complaint number.

C. Case files, once reviewed, will be turned over to the assigned investigating detective.

D. Access to detective case files will be on a need to know basis with permission of the assigned detective or Criminal Investigations Supervisors.

42.1.8 [Redacted]

42.1.9 Special Investigative Fund

A. The purpose of this section is to provide guidelines on the use of the special investigative funds. This fund is to be used for expenditures necessary to conduct investigations of criminal activity.

B. Confidential funds shall be maintained, recorded, and disbursed by the Special Operations Division Supervisors, in a manner which ensures the justification and accounting of all such funds received by the Frederick County Sheriff's Office.

C. The Law Enforcement Aid Fund was established by the Frederick County Board of County Commissioners Resolution Number 86-25 and became effective July 29, 1986. This fund is used to replenish the Special Investigative Fund (Chapter 17.1.6 A2).

D. Accessibility

1. The Special Operations Division Supervisors are responsible for the maintenance and control of the special investigative fund.

2. The Special Operations Division Supervisors will be responsible for disbursement from the Special Investigative Fund. Payments in excess of $3,000.00 will be approved only by the Sheriff or his designee.
3. This Special Investigative Fund is closely monitored to ensure cash is readily available. When there is a need to replenish the fund, a written request must be forwarded to the Sheriff by the Special Operations Division Supervisors.

E. Criteria for Use

1. Authorized Expenditures - Authorized expenditures are those that directly or indirectly assist and/or contribute to an investigation of criminal activity.

   a. Expenditures that may be paid from the special investigative funds include, but are not limited to:
      (1) Purchase of Controlled Dangerous Substances.
      (2) Stolen properties.
      (3) Informant expenses.
      (4) Vice investigations, i.e., gambling, prostitution.
      (5) Alcohol/liquor investigations and purchases.
      (6) Expenses developed during case requiring immediate purchases, such as batteries for Kel Unit, tapes for Kel Unit, cassette tapes, etc.
      (7) Apartment, motel rental and expenses.

   b. The purchase of intoxicating liquor or beer for consumption during an investigation is a justifiable expenditure. Excessive expenditures will not be approved. The deputy should attempt to leave prior to finishing the drink if it will not expose his/her cover.

   c. The Special Operations Supervisors will have the final decision on what expenditures qualify.

d. When justifiable expenditures are made, it is the responsibility of the deputy to obtain a receipt, unless it would unduly expose his/her cover.

e. Unauthorized Expenditures - Unauthorized expenditures are those that do not directly or indirectly assist and/or contribute to an investigation or criminal activity. Some of these include personal supplies, meals, or gas.

F. Accounting

1. Special Investigative funds received from the Law Enforcement Aid Fund will be procured by the Special Operations Division Supervisors through a written request to the Sheriff.

2. Upon receipt of the funds, the Special Operations Division Supervisors will record all monies in the account ledger.

3. All transactions involving funds will be logged in the account ledger with the date of transaction, amount and type (disbursement or return), the reason and balance on hand.

G. Auditing

This fund and its controllers will be subject to annual audits of all monies and expenditures by the Frederick County Internal Audit Agency as part of the Law Enforcement Aid Fund annual audit.

42.1.10 Preliminary and Follow-Up Investigations Accountability (rev. 01/08/2020)

A. Patrol Teams are responsible for the preliminary investigation of all criminal incidents, unless the presence of a uniformed deputy would hinder the proper investigation of the incident or where special expertise is required.

This responsibility shall include the following:

1. Providing first aid to the injured.

2. Protecting the crime scene to ensure evidence is not lost or contaminated.

3. Observing and recording all conditions, events and remarks pertinent to the incident.

4. Determining if the offense has actually been committed and, if so, the exact nature of the offense.

5. Determining the identity of suspect(s) and making arrests as expeditiously as possible, or interrogating of the suspects, if appropriate.

6. Providing the Emergency Communications Center with suspect description and other pertinent information for broadcast purposes, if appropriate.

7. Locating and identifying witnesses. Determining all pertinent information from witnesses and victims at the scene and conducting a canvas of the neighborhood if appropriate.

8. Arranging for the preservation and collection of evidence at the scene, including the processing of evidence available for latent prints.

9. Obtaining written statements from persons involved in the incident, if possible.

10. Accurately and completely recording all pertinent information on prescribed reports, and turning in all reports prior to the end of the deputy's tour of duty.

11. Initiating appropriate METERS/NCIC entries.

12. Notifying the on-duty supervisor when the incident requires the assistance of other Office personnel.

B. The NIS shall generally be responsible for preliminary investigation of cases which demand covert operations or specialized expertise. The NIS will have primary responsibility for the investigation of:

1. Narcotics investigations
2. Surveillance
3. Gang-related complaints that involve the sale of narcotics

C. Criminal Investigations will have primary responsibility for the investigation of the following cases:
1. Homicide
2. Rape and all other Sex Offenses
3. Serious 1st Degree Assault (aggravated)
4. Burglary (Discretion of Criminal Investigations Supervisor)
5. Suicide
6. Child Abuse
7. Fraud (Discretion of Criminal Investigations Supervisor)
8. Robbery
9. Deceased Persons (not Homicide or Suicide, if needed)
10. Offenses Against Family (Neglect, Abuse, etc. of Family or Children)
11. Escapes or “walk offs” from the Frederick County Adult Detention Center
12. In-depth warrant investigations
13. Gang Intelligence and criminal investigations involving known gang members

D. Investigations of all other incidents will be the responsibility of Patrol Operations. There will be certain instances and circumstances where investigative personnel will be needed for cases other than those listed. In those instances and/or circumstances, the Criminal Investigations Supervisor will make that determination.

The Criminal Investigations Supervisor will have the authority to determine what cases will be assigned for follow up and which deputy will be assigned.

E. Patrol Team Supervisors will maintain a case assignment log for deputies and will be responsible for assuring proper follow-up and report submissions.

F. Notification Responsibility

Communication, coordination and cooperation must exist between all Office components in order to successfully manage criminal and non-criminal incidents. This requires prompt notification to various components on a case by case basis. The supervisor of the deputy handling any of the incidents enumerated in Paragraph C shall respond to the scene and coordinate notifications:

1. An on-duty or on-call Criminal Investigator or NIS investigator shall be notified immediately. The investigator shall then assume follow-up investigation responsibility if the case meets criteria as listed 42.1.10.F.

2. NIS Supervisor shall be notified immediately in the following cases, at which time, case management and responsibility shall be conducted:

    a. Significant drug seizure as determined by the on-scene supervisor.

    b. Drug-related incident where further involvement may jeopardize an active investigation.

    c. Drug-related incident where drug identification is important and where advanced expertise would benefit the case.

    d. Requests for assistance from other law enforcement agencies involved in drug investigation.

    e. Any homicide, rape, robbery or other serious offense where NIS or Criminal Investigations will be called out.

    Refer to General Order 42.2.2 for procedures to be followed conducting follow up investigations.

3. The Criminal Investigations supervisor shall be notified in the event of a report of an accidental release or a walk-off from the custody of the Work Release Center at the Frederick County Adult Detention Center.

    a. According to Corrections Bureau Policy #8-106, a Work Release inmate may not knowingly escape from a place of confinement or knowingly violate any restriction on movement imposed under the terms of a temporary release, pre-trial commitment, custodial confinement, or home detention order or agreement. An intentional or deliberate act, on the part of the inmate, to violate this restriction of movement will be viewed as a violation of the laws related to Escape in the 1st and 2nd Degree (CR9-404 & 405). In this event, Detention Center staff will notify the Emergency Communications Center and Patrol Headquarters to provide look-out information. A patrol deputy will be dispatched to respond to FCADC.

b. Once notified, the Patrol Operations supervisor will ensure that a patrol deputy takes an initial report, and makes warrant application. The Patrol Operations supervisor will then notify the Criminal Investigations Section supervisor.

c. The CIS supervisor will then assign a primary and back-up investigators to respond and begin searching for the suspect. Prior to the end of their tour of duty, the investigators will complete a detailed, supplemental report documenting all actions taken in the investigation. This will include locations checked, calls made, persons contacted, etc.

d. If the walk off is not immediately located, the case will be assigned to the Criminal Investigations Section for follow-up. Further follow-up reports will then be completed in accordance with established policy.

4. The County Assistant Medical Examiner shall be notified in the following incidents (A copy of the on-call schedule for the Medical examiner will be kept at the PIS desk and the Emergency Communications Center):
   a. Unattended death when the treating physician cannot or will not sign the death certificate.
   b. Suspicious deaths.
   c. Death of persons who had been in apparently healthy condition.
   d. Suicide.
   e. Homicide.

5. The Fire Marshal's Office shall be contacted in the following incidents:

   a. When a fire has occurred to a structure or vehicle which has suspicious, malicious, or undetermined cause.

   b. Where explosives have been used in an attempt to destroy property or cause injury.

   c. Any other incident where the supervisor feels the Fire Marshal's expertise would benefit the case.

G. Submission of Reports

1. Initial Report

   a. A deputy who receives information that requires a written report will turn the initial report in to the shift supervisor by the end of the shift.

   b. The preliminary investigation of a crime or complaint shall be documented in a departmental report, as directed by departmental reporting system procedures. The reviewing Criminal Investigation Supervisor will make final determination of the case status.

   c. It is the responsibility of each deputy to ensure that paperwork is complete and accurate when submitted.

d. All reports shall be reviewed by the on-duty supervisor for accuracy and completeness. The supervisor will sign all reports after review.

e. All follow-up investigations shall be assigned or approved by the Criminal Investigation Supervisor.

f. Submission of follow-ups shall be in accordance with Section 42.1.13 of this section.

42.1.11 Activity Report

The Criminal Investigations Supervisors shall submit a monthly report, outlining crime analysis and investigators open and closed case status, to the Criminal Investigations Commander.

42.1.12 Utilization of Uniformed Deputies

As a general policy, uniformed patrol deputies will be the initial responding deputies to cases requiring investigation. Patrol deputies will conduct preliminary investigations unless it is determined by the deputy and their supervisor that a criminal investigator should respond. In many cases, patrol deputies may satisfactorily complete and conclude a case based on their initial investigation.

42.1.13 Case Status Control System

A. When a case is assigned to Patrol Operations, it will be reviewed and assigned by the Criminal Investigation Supervisors or their designee. Investigations assigned to Patrol will be supervised by the investigating deputy's supervisor.

B. When a case is assigned to Criminal Investigations, it will be recorded in the Criminal Investigations Case Load Ledger.

C. Supplemental Reports

1. Criminal Investigator

a. When cases are assigned to criminal investigators, the initial supplemental report will be due no more than thirty (30) days from the original report date.

b. The first supplemental report will be due no more than ten (10) working days from the date assigned, when cases are assigned to a criminal investigator that were not generated by that investigator.

c. If additional investigation is needed, the second and each subsequent report will be submitted no more than thirty (30) calendar days from the date the previous supplemental report was submitted.

d. During investigations requiring the obtaining of information that normally takes several months to obtain, (i.e., Medical examiner's report, subpoenaed information, toxicology reports, States Attorney review, or Grand Jury scheduling), the thirty (30) day rule will be waived as long as the investigator indicates the delay in the prior

supplement. The reviewing Criminal Investigation Supervisors will classify these reports with a disposition of RD (Report Delay).

2. Deputies

   a. When cases are assigned to patrol deputies, the initial supplemental report will be due no more than ten (10) calendar days from the original report date.

   b. If additional investigation is needed, the second and each subsequent report will be due no more than twenty (20) calendar days from the date the previous supplemental report was submitted.

   c. During investigations requiring the obtaining of information that normally takes several months to obtain, (i.e.: Medical examiner's report, subpoenaed information, toxicology reports, States Attorney review, or Grand Jury scheduling), the twenty (20) day rule will be waived as long as the investigator indicates the delay in the prior supplement. The reviewing Patrol Team Supervisor will classify this report with a disposition of RD (Report Delay).

D. All deputies required to complete a supplemental report will be provided a copy of the report by the Records Section after computer entry.

E. Case Report Submission System

1. Completed reports generated by patrol deputies will be submitted to the Records Management System (RMS) Supervisor Box for review.

2. Reports are reviewed by a Patrol Supervisor. If a report is not approved, it will be rejected in the RMS to reporting deputy for corrections. If report is approved, the Patrol Supervisor completes the approval process for the report.

3. The report then is forwarded to the Criminal Investigations Supervisor's Role box for review by the Criminal Investigations Supervisor. The Criminal Investigations Supervisor or their designee will have the discretion to change the disposition of the case as they see fit and also to send the case back for further investigation.

4. The CIS supervisor reviews the report and assigns obvious follow-ups with appropriate follow-up due date included. All classified reports are then forwarded to the Records Section for final approval.

42.1.14 Solvability Factors

A. Management of Criminal Investigations

Management of Criminal Investigations (MCI) is a total system designed to control and manage criminal investigations through the use of report form structure, solvability factors, case screening, continuous monitoring and prosecutor feedback. The goal of MCI is to increase the number of arrests and convictions for serious crimes through increased resource efficiency. This is accomplished by increasing the effectiveness of available resources through:

1. Upgrading the quality of the preliminary investigation.
2. Case screening.
3. Managing the continuing investigation.
4. Improving police/prosecutor relations.

B. Quality of the Preliminary Investigation

1. The preliminary investigation is a critical stage of any investigation. Under the MCI concept, the search for facts and evidence is translated into certain solvability factors that are relevant to the investigation and could assist in the appropriate disposition of the investigation. The solvability factors are:

    a. Witnesses
    b. Suspect known
    c. Suspect named
    d. Suspect described
    e. Suspect identified
    f. Suspect previously seen
    g. Significant physical evidence
    h. Traceable property
    i. Vehicle information
    j. Significant M.O.
    k. Opportunity to commit crime
    l. Uniqueness of crime

2. This list is not all-inclusive, but represents those factors that have been determined to be the most important in successfully concluding criminal investigations. The initial investigation should be complete and in-depth. Information collected should be clear and detailed, eliminating the need for any redundancy on the part of the follow-up investigator. A means of upgrading the initial or preliminary investigation within MCI is to emphasize the role of the patrol deputy by:

    a. Allowing the patrol deputy an adequate amount of time to conduct a complete and thorough preliminary investigation.

    b. Using structured report forms to improve the collection of data predicting the solvability of the crime.

    c. This enhanced posture of the patrol deputy in the investigative process is critical to the success of MCI. The single most important determinant of solvability is the information collected by the initial responding deputy. Through MCI, the deputy will also be provided with a source of job enrichment and motivation to upgrade his/her investigative skills.

    d. The role of the uniform patrol deputy in the preliminary investigation and his/her continuing responsibility toward the overall investigation has been thoroughly supported by command. Consistent with present manpower assignments and responsibilities, deputies should investigate the less serious criminal offenses which demonstrate a strong probability for closure, based on the results of the preliminary

investigation. This is not intended to expand the responsibility of the uniform patrol deputy in turning over the investigation, but to encourage efficient use of existing manpower consistent with agency goals.

C. Case Screening

Case screening is intended to reduce investigator caseloads, freeing expert resources to concentrate on more involved cases with high potential for solution. Effective case screening should:

1. Identify cases that have a high potential for solution. Initial reports of investigation would be screened on the presence of solvability factors, the nature of the crime and the examiner's investigative experience.

2. Identify serious crimes with potential for solution for assignment to criminal investigators.

    a. Patrol deputies should be permitted to follow-up on less serious crimes with a high or good potential for success.

    b. Predictably unsolvable cases should be considered for early suspension.

3. Permit the victim to be notified of the status of the investigation.

    a. The Criminal Investigation Supervisors are the deciding factor in case screening. Based on the information contained in the report the case may be assigned and properly handled as suggested above. Supervisors at all levels have a responsibility to assure that all elements are thoroughly investigated and appropriately documented to uphold the validity of the system.

    b. Once active investigation of a case is terminated, either by suspension or closure, supervisors are to see that the victim/complainant is apprised of that status. This follow-up contact is to be considered part of the investigation and documented as such. The victim/complainant should be contacted by the investigating deputy, who shall explain the investigation and the basic reasoning for the action taken. The victim should be informed in an intelligent and compassionate manner that does not compromise public confidence.

D. Managing the Continuing Investigation

1. Decisions regarding case priority, continuations and investigative planning are usually left to the individual investigator with very little supervisory input. Increased productivity can be achieved through periodic reviews and by monitoring performance indicators of caseloads, time spent per investigative activity, case dispositions, arrests, closure rates, personal ability and initiative.

2. The objective of this phase of MCI is to increase the efficiency of investigative supervision and management and, therefore, increase the effectiveness of investigative resources.

a. Follow-up criminal investigations and investigator ability will be continually monitored and evaluated.

b. Work load will be organized through equitable skills distribution.

c. A system of administrative review for cases not warranting follow-up investigation will be developed.

3. The Criminal Investigation Case Load Ledger provides a vehicle to the Criminal Investigation Supervisors to monitor the Criminal Investigation personnel and their assignments. This should not be the extent of the supervisor's involvement with his personnel. All supervisors, uniform as well as Criminal Investigations, are encouraged to develop a review process to include such things as monthly staff meetings, training sessions, counseling sessions, case reviews, individual statistics, case load, etc. The intent of this supervisory involvement is to ensure the most efficient use of available manpower and resources consistent with existing demands. Supervisory involvement provides first hand observations of agency personnel, providing a valuable tool for evaluation and appraisals. Through MCI, the supervisor has the overall responsibility for such things as:
   a. Management of caseloads.
   b. Monitoring the investigative efforts.
   c. Deciding priorities.
   d. Investigative planning.
   e. Timely submission of reports.

4. Uniform supervisors have as much responsibility for the management of those cases assigned for follow-up investigation to a uniform patrol deputy as does the Criminal Investigations Supervisor. Input and participation by the uniform supervisor will ensure timely investigation, reporting and disposition, freeing his personnel for normal patrol functions.

5. MCI is a total concept, including personnel at all levels of the investigation in the responsibility of its management.

E. Police/Prosecutor Relations

1. Successful prosecution of criminal cases requires close cooperation between police and prosecutors. Cases are not accepted for prosecution unless they meet standards set by the prosecutor's office; convictions are not easily obtained unless cases are sufficient to support the court's evidentiary and procedural requirements.

2. The Office has established a cooperative atmosphere with the prosecutor's office in an effort to improve this area accomplished by a constant exchange of information.

42.1.15 Criteria Used to Assign Cases

A. In addition to the use of solvability factors for assignment of cases, other factors may be of importance in considering case assignment.

B. These factors may include:
   1. Documented departmental experience/expertise.
   2. Experience of other law enforcement agencies.
   3. Research and intelligence conducted within the Sheriff's Office.
   4. Research and intelligence conducted in other law enforcement agencies.
   5. Administrative decisions outlined in 42.1.10, Section C.

42.1.16 Resources Committed to Case Follow-Up

A. All incident reports will be reviewed to determine if additional follow-up is to be assigned.

B. Whatever resources are available, and/or permitted, will be used in accordance with these criteria. Resources may include manpower, equipment, and money.

42.1.17 Temporary Assignment of Patrol Deputies

If manpower considerations permit, uniformed deputies may be assigned to Criminal Investigations on a temporary basis. These assignments may vary in length and should serve to strengthen the deputy's investigative ability and enhance career development. This will also enhance the deputy's preliminary investigative ability and create a pool of patrol deputies with investigative ability.

42.1.18 Rank Titles

Sworn positions in Criminal Investigations will be the same as the Patrol position with respect to rank and salary. This policy will make it possible to laterally transfer sworn personnel from Patrol Operations to Criminal Investigations or vice versa without rank or salary considerations. The only difference in title will be known as Patrol deputies and Criminal Investigations personnel will be known as detectives.

42.1.19 Habitual/Serious Offenders

A. Efforts will be made to identify and assist in prosecuting habitual/serious offenders. The following career criminal profile criteria will be used by the Frederick County Sheriff's Office Criminal Investigations when screening cases with known suspects.

B. Career Criminal Profile Criteria

   1. The Career Criminal Profile Criteria applies to any felony offender who within five years has incurred two felony convictions and currently is under investigation for a third felony.

   2. It is applicable to someone charged with a target crime and who within the past five years has incurred a prior conviction for a target crime. Target crimes will consist of the following part I offenses as defined in the Federal Bureau of Investigations Uniform Crime Report; Forcible Rape, Robbery, Burglary, Aggravated Assault and Motor Vehicle Theft.

   3. It is applicable to someone charged with a target crime while on probation or parole.

C. The Criminal Investigations Supervisor assigned to review and classify cases will:

1. Identify all suspect(s) who meet the criteria set forth in 42.1.19 B

2. Upon identification of such suspect(s), notification will be made to investigating deputy as well as the States Attorney's Office for proper case preparation.

42.1.20 Review of Mishandled or Dismissed Cases

A. At the Sheriff's Office request, the State Attorney's Office will forward with a letter of explanation all cases that they decline to prosecute or cause to be dismissed as a result of alleged Sheriff's Office mishandling.

B. Upon receipt, the investigating deputy's supervisor will be advised so that any shortcomings or errors will be avoided in the future.

C. No Frederick County Sheriff's Office personnel will seek the Nolle Prosequi or Stet of any criminal or traffic case by the State Attorney's Office, without submitting a detailed report outlining the reason for the request to the Sheriff. If the Sheriff agrees with the stated reasons for the request, written correspondence will be forwarded to the State's Attorney requesting dismissal and possible filing of corrected or additional charges.

42.1.21 Cold Case Investigations

A. A Cold Case is defined as a case, which is a violent crime against person, either recently suspended or old, that has not been solved.

B. Cold Case evaluation criteria will include, but not limited to the following:

1. Legal considerations, including statutes of limitation.

2. Technological considerations, including the advancement of new technology for evidentiary analysis, based on the type and condition of available evidence.

3. Practical considerations, such as availability of witnesses and chain of custody.

4. Resource considerations, including time, money and personnel available for investigation and forensic analysis.

C. Investigative actions and activities will be documented on supplement reports to increase efficiency and reduce duplication of effort. Investigative actions and activities may include, but are not limited to:

1. Identifying cold cases and prioritizing the cases according to such considerations as, solvability factors and statutes of limitations.

2. Reviewing case files, evidence reports, laboratory reports and autopsy reports.

3. Evaluating case evidence for potential probative DNA

4. Consulting with forensic laboratories and the State's Attorney's Office in submitting appropriate evidence to the laboratory for testing.

5. Identifying and re-interviewing all witnesses and potential suspects in case.

6. If DNA profile does not match suspect's DNA profile, submitting the profile to CODIS.

7. If DNA or other evidentiary analysis is to be conducted, obtaining reference samples from suspects and other identified subjects for elimination.

8. Submitting investigative intelligence to State, Federal and profiling repositories for information such as: VICAP (FBI Violent Criminal Apprehension Program) and/or RISS (Regional Information Sharing System).

42.1.22 Regional Automated Property Information Database (RAPID)

A. Regional Automated Property Information Database (RAPID) is an internet-based computer system that automates the delivery of transaction information from pawn/secondhand and precious metal businesses, automotive dismantlers, recyclers, scrap metal processors, and junk dealers. The system provides cross-reference capabilities with NCIC, METERS, SIRAS, and other systems.

B. The Frederick County Sheriff's Office is the primary agency in Frederick County responsible for program management and county-wide system security. FCSO's County Central System Administrator will delete the user account of any user who has been re-assigned to a non-investigative role or has left their agency.

C. Users must be approved and receive training prior to receiving a RAPID User account/password from the authorized administrator.

D. The security and dissemination regulations applicable to METERS/NCIC apply to RAPID.

E. Authorized users are accountable for their actions related to the use of RAPID:

1. Information derived from RAPID is for official use only.

2. Data is strictly confidential and is considered law enforcement sensitive.

3. Use of the RAPID system is for the explicit purpose of conducting criminal investigations.

4. Users are responsible for protecting information and maintaining the confidentiality of their log-on identifications and passwords.

5. Users violating the RAPID Standard operating Procedures are subject to immediate access termination.

F. RAPID data is not considered public record and is not subject to public inspection under Title 10, Subtitle 6 of the State Government Article.

42.2 CRIMINAL INVESTIGATION OPERATIONS

This General Order consists of the following sections:

42.2.1 Procedures Used in Criminal Investigations
42.2.2 Conducting Follow-Up Investigations
42.2.3 Investigation Checklist
42.2.4 On-Call Scheduling
42.2.5 Roll Call Attendance
42.2.6 Polygraph Examinations
42.2.7 Polygraph Examiner's Training
42.2.8 Use of Investigative Task Forces
42.2.9 Constitutional Requirements
42.2.10 Conducting Background Investigations

POLICY

It shall be the policy of the Frederick County Sheriff's Office to utilize the standards set forth in Sections 42.2.1 through 42.2.10 in order to provide efficient and effective Criminal Investigations.

PROCEDURES

42.2.1 [Redacted]

42.2.2 [Redacted]

42.2.3 [Redacted]

42.2.4 [Redacted]

42.2.5 Roll Call Attendance

Criminal investigators shall attend Patrol roll call meetings periodically as needed in order to provide information to Patrol Operations. Attendance of investigators at Patrol roll call will enhance working relationships between Patrol and detectives and provide for exchange of information.

42.2.6 [Redacted]

42.2.7 Polygraph Examiner's Training

Polygraph examinations shall be administered by a certified polygraph examiner who has successfully completed a training course at a licensed and accredited polygraph school.

42.2.8 Use of Investigative Task Forces

A. Criminals and their associates rarely recognize jurisdictional boundaries. Law enforcement deputies, on the other hand, must constantly be aware of jurisdiction, authority and venue. Because crimes can be committed by one group in many jurisdictions, the investigation can be better handled through joint agency investigation organized into a task force. These investigative task forces reduce duplication of effort and serve to pool resources as well as productivity. Investigative task forces will be used when it is determined that the solution of crimes and apprehension of criminals would better be accomplished with their assistance.

B. The ultimate responsibility for conducting task force operations lies with the initiating agency, with other participating agencies acting in a supporting role.

C. Although task force members will be working under the direct supervision from the initiating agency, they will keep their immediate supervisors informed of their activities, and are still bound by the rules and regulations of the Frederick County Sheriff's Office. Any formal, long-term, multi-jurisdictional task forces require a comprehensive written agreement between participants.

D. Resources available for use in such operations include manpower, equipment, money, and time, as permitted. The commitment of resources shall not affect the delivery of services to the citizens of Frederick County, Maryland.

E. A time schedule will be established where appropriate. An evaluation at the end of a specified period will be conducted to determine if objectives have been met. The results will be evaluated in order to determine if the operation should be continued.

42.2.9 Constitutional Requirements

A. In order to protect the constitutional rights of persons involved in criminal investigations, the following guidelines will be adhered to:

1. Deputies shall not coerce or obtain involuntary confessions from persons suspected of criminal involvement.

2. Prior to interrogating a suspect, whenever he is in custody or is otherwise deprived of his freedom, a deputy must first advise the suspect of his or her constitutional rights as required by the U.S. Supreme Court decision of Miranda vs. Arizona (1966). Deputies must inform the suspect of his/her rights to prompt presentment before a District Court Commissioner, if the suspect is under arrest or is likely to be placed under arrest reference their interrogation. Deputies must have the suspect review and sign the Notice of Right to Presentment form 42U, before any investigative questions are asked of the suspect.

3. The definition of a custodial interrogation can be a confusing concept. Therefore, whenever there is doubt about a custodial interrogation, the suspect should be advised of his constitutional rights.

B. When Miranda warnings are not necessary:

1. Before questioning a person who was merely a witness to a crime or who may know something about a crime but is not a suspect.

2. Before questioning a suspect who has not been deprived of their freedom in any significant way and realizes they are free to terminate the interview at any time.

3. Before questioning a motorist stopped for a routine traffic offense.

4. Before asking questions reasonably motivated by concern for public safety.

5. Without express questioning or its functional equivalent there is no "interrogation" within the meaning of Miranda, even though the suspect may be in custody.

C. Right to Counsel - Once a defendant has expressed a desire to exercise the right to counsel, he/she shall not be interrogated until the defendant has obtained counsel or a court appointed attorney.

42.2.10 Conducting Background Investigations

A. Criminal investigations frequently involve background investigations of persons, particularly as they relate to white collar crime, organized crime, and vice activities. The Sheriff's Office will conduct background investigations of persons only in correlation with an ongoing criminal investigation. This section does not apply to the background investigations in the selection process.

B. Various sources of information are available in conducting a background investigation. Some potential sources include but are not limited to:
1. Financial institutions
2. Business associates
3. Former employers
4. Informants
5. Utility companies
6. Court records
7. Intelligence reports
8. Criminal history
9. Other law enforcement agencies
10. Motor Vehicle Administration
11. Other public records

C. All information obtained in a background investigation will be incorporated into the criminal case file and where applicable placed in the Special Assignment Section intelligence files per General Order 51.1.

D. All case files will be subject to office policy outlined in General Order 82.2, Records.

42.3 SUSPECT IDENTIFICATION

This General Order consists of the following sections:

42.3.1 Definitions
42.3.2 Right to Counsel
42.3.3 General Considerations
42.3.4 Witness Instructions
42.3.5 Show-ups
42.3.6 Photo Arrays
42.3.7 Line-ups
42.3.8 Voice Identification
42.3.9 Courtroom Identification
42.3.10 Drawings and Composites
42.3.11 Mug Shots
42.3.12 Investigative Photos

POLICY

It is the policy of the Frederick County Sheriff's Office (FCSO) to safeguard and ensure the constitutional rights of all persons. The Sheriff's Office provides written guidelines governing eyewitness identification. Eyewitnesses will be given specific instructions prior to being shown a suspect. Photo arrays and line-ups will be conducted using sequential rather than simultaneous presentation. Photo arrays, line-ups, and voice identifications will be conducted using blind administration.

PROCEDURES

42.3.1 Definitions

A. Show-up: The live presentation of one suspect to an eyewitness shortly after the commission of a crime.

B. Field View: The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

C. Photo Array: The showing of photographs of several individuals to an eyewitness for the purpose of obtaining an identification.

D. Line-up: The live presentation of a number of people to an eyewitness for the purpose of obtaining an identification. A line-up differs from a field view in that it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

E. Voice Line-up: A procedure whereby a witness is permitted to hear the voices of several people for the purpose of obtaining an identification of a suspect's voice.

42.3.2 Right to Counsel

A. Once a suspect has been arraigned or indicted, his/her right to have counsel present at an in-person identification procedure attaches. No right to the presence of counsel exists simply because a complaint has been filed, even if an arrest warrant has issued.

B. No right to counsel attaches for non-corporeal identification procedures, such as those involving photographs or composite drawings, whether conducted before or after the initiation of adversarial criminal proceedings.

42.3.3 General Considerations

A. Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner. Due process is violated when identification procedures conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.

B. Upon response to the scene of a crime, a deputy should make an effort to prevent eyewitnesses from comparing their recollections of the offender or the incident. Deputies may accomplish this by promptly separating the witnesses and interviewing each out of the earshot of the others. Witnesses should not participate in identification procedures together. For example, witnesses should not be transported together to view a suspect during a show-up.

C. Deputies should use caution when interviewing eyewitnesses. Specifically, they should avoid whenever possible the use of leading questions.

D. Prior to asking an eyewitness to identify a suspect, deputies should obtain a detailed description of the offender.

E. If practicable, the deputy should record the procedure and the witness' statement of certainty. If not, the deputy should write down the witness' exact words and incorporate them into his/her report. The witness should be asked to initial and date the front of the photograph selected.

F. A report of every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the deputy (this may be accomplished by submitting the appropriate witness instruction form), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

42.3.4 [Redacted]

42.3.5 [Redacted]

42.3.6 Photo Arrays

A. Preparing a Photo Array

1. Photo arrays should be shown to witnesses as soon as possible after the commission of a crime.

2. Include one suspect and a minimum of five fillers (non-suspects) in each array. Mark the back of each photo with sequential numerals. Use a separate array for each suspect.

3. Use photographs of the same size and basic composition. Do not include more than one photograph of the same person.

4. Use a photo of the suspect that closely depicts his/her appearance at the time of the incident.

5. Select fillers who generally fit the witness' description of the offender. Avoid fillers who so closely match the suspect that a person familiar with the suspect would have difficulty distinguishing the filler.

6. Ensure that photos bear no markings indicating previous arrests.

7. Without altering the photo of the suspect, create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature such as facial scars or severe injuries by adding or covering the feature.

8. Once the array has been assembled, examine it to ensure that nothing about the suspect's photo makes him/her stand out.

9. In cases with multiple witnesses, changing the order of photos from one witness to the next.

10. When showing a witness an array containing a new suspect, avoid using fillers from a previous array.

B. Showing a Photo Array

1. The procedure must be conducted in a manner that promotes reliability, fairness and objectivity.

2. If practicable, the deputy should record the procedure.

3. Allow each witness to view the photographs independently, out of the presence and hearing of the other witnesses.

4. Never make suggestive statements that may influence the judgment or perception of the witness.

5. A second deputy who is unaware of which photograph depicts the suspect should actually show the photographs. This technique, called double-blind administration, is intended to ensure that the witness does not interpret a gesture or facial expression by the deputy as an indication as to the identity of the suspect. The technique also allows the prosecution to demonstrate to the judge or jury that it was impossible for the deputy showing the photographs to indicate to the witness, intentionally or unintentionally, which photograph he/she should select.

6. If a second deputy is not available, the deputy showing the array must employ a so-called "blinded' technique so that he/she does not know when the witness is viewing a photograph of the suspect.

7. The investigating deputy or the second deputy (the administrator) should carefully instruct the witness by reading from a departmental Photo Array Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The investigating deputy and the administrator should also sign and date the form.

8. For the reasons above, deputies should explain to the witness that the deputy showing the array does not know the identity of the people in the photographs. The investigating deputy should leave the room while the array is being shown by the administrator.

9. The deputy should show the photographs to a witness one at a time. When the witness signals for the next photograph, the deputy should move the first photograph so that it is out of sight.

10. The procedure should be repeated until the witness has viewed each photograph. If the witness identifies a subject before all the photographs have been viewed, the deputy should remind the witness that he/she is required to show the rest of the photographs.

11. If the witness fails to make an identification, but asks to view the array a second time, the deputy administering the identification should ask the witness if he/she was able to make an identification from the original viewing. If the witness is unable to make an identification, but feels that it would be helpful to repeat the procedure, then it is permissible to show the entire array a second time. An array may not be shown more than twice.

12. If the witness identifies the suspect, the deputy should ask the witness how certain he/she is of the identification. Deputies should ask the witness not to use a numerical scale, but rather his/her own words.

13. The photo array should be preserved as evidence in the same configuration as when the identification was made.

14. If more than one witness is to view an array, a separate unmarked array shall be used for each witness.

42.3.7 Line-ups

The FCSO does not conduct line-ups. Should a line-up ever be conducted, with the assistance of an allied agency that has the resources to conduct them, the following procedures shall be adhered to:

1. Line-ups shall be conducted under the direction of a detective supervisor, and, when feasible, after consultation with the State's Attorney's Office.

2. If practical, the deputy should record the procedure.

3. A suspect cannot be detained and compelled to participate in a line-up without probable cause to arrest. If a suspect refuses to participate in a line-up, the State's Attorney's Office may be asked to apply for a court order to compel the suspect to cooperate.

4. Before any suspect who has been arraigned or indicted is shown to eyewitnesses in a line-up or other live identification procedure, he/she must be informed of his/her right to have an attorney present at the line-up. Unless a valid waiver is voluntarily and knowingly made, in writing if possible, no such identification may proceed without the presence of the suspect's attorney.

5. Select a group of at least five fillers who fit the description of the subject as provided by the witness(es). Because line-ups will be administered by a deputy who does not know the identity of the suspect, the fillers selected should not be known to the deputy administering the line-up. In selecting line-up fillers, abide by the guidelines for photo array fillers as described above.

6. All persons in the line-up should carry cards that identify them only by number and should be referred to only by their number. As with photo arrays, each witness must view the line-up independently, out of the presence and hearing of the other witnesses.

7. The investigating deputy should explain to the witness that a second deputy (the line-up administrator) will be conducting the line-up, and that he/she does not know the identity of the people participating.

8. The investigating deputy should carefully instruct the witness by reading from a departmental Line-up Instruction Form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The deputy should also sign and date the form.

9. The investigating officer should leave the room while the line-up administrator conducts the line-up.

10. The line-up should be conducted so that the suspect and fillers do not actually line up, but rather so that they are displayed to the witness one at a time. This can be accomplished by having them enter the room individually and leave before the next one enters.

11. The procedure for showing the participants to the witness and for obtaining a statement of certainty is the same as for photo arrays.

12. When an attorney for the suspect is present, the attorney should be permitted to make reasonable suggestions regarding the composition of the line-up and the manner in which it is to be conducted. Any suggestions made by the suspect's attorney should be included as part of the line-up report.

13. Allow counsel representing the accused sufficient time to confer with his/her client prior to the line-up. Once the line-up is commenced, attorneys should function primarily as observers and he/she should not be permitted to converse with the line-up participants, or with the witnesses, while the line-up is underway. The concept of blind administration requires that no one be present who knows the identity of the suspect. For this reason, the attorney should leave the room before the line-up begins. An attorney who does not know which person is the defendant may attend the line-up in place of the suspect's attorney.

14. The suspect's attorney is not legally entitled to the names or addresses of the witnesses attending a line-up if the suspect has not yet been arraigned or indicted. If an attorney in such a situation insists on having information about line-up witnesses, advise him/her to direct his/her request to the State's Attorney's Office.

15. During a line-up, each participant may be directed to wear certain clothing, to put on or take off certain clothing, to take certain positions or to walk or move in a certain way. If deputies are to ask the participants to wear an article of clothing, they must guard against circumstances where the article only fits the suspect. All line-up participants shall be asked to perform the same actions.

16. Line-up participants must not speak during the line-up. If identification of the suspect's voice is desired, a separate procedure must be conducted. (See section 42.3.8 on voice identification below.)

17. After a person has been arrested, he/she may be required to participate in a line-up regarding the crime for which he/she was arrested. After arrest, a suspect may lawfully refuse to participate in a line-up only if he/she has a right to have counsel present (post arraignment/indictment) and the counsel is absent through no fault of the suspect or his/her attorney.

42.3.8 Voice Identification

Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness' eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard his/her voice. If deputies wish to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with a detective supervisor and, when feasible, the State's Attorney's Office.

1. As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, he/she has a right to the presence of counsel at the voice identification procedure.

2. Where a voice identification is attempted, the following procedures should be employed to the extent possible:

a. As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by a deputy who does not know the identity of the suspect, the fillers should not be known to the deputy administering the procedure, and deputies should abide by the guidelines for photo array and line-up fillers as described above;

b. The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;

c. All participants, including the suspect, shall be instructed to speak the same words in the same order;

d. The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;

e. When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;

f. If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.

3. As with any identification procedure, deputies should avoid any words or actions that suggest to the voice witness that a positive identification is expected or who they expect the witness to identify.

4. The investigating deputy should carefully instruct the witness by reading from a voice identification line-up instruction form, and the witness should be asked to sign the form indicating that he/she understands the instructions. The deputy should also sign and date the form. If practicable, the deputy should record the procedure.

5. Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating deputy should leave the room while the administrator conducts the procedure.

42.3.9 Courtroom Identification

A. Prior to conducting any courtroom identification procedure, deputies should consult the State's Attorney's Office. The same right to an attorney and the same due process considerations that apply to all other identification procedures also apply to police facility and courtroom identifications.

1. If the suspect has been arraigned or indicted, he/she has a right to have counsel present at any in-person identification/confrontation.

2. Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.

B. Deputies shall not state or suggest that the suspect has been arrested or booked or that he/she has made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness' identification, particularly if it takes place in a police facility or courtroom, must be a result of his/her recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

42.3.10 Drawings and Composites

An artist's sketch, composite sketch or a computerized drawing can sometimes aid an investigation if the witness has a good recollection of the offender's facial features. However, research has shown that a person selected based on resemblance to composite is more likely to be mistakenly identified. Additionally, building a composite has been shown to lower a witness' accuracy for identifying the offender's face. For these reasons, officers should proceed with extreme caution.

Prior to attempting a sketch or composite, officers should take from the witness and document a full description of the offender.

1. A sketch prepared by a trained artist is preferred over a composite.

2. Sketches and composites should not be attempted prior to the showing of a photo array or line-up.

3. Once the sketch or composite has been completed, the witness should be asked to state in his/her own words how accurately the composite reflects how the suspect appeared during the crime and a report should be prepared regarding the sketch or composite procedure.

4. The fact that a suspect resembles a sketch or composite is not, without more, probable cause to believe that the suspect is the offender.

42.3.11 Mug shots

A. When an investigation has failed to identify a suspect, it may be advisable to have eyewitnesses come to the police station to look through photographic or "mug" files. However, deputies should not resort to this procedure until other investigative avenues have been exhausted.

B. Research has shown that exposing a witness to a large number of random photos can damage the witness's memory of the offender. Additionally, a witness who does not initially select a mug shot may later identify the person in a photo array not because he/she is the offender, but because the witness recalls seeing the face. Therefore, extreme caution must be used when showing mug files.

1. Before showing mug shots, remove the photos of people not likely involved in the incident and narrow the pool of photos as much as possible;

2. Record the name of the people whose mug shots were viewed by the witness;

3. Remove or hide any information on the photographs that might in any way influence the witness;

4. Ensure that the files contain only one photograph of each individual and that the photographs are reasonably current;

5. Do not refer to the photographs as “mug shots;”

6. If photographs of various formats are used, ensure that several of each format are used;

7. Permit the witness to look at a number of photographs before making his/her selection;

8. Do not call to the attention of the witness any particular photograph;

9. A report shall be filed following the procedure, regardless of whether an identification is made. The report should describe the photographs viewed by the witness(s).

10. Deputies should be extremely cautious before charging a subject based on this type of identification alone.

42.3.12 Investigative Photographs

A. Deputies conducting criminal investigations occasionally photograph individuals for identification or investigative purposes. The investigating deputy may have reason to believe the individual is a suspect in a crime or may simply need to identify the person for other reasons related to an investigation. In either situation, identification is the primary reason for the photograph.

B. The policy of the Sheriff's Office is to use photographs of individuals as an aid to a criminal investigation. Photographs will be maintained and utilized in a manner that is consistent with state and federal laws, and the General Orders of this Office. Deputies will not take any surveillance photographs or solicit the random photographing of any individuals based solely upon his/her race, gender, ethnicity, religious affiliation, or any other protected class.

C. Deputies will not require individuals to submit to photographing absent "reasonable suspicion" that the individual is, or has been, engaged in criminal activity.

D. Who May Be Photographed:

1. Anyone who has been arrested.

2. Anyone who has been issued a criminal or civil citation. Photos may be taken to confirm identification.

3. Anyone stopped on "reasonable suspicion" of criminal activity.

4. Anyone photographed as a result of a surveillance operation.

5. When an individual is detained on the premises that is the subject of a search warrant during the execution of the warrant.

6. Deputies are encouraged to take a photograph whenever a field interview/interrogation report is initiated.

7. Anyone who gives consent:

8. Consent is required to take photographs of individuals during routine field contacts where there is no "probable cause" or "reasonable suspicion" of criminal activity.

9. Individuals must freely give their consent. They must not be threatened, pressured, or coerced into giving consent. (For example, deputies will not withhold a person's driver license or other ID until consent is given, nor will they threaten to detain an individual until consent is given.)

E. Storage of Photographs

1. Photographs will be maintained in the case file until the conclusion of the investigation.

2. Photographs used to make positive identifications during the investigation will be considered evidence and treated as such.

3. Photographs which are no longer needed for evidentiary purposes will be kept in the original case file stored in the Records Section.

F. Return of Photographs

1. Photographs of adults must be returned to the individual upon written request to the Criminal Investigations supervisor under the following circumstances:

   a. An individual has been cleared during an investigation and there is not a valid reason to keep the photograph for investigative purposes in the case.

   b. An individual, who was photographed during a routine field interview/interrogation in which there was no "reasonable suspicion" of criminal activity, and wishes to have the photo returned to him/her.

2. Photographs of juveniles will not be released under any circumstances.

3. In all instances, the Sheriff's Office may retain photographs until the expiration of the statute of limitations (usually three years or until the conclusion of any relevant civil litigation).

43.1 ORGANIZED CRIME, DRUG, VICE CONTROL: ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

43.1.1 Organizational Commitment
43.1.2 Vice Control Function
43.1.3 Responsibilities of the Vice Function
43.1.4 Vice Control Goals and Objectives
43.1.5 Organized Crime Control Function
43.1.6 Drug Investigative Function

POLICY

The Frederick County Sheriff's Office shall be vigilant in its effort to identify organized crime, drug activities and vice activities within Frederick County. Activities that are identified shall be investigated and appropriate measures taken.

PROCEDURES

43.1.1 Organizational Commitment

The Frederick County Sheriff's Office recognizes the serious nature of organized crime and vice which constantly threatens the social and financial health and well-being of this community. It shall be the position of the Frederick County Sheriff's Office that every employee share the responsibility to suppress and support the enforcement of all forms of organized crime, drug activities and the control of vice activities.

43.1.2 Vice Control Function

A. Special Operations (CIS and NIS) will have the primary responsibility for the coordination, administration, and direction of departmental investigations of organized crime. The Special Operations Commander will determine who handles which investigations based on the information given.

B. The functions of vice control include enforcement activities such as:

1. Checks of motels or internet sites for prostitution

2. Investigation of liquor establishments for gambling violations

43.1.3 Responsibilities of the Vice Control Function

In controlling vice activities, enforcement actions will concentrate on the following activities:

1. Illegal sale and distribution of controlled substances (NIS)
2. Illegal gambling operations (CIS)
3. Illegal prostitution (NIS)
4. Illegal child pornography and exploitation (CIS)
5. Human Trafficking

43.1.4 Vice Control Goals and Objectives

A. Special Operations will work toward the following goals and objectives as they relate to vice control:
   1. Surveillance of motels for prostitution
   2. Prompt handling of information relating to vice
   3. Investigation of narcotic and dangerous drug offenses including self-initiated and follow-up investigations

B. The goals and objectives will be reviewed annually by the Sheriff.

43.1.5 Organized Crime Control Function

A. Special Operations will have the primary responsibility for the coordination and direction of departmental activities concerning organized crime.

B. The function of organized crime control includes identifying and investigating all reports of organized criminal activity within Frederick County, such as:

   1. Organized crime operations

   2. Organized crime figures
      a. Individuals actively engaged in organized crime functions
      b. Places frequented by organized crime figures

   3. Illegal sales/purchase of firearms/property (CIS)

43.1.6 Drug Investigative Function

A. The Narcotics Investigation Section (NIS) will investigate drug activity occurring in Frederick County. The NIS Supervisor will ensure all drug investigations do not conflict with allied agencies.

B. All reported drug activity will be documented in the NIS computer system. Initial reports may be taken by patrol deputies, or any other sworn member of the agency. Copies of cases needing follow-up will be forwarded to the NIS supervisor who will assign the cases.

   1. Reports received from outside agencies will forwarded to the NIS Commander and assigned to a narcotics investigator.

2. The NIS Supervisor will assign drug investigation follow-ups to the narcotics deputies in the section. The narcotics deputies have specialized training in drug investigations. Narcotics deputies may initiate an investigation and maintain a file until it has been closed. Complaints received by narcotics deputies will be entered into the NIS computer system for tracking purposes.

3. The NIS office is restricted to authorized personnel only. Each member of the section will maintain their own files regarding active investigations. Only the NIS Supervisor will have access to these files. When a file is closed it will be integrated into the FCSO records system for permanent filing.

C. The NIS will work closely with the Frederick County States Attorney's Office in preparing cases for court.

D. The NIS Supervisor will share information with local jurisdictions regarding drug activity. The supervisor or designee will attend regional and local meetings.

43.2 ORGANIZED CRIME, DRUG, and VICE CONTROL OPERATIONS

This General Order consists of the following sections:

43.2.1 Receiving and Processing Complaints
43.2.2 Vice, Drug, and Organized Crime Complaints Records
43.2.3 Vice, Drug, and Organized Crime Investigations
43.2.4 Maintaining Security of Vice, Drug, and Organized Crime Investigations
43.2.5 Confidential File on Informants
43.2.6 Receiving and Disseminating Information
43.2.7 Vice, Drug, and Organized Crime Funds
43.2.8 Surveillance and Undercover Equipment
43.2.9 Intradepartmental Coordination
43.2.10 Evaluating Complaints
43.2.11 Capability to Conduct Covert Operations
43.2.12 Surveillance Operations
43.2.13 Undercover Operations
43.2.14 Decoy Operations
43.2.15 Vice, Drug, and Organized Crime Operations
43.2.16 Section Status Reports

POLICY

The Frederick County Sheriff's Office shall maintain the capability to thoroughly investigate complaints of organized crime activity, drug, and vice complaints.

PROCEDURES

43.2.1 [Redacted]

43.2.2 [Redacted]

43.2.3 [Redacted]

43.2.4 [Redacted]

43.2.5 [Redacted]

43.2.6 [Redacted]

43.2.7 [Redacted]

43.2.8 [Redacted]

43.2.9 [Redacted]

43.2.10 [Redacted]

43.2.11 [Redacted]

43.2.12 [Redacted]

43.2.13 [Redacted]

43.2.14 [Redacted]

43.2.15 [Redacted]

43.2.16 [Redacted]

44.1 JUVENILE OPERATIONS: ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

44.11 Juvenile Operations Function
44.12 School Resource Deputies
44.13 Review of Policies
44.14 Agency Sharing of Goals
44.15 Evaluation of Programs/Policies

POLICY

The Frederick County Sheriff's Office is committed to the development, implementation, and maintenance of programs designed to prevent and control juvenile delinquency.

PROCEDURE:

44.1.1 Juvenile Operations Function

A. The Frederick County Sheriff's Office Criminal Investigations Section which is responsible for a variety of functions related to juvenile crime.

B. These functions include, but are not limited to:
   1. Conduct in-depth criminal investigations involving juveniles.
   2. Conduct interviews of juvenile suspects and witnesses.
   3. Respond to crime scenes and collect evidence relating to juveniles.
   4. Prepare court cases.
   5. Follow-up processing of juvenile arrests as related to both felony and misdemeanor arrests.
   6. Serve as counsel or resource person to other components within the Sheriff's Office on the follow-up and coordination of juvenile offenses.
   7. Review all juvenile enforcement policies and prevention programs sponsored by the Sheriff's Office as needed.

44.1.2 School Resource Deputies

A. The Frederick County Sheriff's Office has deputies permanently assigned to designated schools as School Resource Deputies. The School Resource Section is under the direction of the School Resource Officer Commander.

B. School Resource deputies will act as liaison with the Board of Education and schools.

44.1.3 Review of Policies

It will be the policy of the Frederick County Sheriff's Office to have all policies and procedures that affect juvenile matters handled by the Department of Juvenile Justice and the Frederick County State's Attorney's Office reviewed by the respective agencies prior to their implementation. The Operations Division Commander will work in cooperation with the agencies to make sure all such policies and procedures are provided to them.

44.1.4 Agency Sharing of Goals

A. It is the responsibility of all Office personnel to follow all Frederick County Sheriff's Office policies and procedures concerning juvenile matters. All deputies will maintain a working knowledge of the Annotated Code of Maryland as it pertains to juveniles.

B. The School Resource Commander and the Criminal Investigations Commander will act as liaisons between the Frederick County Sheriff's Office and the Department of Juvenile Justice, as well as the Frederick County State's Attorney's Office to ensure that the policies and procedures for those agencies are being adhered to by the Sheriff's Office.

44.1.5 Evaluation of Programs/Policies

It is the responsibility of the Operations Division Commander, Patrol Operations Commander, and School Resource Section Commander to review all juvenile enforcement policies and prevention programs sponsored by the Sheriff's Office as needed. The programs and policies will be reviewed to determine if they should be continued, updated or eliminated, and whether they meet the needs of their audience. Recommendations of any changes to our policies and procedures, as a result of the review, will be forwarded to the proper level for consideration and implementation.

44.2 JUVENILE OPERATIONS

This General Order consists of the following sections:

44.2.1 Alternatives to Juvenile Services Referrals
44.2.2 Juvenile Diversion
44.2.3 Juvenile Classifications
44.2.4 Release of Juveniles/Case Adjustments
44.2.5 Juvenile Services Intake Referrals
44.2.6 Issuing a Motor Vehicle Citation/Civil Citation
44.2.7 Curfew Enforcement
44.2.8 Taking Juveniles into Custody
44.2.9 Procedures for Juveniles in Custody
44.2.10 Custodial Interrogation of Juveniles
44.2.11 Social Services Agency Directory
44.2.12 School Liaison Program
44.2.13 Participation in Community Oriented Youth Programs
44.2.14 Control of Juvenile Records
44.2.15 Notifying School Officials of Juvenile Arrest
44.2.16 School Resource Deputy Program/Section
44.2.17 School Crossing Guard Program

POLICY

The Frederick County Sheriff's Office is sensitive to the special needs of the community's youth and is committed to the prevention of juvenile crime, diversion of offenders when appropriate and affording any special provisions required when dealing with juvenile offenders.

PROCEDURES

44.2.1 Alternatives to Juvenile Services Referral

A. In dealing with juvenile offenders, all deputies will use the least coercive action among reasonable alternatives, consistent with preserving public safety, order and individual liberty. Any action taken must conform to Maryland Code, Courts and Judicial Proceedings, Title 3, subtitles 8 and 8A.

B. A deputy's contact with a juvenile offender does not automatically necessitate a referral to the Department of Juvenile Services. The following is an example of some courses of action the deputy may take with regard to diverting the juvenile from the juvenile justice system.

1. Release the juvenile with no further action.

2. Making a "for information only" report and release to a responsible party.

3. Suggesting a program of treatment on a voluntary basis using the services of one or more social agencies, including the Youthful Offender Program.

C. The authority to refer a juvenile to Juvenile Court rests solely with the Department of Juvenile Services. Once a juvenile has been referred to the Department of Juvenile Services, any programs to divert the juvenile from Juvenile Court will be determined by the Department of Juvenile Services.

44.2.2 Juvenile Diversion

A. Deputies may divert from the juvenile justice system any juvenile for whom in their opinion legal proceedings would be inappropriate or the use of other resources would be more effective. The deputy having contact with the juvenile offender should take into consideration the nature of the offense, the age and circumstances of the alleged offender, the offender's past record if it is known, and the availability of community based programs that could assist the child.

B. Deputies should also consider the recommendation for diversion if it is made by the complainant or victim.

44.2.3 Juvenile Classifications

A. A juvenile as defined in the Juvenile Justice and Delinquency Prevention Act of 1974 is an individual under the age of eighteen; or an individual between the ages of eighteen and twenty-one who is still under the jurisdiction of the Juvenile Court.

B. A juvenile classified as a status offender is one who has been alleged or adjudicated for an offense for which adults cannot be charged. Juveniles in this classification should not be held in secure custody for any length of time. Status offenses may include:
   1. Runaway
   2. Truancy
   3. Curfew violation

C. A juvenile classified as a non-offender is one who is not charged with any offense such as a child in need of assistance. This classification of juvenile should not be held in secure custody for any length of time. The Department of Social Services should be contacted for any further assistance or guidance.

D. A juvenile classified as a delinquent is one who has been charged with an offense for which an adult can be charged, but for the juvenile he/she remains within the jurisdiction of the Juvenile Court. This classification of juvenile should not be held in secure custody for more than six hours. The Department of Juvenile Services should be contacted if any assistance is needed regarding the investigation.

E. A juvenile classified as a <u>waived offender</u> is one who has been remanded to adult criminal court due to the seriousness of the charges or due to the treatment options of the juvenile system being exhausted.
   *Waived offenders may be housed in secure custody as adult offenders.

F. Juveniles (with exception of waived offenders) will always be separated by sight and sound from adult prisoners.

44.2.4 Release of Juveniles/Case Adjustments

Deputies may employ a range of alternative remedies apart from diverting juveniles to other social service agencies or referring them to The Department of Juvenile Services. These alternatives include a verbal warning and release, issuing a citation, or leaving corrective action up to the parents.

44.2.5 Juvenile Services Intake Referrals

A. Juvenile Services intake referrals will be made involving juvenile offenders committing status offenses and criminal offenses when the complainant wishes to prosecute. The complainant should be referred to the Department of Juvenile Services and they will provide assistance with filling out a referral. Deputies must give the complainant the incident report number and the deputy's contact information. The Department of Juvenile Services may contact the deputy for additional information. The complainant must be told to contact the Frederick County Sheriff's Records Section and request a copy of their report be sent to the Department of Juvenile Services. The complainant will not be given a copy of the incident report nor will a copy of their report be sent to the Department of Juvenile Services without their requesting it.

B. Official referrals to the Department of Juvenile Services will not be limited to the above situations. Official referrals should be made on serious criminal conduct and repeated criminal violations. In general, delinquent acts requiring referral to the Department of Juvenile Services should include but not be limited to the following:
   1. All delinquent acts that if committed by an adult would be a criminal offense.
   2. All delinquent acts involving weapons.
   3. All delinquent acts involving aggravated assaults.
   4. All delinquent acts committed by juveniles known to be under probation or by those known to have a case pending.

C. Official referrals will be made on a Department of Juvenile Services Referral Form (44-A) to the Department of Juvenile Services.

44.2.6 Issuing a Motor Vehicle Summons/Civil Citation

A. Juveniles 16 years of age or older must be issued a Maryland Uniform Complaint and Citation (traffic ticket) for offenses not requiring a court appearance. If the juvenile is to be cited for an offense requiring a court appearance, the juvenile will be charged on a Department of Juvenile Services Referral Form to the Department of Juvenile Services. If any offense requires a police referral form, then all the charges will be cited on the referral form. Copies of these incidences are forwarded to the States Attorney's Office and the Department of Juvenile Services.

B. Juveniles 15 years of age or younger charged with any violation of the Maryland Transportation Article willed be charged on a Department of Juvenile Services Referral Form and that form forwarded to the Department of Juvenile Services.

C. Juveniles seven (7) years of age or older are all charged the same on a Juvenile Civil Citation for possession of alcohol, tobacco, or marijuana in the amount of less than 10 grams.

44.2.7 Curfew Enforcement

A. The following municipalities in Frederick County have juvenile curfew ordinances making it unlawful for persons under 18 to remain in or upon a public place, or private place open to the public, or for their parents or legal guardians to allow them to do so, during the specified hours:
   1. Emmitsburg (2300 hrs - 0600 hrs every day)
   2. Middletown (Midnight - 0500 hrs every day)
   3. Myersville (Midnight - 0500 hrs M-F; 0100 hrs - 0500 hrs Sat & Sun)

B. In general, the following reasons constitute exceptions to the above ordinances if the juvenile is:
   1. Accompanied by a parent, legal guardian, or person with legal custody.
   2. Attending or returning from a town event, school activity, religious or civic activity, or place of public entertainment (e.g., movie, play, sporting event).
   3. Engaged in legal employment or going to/from employment by direct route.
   4. Traveling through the municipality with consent of a parent.
   5. In or about their place of residence (including any abutting sidewalk).
   6. Exercising their First Amendment Rights as established by the United States Constitution.
   7. Involved in an emergency situation.

C. Violations of these ordinances are a civil offense in Middletown and Myersville, and a misdemeanor in Emmitsburg.

D. Any deputy may interview a juvenile(s) they suspect of violating a curfew ordinance and initiate enforcement action, but follow up will be assigned to the Community Deputy Program.

E. Enforcement action will include:

   1. Documenting the incident in CAD by opening a curfew violation card and adding appropriate comments.

   2. Sending an email to the Community Deputy supervisor with the case number and circumstances of the incident.

F. As curfew violations are civil, municipal infractions, deputies will not forcibly detain, handcuff, pursue, search, or arrest violators unless there are additional criminal offenses or officer safety issues that would warrant such action.

G. While each municipality's ordinance is different, first offenses will be verbal warnings. Second or subsequent offenses will result in written notices and/or fines imposed on the juvenile's parents or legal guardian.

H. The Community Deputy supervisor will review all curfew emails received and forward them to the appropriate Community Deputy. The Community Deputy will check for prior violations, and take appropriate follow-up action consistent with the municipality's ordinance.

44.2.8 Taking Juveniles into Custody

A. Maryland Code, Courts and Judicial Proceedings, §3-814 (CINAS) and §3-8A-14 (other than CINAS) outline the situations when a juvenile may be taken into custody.

B. Pursuant to these guidelines, a juvenile may be taken into custody:

1. Pursuant to an order of the court.

2. By a law enforcement officer pursuant to the laws of arrest, Criminal Procedures, §§2-201 to 2-205.

3. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child is in immediate danger from his surroundings and that his removal is necessary for his protection.

4. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child has run away from his parents, guardian, or legal custodian.

C. When a deputy makes a physical juvenile arrest,

1. The juvenile will be conveyed to Patrol Headquarters without delay.

2. Once at Patrol, the juvenile's parent or guardian will be contacted immediately, advised of the situation, and asked to come in.

3. The arresting deputy will fill out a Department of Juvenile Services Referral Form as completely as possible. The form must contain the Maryland statute number of the offense charged or reference the common law offense charged.

4. The deputy will also fill out an incident report detailing the crime with which the juvenile is being charged.

5. If the juvenile is going to be placed in one of the holding cells at Sheriff's Office Headquarters then the juvenile lock-up form must be completed including juveniles name, DOB, age, nature of offense, date, cell#, time-in, time-out, total time processed, number and time of visual checks made by deputy, total time in cell, and to whom juvenile was released to after processing.

6. At the completion of processing, the juvenile will be released to a parent, legal guardian, or other adult person having written consent of the parent or legal guardian to accept custody. The person taking custody of the juvenile will be required to sign a release form for the juvenile. The deputy will make sure the person signing the release form understands the form and the conditions on the form. In the absence of the above, the Department of Juvenile Services and/or Department of Social Services will be contacted to make disposition.

7. If the circumstances appear to warrant detention of the juvenile, the deputy will contact the Department of Juvenile Services. The circumstances will be explained to them. The decision for detention of a juvenile rests solely with the Department of Juvenile Services.

    a. If detention is warranted, the juvenile will be transported to the intake facility without delay.

    b. If the juvenile is in need of emergency medical treatment, he/she will be transported to a medical facility immediately.

8. Anytime a deputy arrests a juvenile of certain specified ages for any crimes outlined in Courts and Judicial Proceedings Article 3-804 (Jurisdiction of Court) which requires a juvenile to be charged as an adult, the deputy will, if charges are placed, charge the juvenile as an adult. The States Attorney's Office Juvenile Division can be contacted for guidance and the Commissioner's Office will also be familiar with these offenses.

D. Making juvenile arrests on school property

1. When possible and appropriate, arrest by deputies should be made during non-school hours and away from the school premises.

2. Arrest on school premises during school hours shall be effectuated in such a manner as to avoid embarrassment to the student being arrested and without jeopardizing the safety and welfare of other students in accordance with Education Article of The Maryland Annotated Code.

3. When a deputy makes a juvenile arrest on school property related to the possession of a dangerous and deadly weapon by that juvenile while on school property, the deputy will immediately take custody of that individual, transport to patrol headquarters, and notify The Department of Juvenile Services. The Department of Juvenile Services will then make the final determination regarding disposition of the juvenile. Deputies will also contact the State's Attorney's Office to determine if adult charges might apply.

44.2.9 Procedures for Juveniles in Custody

A. If a juvenile is to be detained at a juvenile detention facility or taken into custody, the following procedures will be followed:

1. The juvenile will be advised of his constitutional rights if he is to be questioned and a notation of this action will be in the incident report. A Miranda form will be completed and placed in the file.

2. The arresting deputy will contact the Department of Juvenile Services and explain the circumstances necessitating detention and obtain the authorization to detain. The decision to detain and the location of that detention is the responsibility of the Department of Juvenile Services.

3. It will be the responsibility of the arresting agency to transport the juvenile to the detention facility. It will be the responsibility of the Department of Juvenile Services to transport the juvenile from the detention facility to any hearings.

4. State law requires a detention hearing for the juvenile by the next available court day after the initial detention. Deputies must furnish a copy of their completed report to the Department of Juvenile Services as soon as possible prior to the scheduled hearing. Deputies must be available for the detention hearing and must bring a copy of their completed report to the detention hearing.

B. The arresting deputy will contact the parent or guardian prior to transporting the juvenile to the detention facility, if possible, or as soon as practical.

44.2.10 Custodial Interrogation of Juveniles

A. If a juvenile is in custody and is to be interviewed, they will be informed of their constitutional rights. It is not necessary that a parent or guardian be present during the interview; however, the age, education, nationality, intelligence, psychological traits and mental condition of the juvenile should be taken into consideration before questioning begins. If a parent, guardian, or attorney is requested by the juvenile, questioning will stop. The juvenile will be given the opportunity to consult the requested person.

1. The number of deputies involved in the custodial interrogation should be limited to two.

2. The duration of the interview should be limited to a reasonable amount of time and should not be of such length and constructed in such a manner as to cause undue stress for the juvenile.

B. When a deputy questions a juvenile offender or suspect, the deputy should make certain that the juvenile understands the agency's procedures in dealing with juvenile offenders and the implications that may be forthcoming in the juvenile justice system.

C. Questioning juveniles on school premises.

1. Investigations involving the questioning of students may not be permitted on school premises unless in connection with a crime committed on the premises or in connection with an investigation which, if not immediately permitted, would compromise the success of that investigation or endanger the lives or safety of the students or other persons, provided, however, that a school official should be present throughout the questioning.

2. In addition, whenever investigative questioning of students is permitted on the premises, the school official shall promptly advise the parent or guardians and the local superintendent's office of the nature of the investigation in accordance with the Maryland Annotated Code.

44.2.11 Social Service Agency Directory

The FCSO will maintain contact information for all community-based social agencies that provide services to juveniles.

44.2.12 School Liaison Program

A. The Frederick County Sheriff's Office will be responsive to the needs of the student population in Frederick County. The office will avail itself as a resource with respect to delinquency prevention and other programs within the school system.

B. The Frederick County Sheriff's Office will, upon request, provide education lessons for school students involving various topics. These lessons will include Drug Education, Peer Pressure, Self-Esteem, Violence and Conflict Resolution (see section 44.2.17)

44.2.13 Participation in Community-Oriented Youth Programs

A. The Frederick County Sheriff's Office supports the philosophy of police and youth interaction and encourages all its members to volunteer their time to become active in community oriented youth programs either sponsored by this Office or by another agency.

B. The Frederick County Sheriff's Office Explorers Post #1218 was established to provide youth interaction between deputies and teenagers in order to support leadership throughout the community.

C. Frederick Mentors is a partnership of local agencies that is designed to strengthen relationships among students, schools and community members by allowing Frederick County public servants to serve as mentors to the students. FCSO is a signatory agency.

D. The Community Deputy Program sponsors the FCSO Junior Deputy Academy in various Frederick County municipalities on an annual basis.

44.2.14 Control of Juvenile Records

The Records Section supervisor is accountable for the collection, dissemination and retention of all juvenile records.

44.2.15 Notifying School Officials for Student Arrest

A. The Frederick County Sheriff's Office is required to make notification to the designee of School Superintendents in the event of the arrest of students for reportable offenses identified in section 7-303 of the Maryland Education Article. Notification is to be within 24 hours of the arrest or as soon as practicable.

B. Arrest/ Referral of Students

1. Upon arrest/ Referral of a student for any offense, the arresting Deputy and/or their immediate supervisor shall notify the School Resource Sergeant as soon as practicable by telephone, voicemail, records management system notification, or email of the arrest and the specific charges. This notification will be made before the end of their daily shift and noted in the Deputies report.

2. The School Resource Sergeant will make notification to the appropriate school official. In the case of a Frederick County Public Schools (FCPS) student, notification will be made to the FCPS Director of Security and Emergency Management.

3. In the event of the arrest of a student enrolled in another school system, the School Resource Sergeant will make notification to the Superintendent or designee of that system.

C. Written Notification of Student Arrest for Reportable Offenses

The School Resource Sergeant and/or the Records Section shall make written notification of charges, utilizing FCSO Form 44-D, to the affected Superintendent or designee as soon as practical following the arrest.

44.2.16 School Resource Deputy Program/Section

The School Resource Deputy Program is a service of the Frederick County Sheriff's Office to the Frederick County Public Schools.

A. The School Resource Deputy Program assigns law enforcement officers in designated county schools with the goal of creating and maintaining a safe, secure, and orderly learning environment for students and faculty members.

1. Designated schools will have an assigned School Resource Deputy.

2. The School Resource Deputy will be the primary law enforcement officer for their assigned school, investigating and handling crimes that occur inside of the school and on the school's property.

3. The School Resource Deputy will be the primary liaison between the school's faculty, students and parents.

4. School Resource Deputies act as positive role models who at times function as teachers of law related topics, and counselors providing guidance as related to law enforcement issues.

5. School Resource Deputies do not enforce routine school rules.

B. The School Resource Deputy will be required to successfully complete a basic School Resource Officer training course.

C. The School Resource Deputies duties will include, but are not limited to:
1. Providing student and parent education programs on:
   a. Crime prevention
   b. Drug education
   c. Gang recognition
   d. Runaways
   e. Conflict resolution
   f. Crime awareness
   g. Restorative justice and other topics as needed by the school

2. Working with school administrators to identify physical changes in the school environment to reduce and prevent crime.

3. Providing a law enforcement presence during school hours and at certain school activities.

4. Acting as a mentor for students so they will become familiar and willing to share problems and information.

5. Consulting with school administration on law enforcement and school safety issues.

6. Assisting in training teachers and staff in law enforcement issues.

7. Establish a liaison and partnership with school principals, faculty, and students facilitating the exchange of information.

8. Providing ongoing support for feeder schools.

9. Assisting in developing school policy on safety issues.

10. Informing the students of their rights and responsibilities as lawful citizens and making them aware of the consequences of juvenile delinquency.

11. Providing guidance on ethical issues in a classroom setting.

12. Providing information and input to school-based student service professionals and school staff members to help plan to meet the needs of students.

13. Participating in the Parent Teacher Student Association (PTSA) meetings as requested.

14. Participating as a guest speaker, upon request, in Life Skills, History, or Government classes explaining:
    a. the rights and responsibilities of citizens under the law in our society
    b. the role of law enforcement in society
    c. the consequences of good and bad choices

44.2.17 School Crossing Guard Program

The School Crossing Guard Program is a service of the Frederick County Sheriff's Office to the Frederick County Public Schools and its residents. The school crossing guards are responsible for the safe and efficient crossing of Frederick County's elementary and middle school aged children at designated locations.

1. School crossing guard services are provided by a private vendor. The Frederick County Sheriff’s Office is responsible for managing the vendor contract and oversight of the services provided. Details of the services provided are contained within the contract. Crossing Guard placement will be determined by the Sheriff’s Office and subject to annual review.

2. The annual review of school crossing locations will be performed by the School Resource Unit Supervisor. This review ensures that resources are being used to their maximum potential and to determine if any crossing locations should be added, eliminated or reallocated. The annual review should take place near the end of each school year and in consultation with Frederick County Public Schools (FCPS) Transportation Department in preparation for the following school year. All changes as a result of policy decisions by FCPS to change bus service should be discussed during this review. This timeframe allows adequate opportunity to communicate any changes to the school crossing guard vendor. The locations of current crossing guard posts are maintained by the School Resource Unit Supervisor.

3. Any request for a new location outside of the annual review will require a minimum of a 90 day review to include site survey to examine eligibility based upon criteria outlined below, request for additional funding to Frederick County Government, and required 30 day notification to the vendor.

4. Adult crossing guards normally are assigned where official supervision of school pedestrians is desirable and safe while they cross a public highway. Crossing guards may be assigned at designated locations to assist elementary and/or middle school pedestrians at specified hours when going to or from school. The following criteria will be evaluated when considering requests for new crossing guard posts:

    a. The location is not eligible for students to be transported by bus under FCPS transportation policy.

    b. The location is in Frederick County and not within a municipal boundary. Locations within a municipal boundary where FCSO maintains a contract for Law Enforcement Services may be considered.

    c. The crossing is on the suggested route to school and is located immediately from school property to an adjacent property. Locations throughout neighborhoods or areas not immediately adjacent to school property will not be considered.

    d. 30 or more school pedestrians routinely cross while going to or from school.

    e. A clearly marked and legally located crosswalk is present with signage in compliance with the Maryland Manual on Uniform Traffic Control.

    f. At uncontrolled crossings where there is no alternative controlled crossing within 600 feet and the vehicular traffic volume exceeds 300 during each of any two hours (not necessarily consecutive).

    g. At stop sign controlled crossings where the vehicular traffic volume on undivided highways of four or more lanes exceeds 500 per hour while school pedestrians are going to or from school.

    h. At traffic signal controlled crossings where the number of vehicular turning movements through the school crosswalk exceeds 300 per hour while school pedestrians are going to or from school.

i. Any additional relevant information obtained through observation and analysis of the requested location including, but not limited to: the age of students, road conditions (width, number of lanes), sight distance, presence or absence of traffic control devices, vehicle speed, traffic volume, and crash history.

45.1 CRIME PREVENTION ORGANIZATION AND ADMINISTRATION

This General Order consists of the following sections:

45.1.1 Commitment to Crime Prevention
45.1.2 Organizational Interaction
45.1.3 Crime Prevention Position Assignment
45.1.4 Foreign Language Specialists
45.1.5 Community Policing

POLICY

A relationship of trust and confidence between this Office and the community is essential for effective law enforcement. All members must be part of a total crime prevention effort to appraise crime risks, initiate actions to reduce or eliminate crime, and to directly and proactively interact with our citizens in a joint effort to combat crime and the fear of crime in our County. This relationship shall be inter-generational with programs, services and interaction between the police and all age groups of our population.

PROCEDURES

45.1.1 Commitment to Crime Prevention

A. The Frederick County Sheriff's Office is committed to proactive crime prevention and reduction through the development, implementation, perpetuation of comprehensive proactive programs and procedures that anticipate, recognize, and appraise crime risks and initiate actions to remove or reduce those risks.

B. Specific geographical areas that are experiencing increases of crime shall be monitored and specific remedies to reduce crime and the potential of crime shall be developed. These remedies shall include increased patrols in identified areas of increased crime, organization of citizens and watch group, education, prevention and awareness training for residents, businesses, schools in these specific areas. Monitoring shall also include evaluation as to the effectiveness of efforts.

C. Our Office recognizes that there are two types of fear; one is associated with real fear associated with real crimes that have occurred. The second type of fear is "perceived fear" based upon rumor, not fact. Both of these fears are equally destructive to the quality of life in communities and need to be addressed. Fears need to be identified brought to light and weighted by both law enforcement and the community as to importance. Once the community realizes that perceived concerns may not be reality and real concerns should be listened to, the community can then be empowered to work together with the police to effect change.

D. Crime patterns are also monitored through our office's monthly reports, computer analysis and oral or written evaluation surveys directed to the community, businesses, and residences we serve.

E. To effectively utilize all of our resources, as an Office we must adopt the mind set of true community policing, that the police cannot solve the ills of the world alone. Volunteer support programs such as our Community Assistance Patrol programs can provide manpower and assistance to fulfill our mission effectively. To this end, the Community Assistance Volunteer members have been trained to assist communities in performing residential home surveys and home security checks. Agency support to our neighborhood and business watch programs shall be enhanced through effective use of volunteers.

45.1.2 Organizational Interaction

A. The Community Services Section is the organizational component through which crime prevention, safety and substance abuse, and educational efforts are coordinated and implemented. Preventing and reducing crime demands an integrated, coordinated Office response. Therefore, all supervisors, deputies, and support personnel are responsible for assisting in the achievement of crime prevention goals of the Office. These goals include the reduction of crime, the prevention of crime through proactive crime prevention and statistical reporting on a quarterly and yearly basis.

B. Community policing recognizes the unique relationship between the police and the citizens we serve. Programs which utilize volunteerism have been developed including 1) SALT/Triad to benefit our Senior population; 2) Business Watch network; 3 Neighborhood Watch network; 4) Explorer Post for youth and specific crime prevention training programs designed to train volunteers such as our Community Assistance Patrol.

C. Networking of organizations such as allied police agencies, Department of Social Services, Department of Juvenile Justice, Health Department, private sector programs, concerned citizens occur on a regular basis to identify and solve community problems in a unified course of action.

45.1.3 Crime Prevention Position Assignments

A. The Community Services Section is located within Support Services under the command of the Support Services Commander.

B. The Community Services Section shall be staffed by one full time supervisor (Corporal) and deputies who assist in coordinating and implementing crime prevention and substance abuse educational activities.

C. All other members, sworn and civilian, shall support the Crime Prevention Unit as advocates with the public of the Agency's concepts expressed in community policing and proactive crime prevention, and shall benefit from in-service training to enhance their expertise in the area of crime prevention and reduction.

D. The Community Services Section shall act as a resource to the community in areas of education, awareness and prevention strategies.

E. The Community Services members of the Frederick County Sheriff's Office will be trained in Crime Prevention Through Environmental Design (CPTED). Frederick County is not a home rule county and no current legislation exists requiring police review of building permits.

45.1.4 Foreign Language Specialists

The Frederick County Sheriff's Office will have at its disposal foreign language and hearing impaired translators through a contracted service provider.

45.1.5 Community Policing

A. The Sheriff's Office has a foundation in community service with a philosophy that promotes and supports organizational strategies. The goal is to enhance the quality of life, seek solutions, reduce the fear of crime through problem solving and community-police partnerships, and foster a sense of security in both individuals and the communities.

B. The Sheriff's Office has an agency wide policy to involve average citizens as partners in the process of reducing and controlling the contemporary problems and improving the overall quality of life in the community.

C. Community policing reflects both a philosophical as well as a corresponding stylistic manner of how policing will be accomplished. Personnel must effectively utilize the resources available to them both inside as well as outside the Sheriff's Office. It is up to every member of the Sheriff's Office to embrace the overall philosophy and adopt a mindset of true community policing.

45.2 CRIME PREVENTION OPERATIONS

This General Order consists of the following sections:

45.2.1 Priority Programs and Community Relations Functions
45.2.2 Neighborhood Watch Groups, Concerns, and Monthly Reports
45.2.3 Crime Prevention Programs
45.2.4 Liaison with Community Groups
45.2.5 New Construction Security Crime Prevention through Environmental Design
45.2.6 Residential Security Survey
45.2.7 Commercial Security Survey

POLICY:

The Community Services Section will have primary responsibility for the provision of crime prevention resources and programs to the citizens of Frederick County.

PROCEDURES:

45.2.1 Priority Programs and Community Relations Functions

A. The Crime Analysis Unit will coordinate and/or assist in the analysis of crime within Frederick County, targeting programs by crime type and geographic area. Crime prevention programs will address community perceptions and misconceptions of crime. The effectiveness of crime prevention programs shall be evaluated at least every three years.

1. Liaisons for communities will be designated to Patrol Sergeants and Corporals who provide police services to the communities. Through effective use of proactive crime prevention training, community oriented crime prevention, and problem solving these supervisors will be the problem solvers for their communities. They will be assisted by a designated member of the Community Services Section who assists in the coordination of neighborhood and business watch programs. The Community Services Section will utilize public surveys to gain information on citizens' concerns within Frederick County.

2. The Frederick County Sheriff's Office Community Policing manual was developed that designates every member of this Office as crime prevention community relations representatives.

3. Written policies and general orders are in place. Deputies are trained in these general orders which are available in hardcopy and online.

4. Effective use of the media is important to share programs and successes with our citizens. Currently we utilize cable television, radio, and print media. Regular press releases are issued daily.

5. Members of our Office are representatives in appointed councils, volunteer members in groups, associations, churches, and fraternal organizations. An open relationship exists between our Office and the public we service from the Sheriff's level to entry-level deputies.

6. An advisory committee of the Sheriff's Office comprised of volunteer members makes recommendations pertaining to programs and practices of our Office. This open relationship is available to any citizen who is interested in improving community relations.

7. Citizen police academies and senior citizen police academies have been taught to educate the public more about the police agencies that serve them in our county. These academies have had instructors from all of our counties allied police agencies, hosted by our Sheriff's Office.

8. Interaction with concerned citizens brings about positive changes to policies, procedures, training, and community involvement.

9. Community groups, including neighborhood watch and business watches were first established by our Office in 1981. Numerous neighborhood/business watches are in operation throughout the county.

45.2.2 Neighborhood Watch Groups and Concerns

A. The Community Services Section shall make every effort to organize, maintain and encourage the development of Neighborhood Watch Groups throughout the County.

B. Neighborhood Watch Groups shall have a civilian coordinator who shall appoint local block captains with direct interaction between the Community Services Section and the Watch Groups.

C. Complete listings of Neighborhood Watch programs and coordinators shall be provided and updated on a semi-annual basis to all division commanders.

D. The goal of Neighborhood Watch Groups is to have neighborhood protection. The assistance of the Law Enforcement Bureau and the Community Services Section will be available.

E. The Sheriff's Office will interact with individual citizens, community groups, neighborhood watches, and business to address concerns that are voiced by the public. Remedies can be developed and achieved with a cooperative effort.

F. When problems are identified on networking, the chain of command is utilized to develop an action plan to address these concerns. Often, community sources are called upon to assist the group, focus the concern, and develop an action plan to correct the concern. The accompaniment of command staff representatives often demonstrated to the community the concern of the Sheriff and of his Office.

Written memoranda up and down our chain of command reflect each level of supervision's suggestions for solving the community's problem.

45.2.3 Crime Prevention Programs (updated 10/22/2019)

A. In addition to Neighborhood Watch Groups, the Community Services Section provides programs that will have a positive effect on the prevention and reduction of crime in the County. These programs include, but are not limited to, commercial and residential security checks, Operation Identification, personal safety, vacation home checks, sexual assault prevention, con games and fraud education, and other programs which are supported by media and printed materials and literature.

B. Upon citizen request, a patrol deputy, a Crime Prevention deputy or School Resource deputy will speak on such subjects as crime prevention for the elderly and disabled, shoplifting, vandalism, commercial armed robbery, bank security, burglary prevention and other subjects.

C. Residential and Business Checks

As a community relations and crime prevention service to the community, the Sheriff's Law Enforcement Bureau provides checks of houses where residents are temporarily out of town. The following rules apply in performing this service:

1. Requests

   a. Must be made seven days in advance in person, on the FCSO mobile application, or by calling the Police Information Specialist (PIS). The PIS will see that the request is placed in the residential or business check listing.

   b. Must include the following information:
      (1) Name of resident or business
      (2) Address of residence or business
      (3) Phone of residence or business
      (4) Date of return
      (5) Emergency phone number to contact

2. Residential Checks

   a. Will be made in daylight hours only, by deputies and/or Community Assistance Patrol volunteers, for the protection of the officers.

   b. Will be made for no more than 15 days. Requests for extension will be considered for special needs.

   c. Residents must notify the Sheriff's Office when they return home earlier than the date provided when the request was made.

3. Business Checks

    a. Will be made at all hours

    b. Will be made for no more than 15 days. Requests for extension will be considered for special needs

4. Deputies and/or Community Assistance Patrol volunteers who are assigned these checks will notify the dispatcher of the location by opening a card for the check which will be noted in the communications records.

    a. Residential checks will be conducted using the pre-assigned Patrol Check "P-" number for that location.

    b. Business checks will be conducted using the name and location of the establishment, or the pre-assigned Patrol Check "P-" number, if applicable.

5. Residential and business checks will be made whenever the workload permits.

45.2.4 Liaison with Community Groups

A. Many groups have diverse ideas and needs that may be incorporated into crime prevention programs, or modify or create new crime prevention programs to meet specific needs of these groups.

B. The Community Services Section shall maintain communication with homeowners by way of security surveys, watch meetings and formal presentations on a request basis.

C. Business owners, civic organizations, local, state and national crime prevention organizations and other allied police agencies will meet on a regular basis, and the Crime Prevention Unit will attend these meetings.

D. The Community Services Section shall also act as:

    1. Region #3 representative for the Maryland Crime Prevention Association, comprised of Washington, Frederick, Allegheny and Garrett Counties

    2. The County representative to the Maryland Crime Prevention Institute and the Maryland Crime Watch Steering Committee

    3. Attend other Board of Education panels, as requested.

E. Any other interested citizens or groups will be encouraged to contact the Crime Prevention/Community Services Section and to meet with its members upon request.

45.2.5 New Construction Security Crime Prevention through Environmental Design

A. The Community Services Section shall be trained and available to provide new construction security recommendations upon request of any interested citizens or business person who is in the process of constructing or modifying a new building or a new community.

B. These recommendations will be consistent with national codes such as "BOCA" and the recommendations shall be based upon current crime prevention through environmental design concepts.

45.2.6 Residential Security Survey

A. Deputies or Community Assistance Patrol members shall utilize FCSO Form #45-A for Residential Security Survey Reports.

1. Copies shall be distributed as follows:

a. White page to the homeowner

b. Canary page to the Community Services Section Supervisor

2. The most serious crime prevention item will be listed first on Form 45-A, with decreasing risk items noted in succession. Specific recommendations shall be listed below recommendation items.

B. Deputies or Community Assistance Patrol members performing a survey shall open a Crime Prevention Talk Card - Residential Security Survey.

C. Only deputies or Community Assistance Patrol members who have completed a basic Crime Prevention Practitioners School shall perform Residential Security Evaluations.

D. The Community Services Supervisor shall maintain a record of Residential Security Surveys performed by each deputy or civilian.

1. These will be reflected in quarterly Community Services Activity Reports.

2. The Community Services Supervisor will submit the name of any deputy or C.A.P. member who successfully completes 50, 250, 500 or 1,000 Residential Surveys to the Maryland Crime Prevention Institute for suitable recognition annually in the Crime Prevention Awards Program.

E. Deputies or Community Assistance Patrol members who perform Residential Security Surveys shall:

1. Encourage Neighborhood Watch involvement

2. Encourage the use of engravers in Operation Identification to mark valuables

3. Encourage participation in "Personal Safety Program" which is offered by the Frederick County Sheriff's Office

4. Refer all requests for additional crime prevention assistance to the Community Services Supervisor and/or to the deputy's team sergeant for response

45.2.7 Commercial Security Survey

A. Deputies who are certified to complete Commercial Security Surveys must be graduates of:

1. A basic crime prevention course

2. An approved advanced crime prevention course on Commercial Security Surveys

B. If a deputy is requested to perform a Commercial Security Survey, but is not certified to perform this service he/she shall:

1. Refer the request to the deputy's team sergeant; or, if the sergeant is not certified

2. Refer the request to the Community Service's Supervisor for action

C. The Community Services Section Supervisor shall maintain a record of Commercial Security Surveys performed, and shall report them:

1. In quarterly Community Services Activity Reports

2. With Residential Security Surveys to the Maryland Crime Prevention Institute Crime Prevention Awards Program when the total reaches 50, 250, 500 or 1,000 surveys, for state award recognition for the deputy or community assistance patrol volunteer.

D. Deputies who perform the Commercial Security Survey shall encourage:

1. Participation in the Business Watch Program

2. The use of engravers in Operations Identification

3. Participation in all other personal safety programs that are suitable for commercial application

E. All other crime prevention requests that are received during the Commercial Security Survey shall be forwarded to:

1. The team sergeant, or

2. The Community Services Section Supervisor for necessary action

F. FCSO Form #45-B shall be completed for each Commercial Security Survey conducted. A more detailed business assessment may be attached. With Commercial Security Surveys, a final report will not be immediately issued to the business, as commercial reports are more complex than residential security evaluations.

45.3 COMMUNITY RELATIONS

This General Order consists of the following sections:

45.3.1 Function
45.3.2 Community Relations Objectives
45.3.3 Community Services Section
45.3.4 Office Sharing of Objectives/Talks with the Public
45.3.5 Community Services Section Reports
45.3.6 Evaluation Process of Community Relations Programs
45.3.7 Corrective Action for Adverse Community Relations
45.3.8 Community Input in Office Policies
45.3.9 Ride-A-Long Program
45.3.10 Honor Guard

POLICY

The Frederick County Sheriff's Office will continually strive to establish ties with the community and to keep the lines of operation open to the needs of the community. Those needs should be kept in mind at all times and, whenever possible, be met by the Office.

PROCEDURES

45.3.1 Function

Community Relations functions are shared by all members of the Frederick County Sheriff's Office, sworn and non-sworn. Every member of the Office is, therefore, responsible for promoting good community relations to meet the goals of the Office and the needs of the public.

45.3.2 Community Relations Objectives

A. The objectives of effective community relations are to establish direct contact with the community through the school system (School Resource deputies), demonstrations (K-9, SWAT, etc.), community groups (Neighborhood Watches, civic organizations, clubs, private citizens), and professional organizations (teachers' associations, bar associations, medical associations), in order to gain support of law enforcement activities.

B. To meet these objectives, the community relations plan of the Frederick County Sheriff's Office will include provisions for the following:

1. Establish a liaison with formal community organizations and civic groups by attending meetings and offering support consistent with the practice of community policing and problem solving policing.

2. Developing community relations policies for the Frederick County Sheriff's Office that reflect office objectives and input from the community, such as responding to Neighborhood Watch members' concerns and suggestions.

3. Conveying information transmitted from community organizations.

4. Reviewing and analyzing input from citizens concerning police practices and to make recommendations on those practices that affect police-community relations.

5. Identifying training needs through interviews with citizen representatives, consulting with the Law Enforcement Bureau Chief and feedback from other command officers and the Sheriff.

6. Establishing crime prevention groups in areas where such groups do not exist and to revitalize programs that are ineffective.

45.3.3 Community Services Section

The Community Services Section will be responsible for planning and coordinating all community relations programs and incorporating members of other divisions into community programs whenever possible.

45.3.4 Office Sharing of Objectives/Talks with the Public

A. The Office is made up of all its employees and all share in the responsibility of attaining good community relations. Therefore, by coordinating efforts through each member's participation, these objectives can be met.

B. One of the major functions of the Community Services Section is to present programs to different groups in the community. There are numerous program outlines on topics ranging from crime prevention and child safety to career talks. These programs are available for use by all members of the Sheriff's Office. Most requests for programs or speakers come directly to the Community Services Section and are handled by that section. However, all officers are encouraged to be community relations oriented and may be requested to present programs to specific groups. Deputies not assigned to the Community Services Section desiring to give a presentation will be assisted by Community Services and encouraged to present programs to benefit our communities.

1. A public presentation is defined as a speech, demonstration, or formal address given to a group of individuals by a member of the Sheriff's Office on a specific topic.

2. Commanders (Lieutenants) will assign appropriate personnel to handle presentations upon written request, and Division Commanders will assign the appropriate Lieutenant.

    a. Any request for a public presentation will be documented in memo format stating date, time, location, topic, group to be addressed, and personnel requesting assignment.

b. Commanders will use discretion in accepting verbal requests when deemed appropriate; however, written follow up will be required.

c. Copies of all approved/non-approved requests will be forwarded to the Sheriff through the chain of command for informational purposes.

d. Any topic that the Commander considers controversial will be brought to the attention of the Sheriff through the chain of command prior to assignment.

e. After completing the presentation the person assigned will complete a Community Relations Report (Form #54-E) in accordance with General Order 45.3.5.

45.3.5 Community Services Section Reports

A. In order to capture information on important community contacts, and evaluate whether the information and services provided are useful, up-to-date, and helpful to the community, data must be collected. Therefore:

1. All personnel who conduct community service or crime prevention functions shall:

a. Notify the Community Services Section Supervisor upon completion

b. Open a "Talks" card through Communications and obtain a case number quarterly and annually.

2. Quarterly, the Community Services Sections Supervisor shall review and evaluate all programs and presentations.

a. A copy of the report shall be forwarded to the Support Services Commander for review and forwarding through the chain of command to the Sheriff for informational purposes.

b. The original copy shall be maintained by the Community Services Section Supervisor.

B. A quarterly report from Community Services to the Sheriff will be submitted and include the following:

1. The current concerns from the community to be addressed.

2. Current and potential problems that have a bearing on the police and the community.

3. A proposed solution to the problems listed above.

4. Detailed reports of Community Relations/P.I.O./Crime Prevention programming for the quarter.

5. A progress report on the issues addressed the previous quarter and the outlined solutions to meet these concerns of the citizens.

45.3.6 Evaluation Process of Community Relations Programs

Community Services will review and evaluate all programs, presentations and materials used by the Community Services Section quarterly to determine if the information disseminated is useful, up-to-date and helpful to the community.

45.3.7 Corrective Action for Adverse Community Relations

The Sheriff's Office will strive to correct any actions, practices or attitudes within the Sheriff's Office that may have a detrimental effect on the community through training, policy changes or, when appropriate, discipline.

45.3.8 Community Input in Office Policies

A. Office policies and procedures that reflect the needs of the community cannot be formulated without input from the community. This input will be in the form of suggestions or opinions obtained from the general community in three ways:
   1. By means of the Citizen's Advisory Committee meetings.
   2. Neighborhood Watch meetings.

B. An annual report will be published on the results of the surveys. These reports will be kept on file by Community Services and will be reviewed when policies are being formulated that may affect service to the community.

45.3.9 Ride-A-Long Program (rev. 01/08/2020)

The Sheriff's Office establishes guidelines for civilians to participate in certain police activities so they may observe the actions of sworn personnel while performing their assigned duties.

It shall be the policy of the Frederick County Sheriff's Office to allow civilians to accompany sworn personnel on certain situations, consistent with these procedures:

A. Eligibility

   1. The following persons are eligible to participate in this program. All participants must be eighteen years of age or older, with the exception of Student Interns or members of the Sheriff's Office Explorer Scout program.
      a. Members of the agency or their family members.
      b. Member-sponsored visiting law enforcement personnel, Frederick County Government employees, and professionals or students in law enforcement related fields.
      c. Members of the news media and dignitaries involved in special projects.

   2. Any persons interested in participating in this program must complete a Ride-a-long application and review the guideline sheet before taking part in the program. Whenever possible, this should be done at least two weeks in advance.

   3. The agency reserves the right to limit participation in the program if it is being abused by anyone or to refuse permission to anyone to participate in the program.

4. Participants shall be limited to one ride-along per person within a calendar year, unless otherwise authorized by the Law Enforcement Bureau Chief. Members of the Sheriff's Office Citizen Advisory Committee will not be limited in the number of times they ride-a-long.

5. Prior to participation in the program, the applicant will be advised of the type of situation they will be observing and the potential dangers that coincide with these type of situations.

6. The applicant must complete the Ride-A-Long Application (form #45-D) and sign the Waiver of Liability section prior to participation in the program.

7. The completed application shall then be turned in or mailed to the Frederick County Sheriff's Office Patrol Headquarters to be given to the Patrol Administrative Commander.

8. The commander must authorize the applicant's participation in the program.

9. The commander will select the appropriate patrol team for each request.

10. The host deputy will be instructed to remain with the applicant at all times in the safest locations possible under the circumstances. He/she must have the applicant's full cooperation in meeting these goals.

11. The participant is to keep in mind that they are participating in this program strictly for observational purposes only and must follow the Guidelines for Ride-A-Long Participants. Applicants are prohibited from interfering with the police activity in any way.

B. Administrative Procedures

1. A supply of Ride-A-Long Applications and guidelines (FCSO Form # 45-D) will be kept at the Sheriff's Office Headquarters.

2. The applicant must complete section I of the application in its entirety and return it to Sheriff's Office Headquarters.

3. All completed applications for this program will be forwarded to the Police Information Specialist (PIS) or Duty Officer who will:

    (1) Query the in-house computer system to ascertain if the person has ridden before. If the applicant has ridden before, the PIS or Duty Officer will check section I of the application to verify that the date(s) are written on the form.

    (2) Log the new Ride-A-Long Application into the Ride-A-Long Log (FCSO Form # 45-F) and indicate the log number on the top of the Ride-a-Long Application.

4. If the applicant is eligible to ride-a-long,

    a. The PIS or Duty Officer will run a criminal record check and forward the application to the commander of the appropriate unit in which the participation was requested.

b. The commander will indicate approval or disapproval in Section II of the application form.

(1) If an application is not approved, the commander will notify the applicant accordingly and forward the application to the Records Section.

(2) If approved, the commander will then assign the applicant to the appropriate patrol team and forward the application to that team's supervisor.

(3) The assigned supervisor will then notify the ride-along applicant that his/her application is approved. The supervisor will also tell the applicant whom he/she will be riding with and confirm the date and time of the ride-a-long. This will be noted in section III of the application.

5. All ride-a-long applicants will ride with a deputy first class or above. Ride-a-longs will not be assigned to probationary deputies.

6. The sergeant will forward all approved ride-a-long applications to the assigned deputy.

7. Upon completion of the ride-a-long, the assigned deputy will complete section IV of the Ride-a-Long Application, and return it to the commander. The commander will then forward the original copy of the completed Ride-A-Long Application to the Records Section.

8. The Records Section will:

a. Enter the Ride-A-Long Application data into the in-house computer system.

b. Maintain a master Ride-a-Long Application file.

C. Operational Procedures

1. Prior to beginning the ride-a-long, the deputy will conduct a brief orientation with the participant, covering at least the following areas:

a. Review of the guideline sheet.

b. The basic operation of the police vehicle.

c. The proper use of the police radio in the event the participant must use it in an emergency.

d. The necessity and procedure of dropping off the participant if the deputy must respond to an incident that may present a danger to the ride-a-long. If this occurs,

(1) The ride-a-long is to call communications and advise them of his/her drop-off location.

(2) As soon as possible, another deputy will be sent to pick up the participant if the assigned deputy cannot do it.

(3) Deputies should be tactful in explaining this to the participant so that the impression is not given that the agency is trying to hide anything.

e. Explain that the participant should hold all questions and comments concerning the manner in which a call or incident is handled until the assignment is completed and the deputy and participant are away from the incident.

f. Explain the basic duties of the different sections of the agency.

2. During the Ride-a-long, deputies should answer any questions truthfully, courteously, and to the best of their ability. However, care should be taken not to violate the privacy rights of any person or to pass on any information confidential to the agency.

3. Any immediate problems that arise with a Ride-a-long participant are to be brought to the attention of the supervisor on duty at that time.

4. Other than Maryland and Federal law enforcement officers, no Ride-a-long participant is to carry or use any firearm of any kind. If a law enforcement officer is armed while riding with a deputy, that officer must display a badge or other identification at all times and notify the on-duty supervisor that he/she is armed.

45.3.10 Honor Guard

A. The Frederick County Sheriff's Office Honor Guard

1. Will be provided for deceased active-duty or retired members of the Sheriff's Office or Board of County Commissioners

2. May be provided to other law enforcement agencies for funerals and memorial services

3. May be provided for parade details upon request

B. The Honor Guard shall be comprised of sworn and volunteer deputies and corrections officers.

1. The designated Commander will serve as the Honor Guard Coordinator. The Coordinator will appoint an Honor Guard team leader who will supervise all events/details.

2. Deputies interested in being considered for the honor guard will submit letters of interest to the coordinator.

3. The coordinator, with approval of the Sheriff, will select the other members. Selection emphasis will be based on, but not limited to, personal appearance and grooming.

4. Honor Guard personnel will be recognized by the wearing of the "Honor Guard" pin. The pin will be worn on the uniform of the day, on the left front pocket flap equidistant between the top seam and the button.

C. Honor Guard participation in events/details will be approved by the Sheriff or his designee.

1. Following approval by the Sheriff, requests for Honor Guard participation in events/details will be forwarded to the coordinator, or in his absence, the Honor Guard Team Leader, who will

   a. Notify all Honor Guard members of the event/detail and

   b. Coordinate the scheduling of the event/detail

2. Each member shall notify the following of their intent to participate:

   a. The coordinator

   b. Their respective supervisor, so that appropriate scheduling adjustments can be made

3. Members' supervisors shall make every reasonable effort to allow the member to participate in the detail.

D. The Honor Guard Team Leader shall be responsible for all Honor Guard activities during the event/detail, and shall serve as a liaison with other law enforcement agencies.

E. Compensation for participation in the honor guard is as follows:

1. Honor Guard members will attend training at least quarterly throughout the year. The training will be coordinated by the Honor Guard Coordinator through Training Services.

2. Details: Members shall be compensated at their normal rate unless the detail requires the utilization of overtime, in which case the members shall submit the proper requests for such overtime to their respective supervisors per office policy.

F. The Honor Guard Team Leader will designate which uniform is to be worn for each event.

G. The Honor Guard coordinator shall maintain a list of each item of equipment utilized by the Honor Guard and how it was purchased. The list will be made available to the Sheriff upon request.

Honor Guard members will be issued the following equipment:

1.	Four stitch duty belt (Clarino)	(1)
2.	Issued size Holster (Clarino)	(1)
3.	Mag pouch (Clarino)	(1)
4.	Cuff case (Clarino)	(1)
5.	Shoulder strap Clarino)	(1)
6.	Brass belt keepers (Clarino)	(4)
7.	Yellow Honor Guard cord	(1)
8.	Black Honor Guard cord	(1)
9.	Honor Guard pin	(1)
10.	White long sleeve dress shirt	(2)

11. Class A Dress Blouse (1)
12. Black "London Fog" style trench coat w/ Honor Guard patch (1)
13. White gloves (2)
14. Stetson Hat (Winter Felt) (1)
15. Pink tan trousers (2)

H. The Honor Guard coordinator will provide the Executive Assistant with any monetary contributions to the Honor Guard

1. The contributions shall be maintained in the Community Relations Account which will be maintained by the Executive Assistant.
2. An expenditure report will be submitted to the Sheriff at the end of each month.

I. Honor Guard members, regardless of Bureau assignments, will submit all correspondence directly through the Honor Guard coordinator. This includes but is not limited to property requests, memorandums, and annual reports.

J. The Honor Guard coordinator will prepare the annual Honor Guard Budget request and submit it directly to the Fiscal Services Director.

46.1 CRITICAL INCIDENTS

This General Order consists of the following sections:

46.1.1 Planning Responsibility
46.1.2 All-Hazard Plan
46.1.3 Command Function
46.1.4 Operations Function
46.1.5 Equipment Inspection
46.1.6 Annual Training
46.1.7 Emergency Plans, Review, and Accessibility
46.1.8 Hostage/Barricade Situations
46.1.9 Bomb Emergencies
46.1.10 VIP Security Plan
46.1.11 Special Events Plan
46.1.12 Suspicious Packages and Parcels

POLICY

It shall be the policy of the Frederick County Sheriff's Office to develop guidelines that will ensure the protection of life and property in the event of a critical incident.

PROCEDURES

46.1.1 [Redacted]

46.1.2 [Redacted]

46.1.3 [Redacted]

46.1.4 [Redacted]

46.1.5 [Redacted]

46.1.6 [Redacted]

46.1.7 [Redacted]

46.1.8 [Redacted]

46.1.9 [Redacted]

46.1.10 [Redacted]

46.1.11 [Redacted]

46.1.12 [Redacted]

46.2 SPECIAL WEAPONS AND TACTICS TEAM and CRISIS NEGOTIATORS

This General Order consists of the following sections:

46.2.1 Tactical Team (SWAT) Mission
46.2.2 Tactical Team Organization
46.2.3 Tactical Team Activation
46.2.4 Tactical Team Selection
46.2.5 Tactical Team Training Standards
46.2.6 Tactical Team Equipment Standards
46.2.7 Documentation of Activation and Training
46.2.8 Operational Deployment Philosophy
46.2.9 Tactical Qualifications and Standards
46.2.10 Crisis Negotiations Organization
46.2.11 Crisis Negotiator Selection
46.2.12 Crisis Negotiations Equipment, Training, and Documentation

POLICY

The Frederick County Sheriff's Office shall establish the governing regulations in the personnel selection, training, equipment, operational deployment philosophy and use of the Special Weapons and Tactics Team (SWAT) and the Crisis Negotiation Team (CNT).

Recognizing that the presence of a highly trained, highly skilled police tactical unit has been shown to substantially reduce the risk of injury or loss of life to citizens, police officers and suspects and recognizing that a well-managed "Team" response to critical incidents usually results in successful resolution of critical incidents, it is the intent of the Frederick County Sheriff's Office SWAT to provide a highly trained and skilled tactical team as a resource for the handling of critical incidents.

PROCEDURES

46.2.1 [Redacted]

46.2.2 [Redacted]

46.2.3 [Redacted]

46.2.4 [Redacted]

46.2.5 [Redacted]

46.2.6 [Redacted]

46.2.7 [Redacted]

46.2.8 [Redacted]

46.2.9 [Redacted]

46.2.10 [Redacted]

46.2.11 [Redacted]

46.2.12 [Redacted]

51.1 CRIMINAL INTELLIGENCE - COLLECTING, PROCESSING & SHARING

This General Order consists of the following sections:

51.1.1 Definitions
51.1.2 Intelligence Function
51.1.3 Responsibilities
51.1.4 Training
51.1.5 Safeguarding Information
51.1.6 Protection of Privacy & Civil Liberties
51.1.7 Evaluating Information
51.1.8 Disseminating Information
51.1.9 Purging Information

POLICY

In order to prevent and suppress criminal activity as well as help ensure officer safety, it is essential that the Frederick County Sheriff's Office (FCSO) collect, evaluate, and share criminal intelligence and suspicious incident information. It is likewise essential that criminal intelligence gathering, processing, storage, and dissemination be conducted in a manner that ensures the privacy and civil liberties of individuals, groups, and organizations.

PROCEDURES

51.1.1 [Redacted]

51.1.2 [Redacted]

51.1.3 [Redacted]

51.1.4 [Redacted]

51.1.5 [Redacted]

51.1.6 [Redacted]

51.1.7 [Redacted]

51.1.8 [Redacted]

51.1.9 [Redacted]

51.2 COVERT INVESTIGATIONS OF PERSONS INVOLVED IN FIRST AMENDMENT ACTIVITIES

This General Order consists of the following sections:

51.2.1 Definitions
51.2.2 Covert investigations
51.2.3 Collection and maintenance of information
51.2.4 Evaluation of information
51.2.5 Classification of information
51.2.6 Dissemination of information
51.2.7 Intelligence files review and retention

POLICY

The Frederick County Sheriff's Office will ensure that any covert investigation of a person, a group, or an organization engaged in First Amendment activities is conducted for legitimate law enforcement purposes and in conformance with the privacy and constitutional rights of individuals.

PROCEDURES

51.2.1 [Redacted]

51.2.2 [Redacted]

51.2.3 [Redacted]

51.2.4 [Redacted]

51.2.5 [Redacted]

51.2.6 [Redacted]

51.2.7 [Redacted]

52.1 OFFICE OF POLICY and COMPLIANCE ADMINISTRATION

This General Order consists of the following sections:

52.1.1 Office of Policy and Compliance Function
52.1.2 Office of Policy and Compliance
52.1.3 Office of Policy and Compliance Activities
52.1.4 Types of Investigations
52.1.5 Staffing
52.1.6 Dissemination of Policy
52.1.7 Employee Notification and Rights

POLICY

In order to preserve the integrity of the Office of the Sheriff and its employees, the Frederick County Sheriff's Office will maintain an Office of Policy and Compliance (OPC) function to investigate allegations of misconduct, and record those findings.

PROCEDURES

52.1.1 Office of Policy and Compliance Function

Investigation of allegations of misconduct is important to the management and integrity of the Frederick County Sheriff's Office. Complaints provide feedback as to how the community perceives employees; provides information for management to make corrections; provides appropriate changes training and policy; and, investigating complaints protects employees from unwarranted allegations and criticism when they have performed their duties properly. The function of the Office of Policy and Compliance is to ensure that the integrity of the Sheriff's Office is maintained through an internal system of objectivity and fairness. The system calls for an impartial investigation to clear the innocent; establish the guilt of wrongdoers; and, facilitate fair, appropriate, and consistent disciplinary action.

The Office of Policy and Compliance also oversees the Sheriff's Office compliance with the standards administered by the Commission on Accreditation for Law Enforcement Agencies (CALEA).

52.1.2 Office of Policy and Compliance

The Office of Policy and Compliance coordinates and exercises staff supervision over investigations of complaints or allegations of misconduct against members of the Frederick County Sheriff's Office and coordinates compliance with accreditation standards.

52.1.3 Office of Policy and Compliance Activities

A. The Office of Policy and Compliance is responsible for documenting and maintaining all records of investigations of allegations of misconduct, and inquiries regarding policy and procedures. The Corrections Bureau is responsible for documenting and maintaining all records of misconduct, commendations, and inquiries regarding policy and procedures within the Corrections Bureau.

B. The OPC will normally investigate all complaints involving allegations of corruption, brutality, misuse of force, civil rights violations, criminal conduct, and other matters at the direction of the Chief Deputy, Law Enforcement Bureau Chief, Corrections Bureau Chief, or the Sheriff.

C. The OPC will maintain confidentiality of all internal investigations and records.

D. Appropriate line supervisors may be assigned investigations of complaints involving such matters as, but not limited to; rudeness on the part of a deputy, tardiness, insubordination, policy and procedures violations and other complaints that can be handled as a matter of routine discipline.

E. The OPC will review all complaints forwarded to them for investigation. This review is to determine whether a case will be handled by OPC or reassigned through their bureau chief to other personnel for investigation.

F. All formal investigations conducted by personnel other than the OPC will be reviewed by OPC prior to final filing.

52.1.4 Types of Investigations

The following types of investigations will be conducted as part of the Office of Policy and Compliance function:

A. Formal internal affairs investigations.

1. A formal investigation is usually conducted when complaints alleging violations of policy or procedural misconduct are made against Agency personnel.

2. Examples of formal internal affairs investigations include, but are not limited to:
   a. Criminal Misconduct
   b. Misuse of Force
   c. Failure to perform assigned duties
   d. Violation of policy and procedures
   e. Civil Rights violations

3. The complexity of the allegation, the nature and seriousness of the matter, and totality of circumstances will determine whether the allegation is investigated by OPC or another level of supervision. Input will be obtained from the involved employee's bureau chief.

4. Handling of formal investigations

    a. All formal investigations of sworn employees will be conducted in accordance with the Law Enforcement Officers Bill of Rights.

    b. All formal investigations of correctional officers and civilian employees will be done in conformance with standard, accepted investigative procedures, and Frederick County Personnel Rules.

    c. When completed, investigations will be reviewed and endorsed by appropriate command personnel in the subject employee's chain of command. The Sheriff will make the final decision regarding the case findings, and if applicable, the appropriate disciplinary action, before forwarding the investigative file to the OPC for filing.

    d. When applicable, the Sheriff reserves the right to forward complaints alleging criminal misconduct against Sheriff's Office employees to an appropriate, outside law enforcement agency for investigation.

B. Citizen complaints that appear minor in nature; or, can be handled by advising the complainants of policy, procedures, and laws; or where no improper action has been determined, will be investigated by first line supervisors when received. Examples of these include discourtesy, speeding complaints, etc.

    1. Command personnel who receive complaints directly from citizens may investigate them or assign them to a supervisor for follow-up.

    2. Citizen complaints will be documented on form 52-A with the supervisor making recommendations and submitting it through the chain of command. The OPC will forward the information to the Personnel Services Commander for the Early Warning System.

C. Administrative Reviews

    1. These reviews are conducted by OPC at the request of the Sheriff and/or Bureau Chief to determine whether Agency policy, procedures, and training were followed during an incident, and identify any need for changes or additions to current policies and training.

    2. Examples of when Administrative Reviews may be authorized include, but are not limited to:
        a. Use of deadly force incidents;
        b. Use of force incidents involving serious bodily injury;
        c. Use of force incidents involving domestic animals;
        d. Critical Incidents involving a high probability of litigation; and
        e. All other matters when authorized by the Sheriff and/or Bureau Chief.

    3. In matters requiring both a criminal investigation and administrative review, the criminal investigation will be completed first, monitored by OPC. At the conclusion of the criminal investigation, OPC will begin the separate Administrative Review.

D. Upon conclusion of all OPC investigations, citizen complaints and administrative reviews, and once the endorsement reviews by command staff and the Sheriff have been completed, subject employees will be provided a resolution letter concerning the findings in these matters.

52.1.5 Staffing

The Office of Policy and Compliance for Law Enforcement matters is located under the command of the Law Enforcement Bureau Chief. The OPC Commander is responsible for the OPC function and has the authority to report directly to the Sheriff on internal affairs matters.

52.1.6 Dissemination of Policy

Each member of the Frederick County Sheriff's Office has access to the Rules of Conduct and written directives pertaining to the Office of Policy and Compliance Function. These directives are contained under Rules of Conduct and in the General Orders 52.1 through 52.3.

52.1.7 Employee Notification and Rights

A. When sworn employees are notified they are the subject of an internal affairs investigation, the assigned case investigator will issue the sworn employee a written statement of the allegations on a Notice of Complaint form (FCSO Form 52-C), along with a Notice or Waiver of Rights form (FCSO Form 52-D), and Explanation of LEOBR Rights form (FCSO Form 52-Q), in accordance with the Law Enforcement Officers' Bill of Rights, unless such notification would jeopardize the investigation.

B. Corrections Bureau employees and civilian employees are not covered under the Law Enforcement Officers' Bill of Rights, and will be notified about being the subject of an internal affairs investigation by service of a written statement of the allegations.

C. Excessive Use of Force complaints

1. In accordance with Maryland law, citizen complaints involving excessive use of force against any Sheriff's Office employee will be filed using the Excessive Use of Force complaint form (FCSO Form 52-B), as follows:

   a. The complainant will complete and sign the Form 52-B, "swearing under the penalties of perjury" that the information they allege is true and correct to the best of their knowledge.

   b. Complaints alleging excessive use of force against any agency employee must be filed within 366 days of the incident occurring, in accordance with the Law Enforcement Officers' Bill of Rights.

   c. Under Maryland law, citizens eligible to file excessive use of force complaints shall include:

      (1) the aggrieved individual;

      (2) a member of the aggrieved individual's immediate family;

(3) an individual with firsthand knowledge because they were present at, and observed the alleged incident; or, they have a video recording of the alleged incident that is, to the best of their knowledge, unaltered;

(4) the parent or guardian of a minor child, if the alleged use-of-force incident involved that minor child.

2. Sworn employees will be notified they are the subject of an excessive use of force complaint and internal affairs investigation through service of a Notice of Complaint form (FCSO Form 52-C) and an attached copy of the Form 52-B, in addition to FCSO Forms 52-D and 52-Q.

3. Correctional officers and civilian employees will be notified that they are the subject of an excessive use of force complaint and internal affairs investigation in a written memorandum outlining the allegation.

4. Maryland law does not prohibit the Sheriff's Office from initiating its own independent review or investigation of an incident involving use-of-force by any agency employee (MSP vs. Resh (1985), 65 Md. App. 167, 499 A. 2d 1303

52.2 OFFICE OF POLICY AND COMPLIANCE COMPLAINT PROCESSING

This General Order consists of the following sections:

52.2.1 Investigation of Complaints
52.2.2 Recording and Controlling Complaints
52.2.3 Acknowledging Receipt of Complaints
52.2.4 Information on Registering Complaints
52.2.5 Notifying Complainants Concerning Status of Complaints
52.2.6 Notification of the Sheriff
52.2.7 Records Security
52.2.8 Statistical Summaries

POLICY

It is the policy of the Frederick County Sheriff's Office to investigate complaints and allegations of misconduct in an objective manner, to notify complainants of the results of the investigation, and to maintain all investigative records in a confidential and secure fashion.

PROCEDURES

52.2.1 Investigation of Complaints

A. Definitions:

1. "Employee" means any individual employed by the Frederick County Sheriff's Office, whether permanent, temporary, contractual or part-time.

2. "Deputy" means any sworn employee of the Frederick County Sheriff's Office who, in official capacity, is authorized to make arrests. This includes sworn command personnel.

3. "Correctional Officer" means any employee who is assigned to the Frederick County Adult Detention Center as a Correctional Officer. This includes supervisory and command personnel.

4. "Probationary employee" is an employee of the Frederick County Sheriff's Office, who is in the initial probationary stage of employment. Normally this period of time is for 18 months for deputies and correctional officer employees. Other merit system personnel will normally serve a 6 month probationary period.

5. "Hearing Board" means a board authorized by the Sheriff to hear evidence of a complaint against an employee. Hearing Boards for deputies will be in accordance with the Law Enforcement Officer's Bill of Rights. Hearing Process for correctional officers and civilian employees means the disciplinary process as outlined under Frederick County

Personnel Rules, Chapter VI, Disciplinary Action and Frederick Sheriff's Office County Administration Manual.

6. "Sustained" means there is sufficient evidence to show that the alleged violation did occur and there is sufficient evidence for disciplinary action.

7. "Non-Sustained" means there is insufficient evidence to make a determination as to whether or not the alleged violation did occur.

8. "Exonerated" means that the action did occur but that the action was legal, just, and in accordance with Sheriff's Office policy and procedures.

9. "Unfounded" means that there is no evidence that the alleged offense occurred or that the employee was involved.

10. “Withdrawn” means that the complainant has, voluntarily and without threat or coercion of any kind, formally requested that the complaint be withdrawn and the investigation of the alleged violation will cease with no further action being taken.

11. "Misconduct" is any violation of Sheriff's Office policy and procedures, rules, laws, or ordinances.

12. "Complaint" is any allegation of misconduct on the part of any Sheriff's Office employee.

13. "Complainant" is anyone who makes an allegation of misconduct on any Sheriff's Office employee.

B. The Frederick County Sheriff's Office will investigate all complaints, alleged or suspected, either signed or anonymous, that are made against the Sheriff's Office or its employees.

C. Complaints and disciplinary action which are to be handled in accordance with the provisions of this order include alleged or suspected violations of statutes, ordinances, Sheriff's Office rules and regulations and orders, by sworn or civilian members, including temporary employees, of the Sheriff's Office.

D. Complaints can be made by:

1. Members of the Sheriff's Office who report them to supervisors or commanding officers, either written or orally, by telephone or by correspondence, either signed or anonymous

2. Citizens who report them to any member of the Sheriff's Office, either orally or in writing, by telephone or correspondence, either signed or anonymous

3. Supervisory or commanding officers

4. County, State or municipal officials or employees

52.2.2 Recording and Controlling Complaints

A. All complaints against employees will be recorded and reported to the Office of Policy and Compliance (OPC) on a Complaint Reception Form (FCSO Form 52A). Incidents which require immediate investigations, such as officer involved shootings, will be reported to the Sheriff, Chief Deputy, Chief of the Law Enforcement Bureau, and the OPC immediately. Incidents of a less serious nature should be reported to the OPC in a timely manner, which would normally be no later than the next regular business day of the OPC.

B. A Complainant Acknowledgement Form (FCSO Form 52A-1) will be completed and signed by the complainant whenever a Form 52-A is generated. If the complaint is received in-person, the complainant will complete and sign the Form 52A-1, which will then be attached to the Form 52A and submitted to OPC. If the complaint is made by phone, mail, or email, a Form 52A will be submitted to OPC, who will ensure the Form 52A-1 is completed by the complainant before the start of any OPC inquiry, investigation, or other action.

C. Complaints made against agency personnel, where the complainant has a pending criminal or traffic case in court directly involved with the complaint, may be deferred until the final adjudication of their case in court. The complainant will be advised that their complaint, along with their name, address, and phone number will be documented with OPC, and they have thirty (30) days after the adjudication of their case in court to contact the OPC to re-initiate the formal complaint. Supervisors receiving a complaint of this nature will notify the OPC of the complainant's name, address, phone number, and a brief synopsis of the issue; the OPC will maintain a log so the eventual outcome may be tracked. Should the complainant fail to notify the OPC of their desire to follow through within the thirty (30) day time period specified above, the agency will assume the complainant is no longer interested in carrying through with their complaint, and the complaint will be closed.

D. Complaint Reception Form

1. When complaints are received by a shift supervisor, they will complete the Complaint Reception Form (FCSO Form 52A), seal it in an envelope and see that it is given to their bureau chief as soon as possible.

   Complaints received from citizens by other personnel will be immediately reported to the shift supervisor who will have the citizen complete and sign a Complaint Acknowledgement Form (FCSO Form 52A-1), and then proceed as detailed in the previous paragraph.

2. The bureau chief will contact the OPC who will assign a case number, if the complaint is being classified as a formal internal affairs investigation.

3. A copy of the Complaint Reception Form (Form 52A and Form 52A-1) will be forwarded immediately to the OPC in a sealed envelope for recording and placement in the case file folder. The original copy of Form 52A and Form 52A-1 will be given to the assigned investigator to remain with the case file.

4. In those instances where complaints are received by the Sheriff, he will forward the complaint to the OPC for investigation. A complaint form will be completed by the OPC investigator and a case number assigned.

   Depending upon the nature of the allegation, the case may be investigated by the OPC, the subject employee's supervisor, or by another supervisor, or by an agency other than the Frederick County Sheriff's Office.

5. If the investigation is not assigned to the OPC, the assignment of the case investigator will be at the discretion of the subject employee's bureau chief. However, in no instance will an individual investigate allegations of misconduct against someone of the same rank or higher, except when authorized by the Sheriff.

6. Under certain circumstances the allegation may be of the nature where an immediate investigation is necessitated. In those instances, in the absence of available OPC or command personnel, the shift supervisor may initiate an immediate investigation. In such instances, the involved employee's bureau chief will be notified immediately. It will be the responsibility of the involved employee's bureau chief to notify the Sheriff and the Chief Deputy of the nature of the allegation.

7. All allegations of criminal activity, misconduct, or of violations of Sheriff's Office policy and procedures will be investigated. The results of the investigation will be acted upon, consistent with a bureau chief's prerogative to disregard trivial or chronic complaints which are deemed unsubstantiated. However, documentation of such complaints will be maintained by the bureau chief until such time as the bureau chief, Chief Deputy and the Sheriff can review them for final disposition.

8. Nothing precludes the Sheriff's Office from investigating any and all allegations reported against employees from whatever source received when it is determined that the investigation will be in the best interest of the Office.

9. Anonymous complaints will not, generally, be excluded from investigation. The nature of the allegation and circumstances shall be documented and a preliminary inquiry made. The results of the preliminary inquiry should determine what further action needs to be taken.

10. An employee wishing to make a complaint against another member of the Sheriff's Office of the same rank or higher may complete the Complaint Reception Form and forward it directly to the Sheriff.

    In such cases, the complainant may remain anonymous until such time, that the allegation is sustained, or the investigation requires a formal interview with the subject employee, or testimony is needed to be given.

11. Any Sheriff's Office employee who subjects a complainant or witness to intimidation, harassment or coercion shall be subject to appropriate disciplinary action.

E. Dissemination of Complaint Reception Form

1. Copy to OPC for filing.

2. Original to case investigator to be included in investigative report.

F. The OPC will maintain a Control Log that includes the case number (Control number), name of the subject employee; complainant, date of receipt of the complaint; nature of the alleged violation; and the finding and disposition of the case.

G. The OPC will safeguard the Control Log and case files and permit no access except by the Sheriff, bureau chiefs, and on an as needed basis by investigators with permission of the Sheriff.

H. Complaint Withdrawal Form

1. Anytime a complainant wants to withdraw their complaint, a Complaint Withdrawal Form (FCSO Form 52-U) will be completed.

2. The Complaint Withdrawal Form will be forwarded to the OPC and placed in the case file.

52.2.3 Acknowledging Receipt of Complaints

The Complaint Acknowledgment Form (52A-1) will serve as the primary acknowledgement of a complaint. If for some reason a Form 52A-1 is not completed upon receipt of the complaint, the OPC or the bureau chief will prepare a letter to the complainant under the Sheriff's signature or send an email if that is the complainant's preferred method of communication. Included will be an explanation of how the complaint will be investigated and that contact will be made by the case investigator in the near future. A copy of the correspondence will be made part of the investigative file.

52.2.4 Information on Registering Complaints

Upon request, Sheriff's Office personnel will inform members of the public regarding the proper procedures for registering complaints. This information will include advising the individual that:

1. A complaint may be taken by any Supervisor, or made directly to the OPC.

2. An investigator will be assigned to the case.

3. The complainant will be contacted by the investigator and,

4. The complainant will be informed in writing of the findings of the investigation.

52.2.5 Notifying Complainants Concerning Status of Complaints

A. The assigned case investigator will keep the complainant periodically informed of the status of the investigation. This communication may be verbal or in writing at the discretion of the investigator and will be scheduled once a month.

B. The assigned case investigator will prepare a letter for the Sheriff's signature and then mail it to the complainant advising him/her of the results of the investigation.

52.2.6 Notification of the Sheriff

Upon receipt of a complaint of misconduct, a Complaint Reception Form will be completed and forwarded to the OPC. The Sheriff will be made aware in person or in writing by the bureau chief responsible for completing the investigation, or the OPC. No immediate disciplinary action shall be taken without concurrence of the Sheriff.

52.2.7 Records Security

The Sheriff's Office maintains a record of all complaints against the Agency and its personnel. The OPC will maintain these records in locked file cabinets.

52.2.8 Statistical Summaries

The OPC will compile and provide the Sheriff an annual statistical summary report based on the records of the internal affairs investigations, which will be made available to the public and to Sheriff's Office personnel upon written request.

52.3 OFFICE OF POLICY AND COMPLIANCE PROCEDURES

This General Order consists of the following sections:

52.3.1 Investigation of Employee Misconduct
52.3.2 Relief from Duty
52.3.3 Use of Polygraph in Internal Investigations
52.3.4 Evidence Collection
52.3.5 Whistleblower Protections
52.3.6 Time Limits
52.3.7 Conclusion of Fact
52.3.8 Hearing Board Procedures
52.3.9 Adverse Material
52.3.10 Expungement

POLICY

The Frederick County Sheriff's Office will investigate allegations of misconduct against its employees in accordance with existing legal statutes, county personnel policies, and recognized objective investigative procedures.

PROCEDURES

52.3.1 Investigation of Employee Misconduct

A. Investigations

1. As general policy, the Office of Policy and Compliance (OPC) will investigate allegations involving employee misconduct. When necessary the OPC may refer these allegations to the bureau chief for reassignment. Minor allegations may be directed to the command or bureau level as performance issues.

2. The following personnel can be assigned to investigate cases of alleged employee misconduct:
   a. The OPC Commander;
   b. The supervisor of the alleged subject employee;
   c. The division commander of the alleged subject employee;
   d. The bureau chief of the alleged subject employee; or,
   e. Anyone else designated by the Sheriff or bureau chief.

3. The primary responsibility for ensuring investigations of alleged employee misconduct are completed properly lies with the bureau chiefs.

4. The assigned case investigator will begin their investigation based on the allegation(s) contained in the Complaint Reception Form (FCSO Form 52-A) and/or Complainant Acknowledgement Form (FCSO Form 52-A-1).

5. The assigned case investigator's final report will be completed in the following format:

   a. Complaint Reception Form - contains all pertinent information about the allegation(s). All spaces on the form should be completed.

   b. Allegation Summary - concise but complete synopsis of the allegation(s) with findings of fact (i.e., sustained, non-sustained, exonerated, unfounded, or withdrawn).

   c. Investigative report - a chronological summary of the investigation.

   d. Statements - transcribed taped interviews (in sustained cases), detailed reports, etc. from citizens, witnesses and/or the subject employee(s).

   e. Photographs, sketches and other supporting documents.

   f. Correspondence - copies of any memos or other correspondence related to the investigation.

6. The assigned case investigator will complete their investigation and submit their report through the chain of command to the OPC within the time period designated by the bureau chief. OPC will submit their investigative report(s) directly to the law enforcement bureau chief. Internal Affairs at the Detention Center will submit their investigative report(s) directly to the Warden.

B. Assigned Case Investigator's Responsibilities

1. Contact the complainant and obtain a detailed information about the allegation, including names/addresses of potential witnesses, or other evidence they can furnish.

2. Gather all facts and evidence regarding the allegations, including: statements from witnesses, physical evidence, photographs, sketches, documents, etc.

3. Interviews involving complainant(s), witness(es), and subject employee(s) should be tape recorded whenever possible.

4. The assigned case investigator will investigate and report all aspects of the allegation(s) in a manner that is fair and impartial to everyone involved.

5. If, during the investigation of the initial allegation(s), it is discovered that other misconduct not a part of the original complaint may have also occurred, the additional misconduct will also be investigated, addressed in the final report, and if applicable, adjudicated.

6. The assigned case investigator will be responsible for informing the bureau chief of continuing developments in the investigation so a decision can be made whether to:

a. Retain the subject employee in their current assignment; or

b. Assign the subject employee to some other duty where there is close supervision and limited contact with the public or other police officers; or

c. Place the subject employee on Administrative Leave or Emergency Suspension, with or without pay, in accordance with the Law Enforcement Officers Bill of Rights.

7. After all evidence and statements are obtained from witnesses, the subject employee will be interviewed.

   a. Subject Employees who are sworn will be served with a Notice of Complaint (FCSO Form 52-C), Notification of Rights-Waiver of Rights (FCSO Form 52-D), and Explanation of the Law Enforcement Officers' Bill of Rights (FCSO Form 52-Q).

   b. Correctional Officers and civilian employees do not fall under the guidelines of the Law Enforcement Officers Bill of Rights; therefore, they will be served with a written memo notifying them of the complaint allegation(s).

   c. Prior to the start of a subject deputy's internal affairs interview/ interrogation, they will be served with a Waiver of Rights and Notification of Interrogation (FCSO Form 52-E) in accordance with the Law Enforcement Officers Bill of Rights (LEOBR); this form is not applicable to Correctional Officers and civilian employees who do not fall under the guidelines of the Law Enforcement Officers Bill of Rights.

      (1) The subject employee's interrogation shall take place at the assigned case investigator's office, or a location they designate, or any other reasonable place.

      (2) The subject deputy's or correctional officer's interrogation shall be conducted at a reasonable hour, preferably when they are on duty and working, unless the seriousness of the investigation necessitates an immediate interrogation.

      (3) Interrogations shall last for reasonable periods of time, and opportunities will be given for personal necessity breaks and/or rest periods, when reasonably necessary.

      (4) Subject deputies or correctional officers shall be informed of the name and rank of the interrogating officer, and all other persons attending the interrogation.
      (5) All questions shall be asked by and through only one (1) person.

      (6) Subject deputies or correctional officers being interrogated may not be threatened with transfer, dismissal, or disciplinary action.

   d. In cases where a sworn employee under investigation is requested to submit a detailed report concerning the allegation, they will first be served with a Form 52-C, Form 52-D, and Form 52-Q. In similar situations, when a detailed report is requested from a correctional officer under investigation, they will first be served with a written memo notifying them of the complaint. Deputies and/or correctional officers under investigation will be given ten (10) days to submit the report.

e. Whether a subject deputy or correctional officer is actually interviewed/interrogated is dependent upon the evidence. For example, if the evidence clearly shows the allegation is unfounded or the subject employee is exonerated, there would normally be no need to interview them. When applicable, these circumstances should be discussed with the bureau chief responsible for the investigation.

f. Deputies under investigation may be ordered to submit to blood alcohol tests, or blood, breath or urine tests for controlled dangerous substances, polygraph examinations, and compelled interrogations specifically relating to the subject matter of the investigation.

(1) Failure to comply with orders to submit to the aforementioned tests, examinations, and/or interrogations may result in the subject deputy also being charged with additional violations of the Rules of Conduct (e.g., Insubordination and/or Failure to Obey a Lawful Order), which could result in additional punitive action or dismissal.

(2) The results of blood alcohol tests, or blood, breath or urine tests for controlled dangerous substances, polygraph examinations, or compelled interrogations are not admissible or discoverable in any criminal proceeding against the deputy.

g. A complete record (preferably taped and/or transcribed) shall be kept of the subject employee's entire interrogation, including all legal objections by counsel, and recess periods. Upon completion of the investigation, and by request of the deputy, correctional officer, or his/her counsel, a copy of the interrogation shall be made available at least ten (10) days prior to any hearing.

h. If a subject deputy or correctional officer is under arrest, or likely to be placed under arrest as a result of the interrogation, he/she shall be informed of all of their rights prior to the interrogation.

i. Any sworn employee under investigation shall have the right to be represented by legal counsel, or any other available representative of their choice, during their interrogation.

(1) On those occasions when a personal representative is used, that individual shall first sign a nondisclosure agreement, prior to beginning the interrogation, agreeing they will not disclose any information discussed during the interrogation, in accordance with the law.

(2) The subject employee's attorney or personal representative shall be present and available for consultation at all times during the interrogation, unless waived by the subject employee.

(3) An interrogation shall be suspended for a period of five (5) days until representation is obtained; the Sheriff may extend this time period for good cause.

j. Correctional Officers and civilian employees are not covered under the guidelines of the Law Enforcement Officers' Bill of Rights. When they become the subject of an administrative investigation, the correctional officer or civilian employee will be given a written memo notifying them of the complaint; they may have the right to be represented by legal counsel; and, their interviews will be conducted in accordance with Frederick County Personnel Rules.

8. After reviewing all the evidence and statements, the assigned case investigator will prepare a report that includes their recommended findings for each of the allegations.

9. When the investigation is completed, the assigned case investigator will submit their report to the OPC for review; areas which need clarification will be discussed and either resolved or the case will be returned to the case investigator for additional follow-up.

C. Command Officer Responsibilities

1. The OPC will forward the completed investigation to the subject employee's division commander/director, who will prepare an endorsement with their recommendations.

2. Endorsements will progress upward through the chain of command to the Sheriff for his review and final disposition.

3. If a recommended finding is sustained and disciplinary action is deemed appropriate, the division commander/director will prepare the necessary forms and submit the entire package to the bureau chief for final disposition.

4. Disciplinary action involving sworn employees below command rank will be the responsibility of the bureau chief with concurrence of the Sheriff.

5. Disciplinary action involving sworn command personnel will be the responsibility of the Sheriff.

6. Disciplinary action involving correctional officers will be the responsibility of the correctional bureau chief, the Warden, and forwarded to the Chief Deputy for final disposition. The Sheriff will serve as the final appellate authority in cases where correctional officers file appeals.

7. Disciplinary action involving civilian employees will be in accordance with guidelines established by the Frederick County Department of Personnel. The Sheriff will be notified in those cases where suspension of civilian personnel is necessary.

8. In those cases necessitating a hearing board, the scheduling of dates, hearing board assignments, and appropriate notifications will be handled by the Chief Deputy.

52.3.2 Relief from Duty

A. Emergency suspension of police powers, with pay, by the Sheriff, may be imposed when it appears to be in the best interest of the public and the Frederick County Sheriff's Office.

B. The Sheriff may suspend the police powers of sworn personnel and reassign them to restricted duties pending the adjudication and/or verdict of a court of competent jurisdiction regarding any criminal violations against sworn personnel; or, pending the final disposition by an administrative hearing board regarding certain Sheriff's Office violations.

C. Emergency suspension of police powers, without pay, by the Sheriff, may be imposed on any sworn employee who has been charged with committing a felony crime, in accordance with the Law Enforcement Officers' Bill of Rights (LEOBR).

D. All sworn employees suspended with or without pay are entitled to a prompt hearing on the suspension in accordance with the Law Enforcement Officers' Bills of Rights.

E. Civilian employees may be suspended in accordance with the Frederick County Department of Personnel Rules and Regulations.

52.3.3 Use of the Polygraph in Internal Investigations

A. Polygraph examinations are a useful tool in administrative investigations; however, they should only be used when necessary and as a last resort.

B. All questions asked during a polygraph examination given for administrative purposes must be narrowly and specifically related to the scope of the internal investigation.

C. The results of a polygraph test in administrative matters, may not be used as evidence in an administrative hearing when sworn member under investigation has been ordered to submit to the polygraph examination, except where the Sheriff's Office and the sworn employee agree to the test results, and agree to have the test results admitted at the administrative hearing.

52.3.4 Evidence Collection

Evidence collection involving administrative investigations of sworn employees will be done in accordance with the Law Enforcement Officers Bill of Rights, and when applicable, the following guidelines:

A. When a sworn Sheriff's Office employee is on duty and there is indication the employee may be under the influence of alcohol, they will be required to submit to visual field sobriety testing and/or blood alcohol tests. The tests will be accurately recorded. A blood or urine test may be required of any employee suspected of using illegal drugs or controlled dangerous substances, either on or off duty.

1. A Certified CDS Manager will be called to make a determination whether probable cause exists.

2. The CDS Manager shall obtain advice from the County Attorney's Office or Director of Human Resources when necessary.

B. For the protection of armed Agency employees, and the Frederick County Sheriff's Office, during the investigation of Agency-involved shooting incidents, the armed Agency personnel who used their firearms will be required to submit to a blood and/or urine test, and a

breathalyzer test, to determine any use of alcohol and/or non-prescribed drugs. This testing may also be required of armed Agency employees involved in other critical incident situations as deemed necessary by the Sheriff.

C. Employees may be required to have their photographs taken, or participate in a line up, if the evidence is material to a particular offense being investigated. Personnel Services will maintain a photograph of all employees that can be used for internal investigations.

D. Employees may be required to submit financial disclosure statements when it is material to a particular internal affairs investigation relating to a conflict of interest.

E. Members of an employee's family will not be required to give a statement to any internal affairs investigator. This does not prohibit any family member from making allegations of misconduct against Agency employees, or from making voluntary statements to the OPC.

F. Employees may be required to submit to any other type of medical or laboratory examination pursuant to criminal rules of procedure.

52.3.5 Whistleblower Protections

A. No sworn employee may be retaliated against (i.e., discharged, disciplined, demoted, denied promotion, transferred or reassigned; or threatened with these actions; or otherwise discriminated against with these actions) because the sworn employee:

1. Lawfully exercised their rights under the Law Enforcement Officers' Bill of Rights; or,

2. Lawfully exercised their constitutional rights; or,

3. Made a disclosure concerning gross mismanagement, waste of resources, substantial danger to public health/safety, or disclosed a violation of law committed by another law enforcement officer/deputy.

B. No sworn employee may undertake an independent investigation based on their personal knowledge of these disclosures being made, in accordance with law.

52.3.6 Time Limits

To achieve a speedy resolution for internal affairs issues, an internal affairs investigation will generally be completed within thirty (30) days. In cases where extenuating circumstances or just cause exists, this time limit may be extended with the approval of the Sheriff, or his designee. All requests for time limit extensions shall be made in writing and included in the investigative case file. A verbal status report should be given to the bureau chief every seven (7) days.

52.3.7 Conclusion of Fact

A. A conclusion of fact (or a finding) will be made for each allegation in every investigation alleging employee misconduct. This determination helps identify necessary changes to policy,

special operating procedures, rules of conduct, or training that may prevent similar allegations of misconduct in the future.

B. Upon final disposition by the Sheriff, the OPC will notify the following parties of the findings in each internal affairs investigation:

1. The Complainant will be notified in writing about the final disposition for each allegation examined.

2. The employee will be notified in writing about the final disposition (or findings) for each allegation s made against them.

3. The necessary bureau chiefs will be notified in writing of the findings so that any appropriate participants in the process can be informed.

4. The Training Services Supervisor will be notified when an issue of training needs to be addressed. The Director of Administrative Services for Corrections will be notified when an issue of training needs to be addressed within the Corrections Bureau.

5. The Accreditation Coordinator will be notified when revisions are needed to Agency general orders, special operating procedures, rules of conduct, etc.

52.3.8 Hearing Board Procedures

A. Right to a Hearing:

1. If a sworn employee's administrative investigation or interrogation results in the recommendation for demotion, dismissal, transfer, loss of pay, reassignment, or similar punitive action, the sworn employee is entitled to a hearing on those issues by a hearing board, before any such action can be taken by the Agency, in accordance with the Law Enforcement Officers' Bill of Rights.

2. A sworn employee is not entitled to a hearing board if he/she has been charged and convicted of a felony.

3. The hearing process for correctional officers and civilian employees shall be handled in accordance with Frederick County Personnel Rules and Frederick County Sheriff's Office Administration Manual.

B. Hearing Board Members

1. A hearing board authorized by the Sheriff to address complaint(s) against a sworn employee shall consist of not less than three (3) voting members who:

a. Are appointed by the Sheriff, and are sworn employees chosen from within the Sheriff's Office or selected from law enforcement officers of another agency; and,

b. Have had no part in the subject employee's investigation or interrogation that is the topic of the hearing board; and,

c. At least one (1) member of the hearing board shall be of the same rank as the subject employee against whom the complaint was filed.

2. If a deputy is offered summary punishment and refuses it, a one (1) or three (3) member hearing board shall be convened.

a. The participant of the one-member hearing board need not be the same rank as the subject employee.

b. The one-member hearing board has the authority to only recommend sanctions provided in the summary punishment.

C. Hearing Board Procedures

1. Hearing boards for all sworn employees will be conducted in compliance with the Law Enforcement Officers' Bill of Rights and Maryland law

a. In accordance with the LEOBR and the Maryland Open Meetings Act, the hearing board will be open to the public, unless the Sheriff finds the hearing must be closed for good cause (i.e., to protect a confidential informant, an undercover deputy, a child witness, etc.).

b. Both the sworn employee and the Sheriff's Office can be represented by counsel.

c. At the request of either parties, the Hearing Board Chair can issue subpoenas to compel the testimony of witnesses and production of documents and other evidence.

d. The Hearing Board Chair shall administer oaths or affirmations to all witnesses called to testify, and may examine them under oath when applicable.

e. The hearing board shall allow both parties ample opportunity to call witnesses, present evidence and make relevant arguments with respect to the issues involved.

f. Each party has the right to cross-examine witness(s) who testify and then present rebuttal evidence.

2. The hearing board shall consider the admissibility and probative value of various types of evidence (i.e., testimony, physical evidence, documents, etc.) in accordance with Maryland Rules of Evidence; and, shall exclude any evidence deemed incompetent, irrelevant, immaterial, and unduly repetitious. All evidence admitted during the hearing shall be made part of the hearing board record.

3. The hearing board may utilize its experience, technical competency, and specialized knowledge when evaluating evidence, and take judicial notice of evidence deemed to be obvious fact, authoritatively accepted as fact, or generally regarded as fact by a reasonable and prudent person.

4. An official record, including all testimony and exhibits, shall be kept of the entire hearing.

5. Any decision, order, or action taken as a result of the hearing board shall be in writing and shall be accompanied by findings of fact. The findings shall consist of a concise statement upon each issue in the case.

    a. A finding of "not guilty" terminates the action.

    b. If there is a finding of guilt, the board shall consider the deputy's past job performance and other relevant information before making its recommendation to the Sheriff.

6. The Hearing Board's written recommendation as to punishment is not binding upon the Sheriff.

    a. Within 30 days of receipt of the hearing board's recommendations, the Sheriff shall review the findings, conclusions, recommendations, and issue the final order. The final order is binding but may be appealed in accordance with the Law Enforcement Officer's Bill of Rights.

    b. Before the Sheriff can increase the recommended penalty of the Hearing Board, he shall review the entire record of the proceedings, shall permit the deputy to be heard, and shall state the reason for the increase in penalty.

52.3.9 Adverse Material

Adverse material may not be inserted into any employee's file, except in the internal affairs files, unless the employee has had an opportunity to review, sign, receive a copy of it, and then comment in writing about the adverse material.

52.3.10 Expungement

Upon written request, an employee may have any record expunged from any file if the complaint has been exonerated; or, the administrative charges have been withdrawn, non-sustained or unfounded, and three (3) years have passed since the findings of the complaint have been finalized.

53.1 LINE INSPECTIONS

This General Order consists of the following sections:

53.1.1 Line Inspections

POLICY

Supervisory staff will conduct line inspections in accordance with general orders 53.1 and 53.2 to ensure members compliance with Sheriff's Office policies, procedures, rules and regulations.

PROCEDURES

53.1.1 Line Inspections

A. All employees and physical resources of the Frederick County Sheriff's Office shall be subject to line inspections.

B. Line inspection is the process by which any supervisor can review and observe subordinates' activity to ensure the proper compliance with Sheriff's Office policies, procedures, rules and regulations. These inspections are not limited to persons but also include all physical resources and facilities used by the Frederick County Sheriff's Office. In such inspections the supervisor will, upon observing substandard conditions, take immediate corrective action.

C. Supervisory personnel may be held accountable for the condition of personnel, equipment and facilities that fall within their command.

D. Grooming and uniform/issued equipment maintenance

1. The line inspection of personal appearance is the duty of all unit and team 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. Personal appearance will be documented on the quarterly form 35-B a minimum of once a month.

2. During the first week of each month the first line supervisor, team or unit supervisor shall conduct a formal inspection for each team. The team leader/unit supervisor will be responsible for conducting a formal inspection of the equipment of all uniformed personnel assigned to their team.

3. Formal inspections will include a review of the issued and personal equipment, service weapon(s), and vehicle. The first line supervisor, team, or unit leader will complete an inspection sheet (FCSO Form #53-A) on every unit or team member inspected. The inspection sheet shall be forwarded to the respective Lieutenant, and through the

respective chain of command for review and filing. Supervisory personnel shall have access to the file as needed.

4. Firearms with loaded chambers, that need to be cleaned, examined, or otherwise inspected inside the LEC, will first be unloaded utilizing the unloading station located in the sally port.

5. Tasers will be spark tested only after verifying that the Taser cartridge has been removed and that the taser is pointed in a safe direction (such as the floor) with no part of your body or any other personnel in front of the devise.

6. Any deficiencies such as but not limited to: items missing, needing repair, replacement, etc. will be noted on FCSO Form #53-A, with a follow-up inspection conducted to assure corrective action has been taken.

E. Vehicle inspections

1. The line inspection of Sheriff's Office vehicles is the duty of first line supervisors, team or unit leaders, made on a daily basis to ensure proper care and appearance of all vehicles. Vehicle maintenance will be documented on the quarterly form 35-B a minimum of once a month. Mechanical maintenance of the vehicle is the responsibility of the LEC motor pool.

2. The first line supervisor, team, or unit leader will see that each vehicle is inspected monthly for the general condition (i.e., damage to the interior and exterior) and supplies such as radio equipment, emergency warning devices, emergency first aid supplies, flares, and equipment typically kept in the vehicle.

3. The first line supervisor, team, or unit leader will then complete the appropriate section of inspection form, noting any discrepancies or problems. The inspection form will be forwarded through the respective chain of command to the Lieutenant for any necessary follow-up and filing.

4. Any deficiencies such as but not limited to: items missing, needing repair, replacement, etc. will be noted on FCSO Form #53-A, with a follow-up inspection conducted to assure corrective action has been taken.

5. County vehicles not assigned to a specific deputy:

   a. Spare cruisers will be inspected monthly by the FSCO fleet manager, or designee, and recorded on the Line Inspection Sheet (Form 53-A).

   b. County vehicles not assigned to the FCSO, such as 4-wheel drive vehicles used during inclement weather, will be inspected by the deputy at the beginning of the shift and recorded on the Line Inspection Sheet (Form 53-A).

   c. The completed Line Inspection Sheet will be reviewed by the team supervisor who will assist in having functional deficiencies corrected prior to the deputy's tour of duty. Vehicles deemed by the supervisor to be unsuitable for operation will have the

reason noted on the Line Inspection Sheet. The Sheriff's Office fleet manager will be advised of any deficiencies for follow-up.

d. Line Inspection Sheets for spare cruisers and vehicles not assigned to the FCSO will be maintained by the fleet manager.

F. Facility Inspection

All supervisors are responsible for the ongoing inspection by observation of the general condition and cleanliness of the Sheriff's Office facilities and furniture and for reporting any problems to the appropriate Division Commander, describing the problem and recommended solution.

G. Special Purpose Line Inspections

1. Any supervisory personnel may direct special purpose line inspections on an as needed basis.

2. Examples of special purpose inspections may include controlled substance evidence, training manuals and property room audits.

53.2 STAFF INSPECTIONS

This General Order consists of the following section:

53.2.1 Staff Inspections

POLICY

Staff inspections are conducted to ensure the efficient functioning of the Sheriff's Office, and to monitor compliance with policies, procedures, rules and regulations contained in the Sheriff's Office Administrative and Operations Manuals.

PROCEDURES

53.2.1 Staff Inspections

A. Inspection procedures:

1. Staff inspection involves inquiring into the manner in which personnel and material resources are utilized in achieving the Sheriff's Office goals, and ensuring adherence to the directives of the Sheriff. The staff inspection function in law enforcement is similar to the quality control process in the private sector. It provides answers to questions of vital importance to the Sheriff such as:

    a. Are established policies, procedures and rules being followed and in the spirit for which they were designed?

    b. Are these policies, procedures and rules adequate to attain the desired results?

    c. Are the resources at the Sheriff's Office disposal, both personnel and material, being utilized to the fullest extent?

    d. Are the resources adequate to carry out Sheriff's Office goals and objectives?

    e. Does there or could there exist any deficiency in personnel training, morale, supervision or policy which should be corrected or removed?

    f. How accurate and reliable is the data that the Sheriff's Office collects?

    g. Of what quality are the responses to calls for service and the reporting system?

2. All general staff inspections may be conducted by the Accreditation Coordinator or any other member designated by the Sheriff, Chief Deputy, or Bureau Chief.

3. Notification will be made prior to initiating any general inspection. The designated staff inspector will notify the division commander of the component to be inspected.

4. No notification need be provided to members when conducting single function inspections.

5. Staff inspections will be conducted with as little disruption of the routine component activity as possible. The operation of the component being inspected should not be unnecessarily restricted.

6. General inspections will usually include the following:

    a. Examination of all records and files
    b. Observation of operating procedures
    c. Examination of equipment and work areas
    d. Interviews with selected personnel
    e. Personnel and vehicle inspections

7. At the completion of the inspection, the staff inspector, the division commander, and others -- at the discretion of the division commander -- will discuss the component inspected, and the results of the inspection, including what recommendations will be made to the Sheriff.

B. At the conclusion of the staff inspection, the staff inspector will prepare a written report for the Sheriff that will summarize the staff inspection activities, discuss strengths and weaknesses identified and make recommendations for the improvement of the component operations.

C. Staff inspection follow-up

1. The results of the general staff inspection will be discussed at a meeting of the Bureau Chief, division commander, and staff inspector.

2. The Bureau Chief will be responsible for ensuring the development and execution of an action plan to implement the staff inspection report recommendations. The inspection report and action plan will be forwarded through the chain of command to the Sheriff for review.

3. The Bureau Chief will conduct a follow-up inspection with the staff inspector and will prepare a follow-up report based on that inspection. The follow-up report will note any deficiencies that cannot be immediately corrected, and upon completion, those corrections will be reported to the Sheriff by separate memorandum from the Bureau Chief.

D. All organizational components may receive staff inspections as directed by the Sheriff.

54.1 PUBLIC INFORMATION

This General Order consists of the following sections:

54.1.1 Sheriff's Office Commitment
54.1.2 Function
54.1.3 Assignment & Duties
54.1.4 Frequency of Dissemination of Information to the Media
54.1.5 Dissemination of Information to the Media
54.1.6 Guidelines Recognizing or Revoking Credentials
54.1.7 Actions of the Media at Crime Scenes
54.1.8 Office Policy Changes Concerning the Media
54.1.9 Guidelines for Disseminating Public Information
54.1.10 Release of Information by Office Members
54.1.11 Multiple Jurisdictions
54.1.12 Web Page Maintenance

POLICY

It is the policy of the Frederick County Sheriff's Office to closely observe the right of the community to be informed through print and broadcast media of events occurring within the community that are handled by or involve the Sheriff's Office.

PROCEDURES

54.1.1 Sheriff's Office Commitment

The public's perception of any organization stands or falls upon the impression it creates through day to day contacts with its personnel. The Sheriff's Office is committed to fostering a cooperative relationship with the community it serves through open communications and shall release information of interest to the public. Through strict control and release of information, the Office shall foster a relationship of mutual trust, cooperation, respect, and professionalism. Every contact made by employees of this Office can be measured in terms of public relations.

54.1.2 Function

A. Supervisors are responsible for seeing that press releases are completed for incidents which occur during their shift.

1. The press release will be prepared by the on-duty Lieutenant, Sergeant, Corporal or Deputy involved in the incident.

2. The Spokesperson will review and modify the press release if necessary.

B. It is the responsibility of the Spokesperson to see that the information regarding the activities of the Sheriff's Office is made available to the media and the public.

1. Routine releases will be disseminated by the Spokesperson and a copy forwarded to the respective Commander.

2. The Spokesperson shall be available to assist the media when the need arises.

3. The Spokesperson will assist in the capacity of a resource, when required, in the preparation of Office News Releases.

4. The Spokesperson will assist, when requested, in arrangement and logistics of News Conferences.

5. The Spokesperson will assist, when requested, in the coordination, authorization of releases of information on victims, witnesses, and suspects.

6. The Spokesperson will assist, when requested, in crisis situations within the Office.

7. The Spokesperson will assist, when requested, in the coordination and authorization of releases of information concerning confidential office investigations and operations.

C. It is the responsibility of all Office personnel, sworn and non-sworn, to cooperate with those that gather and report the news.

54.1.3 Assignment and Duties

The Sheriff will designate the Spokesperson to act as the Office's public information officer.

54.1.4 Frequency of Dissemination of Information to the Media

The Spokesperson will determine the frequency and content of the media releases in consultation with the Operations Division Commander, Chief of the Law Enforcement Bureau, the Chief Deputy, and the Sheriff. Information shall be released to the media when it becomes available and organized, and is determined to be of importance to the media. When the information is ready for release, it shall be disseminated by the Spokesperson and made available to all media sources on an equal basis.

54.1.5 Dissemination of Information to the News Media

A. Under unusual circumstances, the Commander of the involved division, or his designee, shall prepare press releases for the media. These releases shall avoid statements that could reflect unfavorably on the Office, or discuss internal Office business, policy, or any potential or controversial matter without prior permission to do so from the Sheriff. Personnel will not be impolite or discourteous to members of the media.

B. The Spokesperson will be appointed by the Sheriff and will be available during normal business hours for routine events and on call for special events, disasters, and unusual or serious occurrences. Routine cases shall be handled by the duty sergeant, or supervisor

consistent with 54.1.10. These supervisors shall check the previous reports of incidents for timely routine releases of newsworthy events to the media. The press release will be emailed to the Spokesperson for review. The Spokesperson will forward the release to the media.

C. The Spokesperson will respond to handle media inquiries for incidents that generate a great deal of media interest, such as:
   1. Homicides, kidnapping, robberies.
   2. Natural or manmade disasters resulting in the loss of life and/or extensive property damage.
   3. Aircraft disasters, serious/fatal injury traffic accidents, school bus accidents involving injuries.
   4. Missing persons where foul play is suspected.
   5. Strikes or demonstrations.
   6. Shooting by citizens or police.
   7. Deaths other than from natural causes.

D. News media questions regarding on-going investigations will be handled by the Spokesperson with assistance from the Criminal Investigations Supervisor, and/or State's Attorney's representative.

E. Information relating to internal personnel files and investigations will not be released to the media without prior approval from the Sheriff and the Frederick County Personnel Director, with consultation of the County Attorney.

F. Anytime a representative of the news media is denied access to certain information, as outlined in this order, that representative will be given a courteous explanation of the reasons for such denial.

G. The Section Commanders/Directors, Division Commanders, Law Enforcement Bureau Chief, Chief Deputy, and the Sheriff will coordinate and supervise the release of information when a crisis arises within the agency. Information of a sensitive nature will be released in a timely manner.

H. News releases of a routine nature will be prepared by the supervisor in charge. Press releases will be completed and given to or emailed to the Spokesperson for release.

I. All requests for copies of an arrested subject's mugshot photograph will be referred to the Records Section. Each request will be reviewed on a case by case basis by the Records Section to ensure that the release will not hinder an on-going investigation or violate any right to privacy. If no conflict exists, a copy of the arrested subject's mugshot photograph will be released. A Records Disbursement form, FCSO form 82-G, will be completed and placed in the appropriate file.

54.1.6 Guidelines Recognizing or Revoking Media Credentials

A. Employees will not interfere with the lawful activities of the news media at the scene of a crime or other event but will act in accordance with the guidelines of this order. Personnel of the news media at crime scenes or other events will govern their actions by local and state

ordinances, regulations and policies of the Frederick County Sheriff's Office and the State of Maryland.

B. Any person not associated with a recognized news agency will be asked to leave the scene of a crime or major event. A deputy may request official credentials, either in the form of a press pass or employee identification card, from a news person if unsure they are employed by a credible news agency.

C. A member of a news media who has violated the guidelines of this policy may have their credentials or rights to enter a crime scene or major event revoked by the Sheriff's Office. These rights may be given back to that representative when it is proven his or her actions will not reoccur. A written memo will be forwarded to the media's representative supervisor describing the unacceptable actions of the news person and the actions taken by the Sheriff's Office.

54.1.7 Actions of the Media at Crime Scenes

A. The on-duty supervisor, or scene commander will coordinate activities of the media at the scene of a crime or activity that is under the control of the Office. A crime scene perimeter and a staging area for the news media will be established. The Spokesperson will coordinate the release of information and assist with their requests.

B. The news media will be denied access to these areas/situations listed:

1. If the owner of private property requests they be excluded or case law dictates otherwise.

2. If there is a possibility that evidence will be damaged, tampered with or removed from the scene of a crime, or the investigation will be hampered.

3. During a tactical police operation, if the media's presence would disrupt operations or place a citizen or deputy in substantial risk of injury or loss of life.

4. May not enter a private residence.

5. Secure areas of the Adult Detention Center.

C. A member of the news media should not be prevented from having access to an area unless he or she will be subjected to the possibility of injury or death. The news media should be clearly advised of the danger by deputies on the scene.

D. The ranking scene commander or on-duty supervisor has the authority to restrict access of the news media to crime scenes or tactical situations if in his or her judgment the above guidelines would be applicable or the subject does not possess the proper credentials, as outlined in 54.1.6.

54.1.8 Office Policy Changes Concerning the Media

If a policy or procedural change in the Sheriff's Office develops concerning the news media, representatives from the various media will be encouraged to participate in the development of the policy or procedure.

54.1.9 Guidelines for Disseminating Public Information

A. In instances where members of the Office are either actively involved in or have just concluded a police action, care should be exercised before talking with media representatives.

1. Members should be aware that their obligation is to the investigation at hand and reports containing important information should be completed before conversing with the media.

2. Members should confer with supervisors if they have questions as to what information is appropriate to be released concerning a police action.

B. Members of the Office should release information to the media in conjunction with the following guidelines:

1. Information released prior to arrest:

a. Information that is of a factual matter, when, how and by whom the incident was reported.

b. Edited information concerning criminal acts and traffic collisions as contained on the face of the incident report and traffic collision report forms.

c. A brief description of the exact offense to include: location, time, injuries sustained or damages from the incident, and Office's response and special units involved or other Office assistance.

d. Identity of the victim after reasonable attempts to notify the next of kin, except for a sex crime victim.

e. Identification and photograph of a fugitive for whom a warrant has been issued.

f. The criminal background of a fugitive, if the public should be alerted.

g. The name of the deputy who is in charge of the investigation.

2. Information not released prior to arrest:

a. Information that is of a subjective nature.

b. The identity of witnesses and victims who can positively identify the suspect.

c. Exact information concerning an on-going investigation, whether it be a crime or traffic collision, shall not be released if the information would jeopardize the investigation or prosecution of the case.

d. The identity of suspects that are interviewed but not charged will not be released.

e. Information on matters that are currently in litigation in the courts.

f. Information that may incur liability upon the county.

3. Information not released prior to arrest without proper authorization.

a. The identity of sexual assault victims.

b. The identity of juvenile offenders, as specified in State law, without approval from Juvenile Court.

c. Information regarding personnel of this Office and internal investigations.

d. Information concerning the death of a person will not be released without prior approval of the Law Enforcement Bureau Chief, Division Commanders or the on-duty supervisor and will only be released by the Spokesperson.

C. Information released after arrest:

a. The time and place of arrest. In cases of juvenile arrests, if it is made at the juvenile's home, indicate only the juvenile's residence not street address.

b. The arrestee's name, age, sex, race, residence and charges may be released after charges have been filed with the exception of juvenile arrests, which shall only list the accused's sex, age, postal area of residence, charges, investigating/arresting agency and circumstances of arrest.

c. The circumstances surrounding the arrest, such as place of arrest, resistance, pursuit, use of weapons, and evidence seized, may be released if this information will not hinder the outcome of the case.

d. The name of the arresting deputy and the duration of the investigation.

2. Information not released after arrest.

a. Fatal collisions: Every effort must be made in the case of fatal collision investigations to notify a victim's next of kin before the media is informed. If such notification cannot be given within a maximum of eight (8) hours, the reason will be determined and the media advised and requested not to release the victim's name until notification can be made.

b. The identity of a suspect prior to arrest, except to the extent necessary to aid in the investigation, to assist in apprehension of the suspect or to warn the public of danger.

c. Information that could lead to the identity or specific address of a juvenile.

d. Statements concerning the character or reputation of an accused person.

e. Existence or contents of any confession or admission given by the accused or his refusal to make a statement.

f. Expected content of testimony or credibility of prospective witness.

g. Possibility of a plea of guilty to the offense charged or to a lesser offense or other disposition.

h. Other statements relating to the merits, evidence, arguments, opinions or theories of the case.

i. Information concerning a person's prior criminal record.

j. On motor vehicle collision reports where a Juvenile is charged with a violation of the Transportation Article or Article 27, Homicide by motor vehicle, which upon conviction may involve incarceration as all or part of the penalty, all reference to charges shall be purged prior to the release.

k. No copies of written reports will be released to the public/media without authorization from the Records Supervisor or command personnel.

l. No criminal reports will be given to anyone.

m. Photographing and Interviewing by the Media

(1) The deliberate posing of a person in police custody for photographing or televising is prohibited. The media does have the right to photograph a person in police custody as long as it is not a posed picture.

(2) If a suspect is a Juvenile or if undercover police personnel are in jeopardy of being exposed to the media, police personnel must take appropriate steps to ensure that their identity is not revealed. Police personnel should not attempt to interfere with media personnel photographing an actual ongoing event. However, if security or other valid reasons exist, media access may be restricted.

(3) A person in police custody will not be permitted a media interview.

n. Information that could lead to the identity or specific address of a sexual assault or domestic violence victim unless involving a death.

(1) The press release will only be completed when there are inquiries by the media and a press release is requested.

(2) Every effort will be made to notify the victim before the media is informed.

(3) The press release will include:
(a) Date and time
(b) General location of the incident, but not an exact address
(c) Arrestee's name, age, and address, if different from the victim's
(d) Narrative

54.1.10 Release of Information by Office Members

A. The supervisor that wishes to make a press release will document the content on a "Press Release" Form. The press release will be reviewed by the Spokesperson and he/she will forward the release to the media.

B. Press Release Form

1. The Press Release Form will be completed by the Shift Supervisor.

2. The Press Release Form will include:
   a. Date and time.
   b. Case number.
   c. Location of incident.
   d. Incident.
   e. Authorizing signature.
   f. Narrative.
   g. Media notification.
   h. Other information, as applicable, as outlined in 54.1.9.

3. The Press Release will be disseminated by the Spokesperson in the following manner immediately upon release to the media:

   a. Faxed to the Sheriff's Office.

   b. Copy provided to the Commanders, the Law Enforcement Bureau Chief, and the Chief Deputy.

   c. Copy to the Records Section to be placed with the case file.

   d. Copy to be maintained by the Spokesperson

4. The faxed copy will immediately be delivered to the Sheriff upon receipt at the Sheriff's Office.

5. Information from witnesses or obtained from other agencies will not be disseminated in a Press Release. Information obtained by other agencies should be released by that agency.

54.1.11 Multiple Jurisdictions

In situations where multiple jurisdictions are present (police, fire, medical examiner), the Spokesperson shall be consulted by the Commander to devise a plan of coordination and dissemination of information to the news media.

54.1.12 Web Page Maintenance

A. The Frederick County Sheriff's Office will maintain a Web Page as a public information tool. This valuable media resource is designed to promote the vision, commitment, services and accomplishments of the Frederick County Sheriff's Office.

B. The Web Page will be updated quarterly (January, March, June, and September). More frequent updates may be required based on need or at the Sheriff's direction.

C. All information to be placed on the Web Page (including photographs) will be approved by the Sheriff prior to placement on the Web Page. No information will be placed on the Web Page without the written approval of the Sheriff. All submissions will be through the chain of command with appropriate endorsements at each level.

D. Upon the Sheriff's approval, the assigned staff member will conduct the update and maintain an audit file of all Web Page updates.

E. The address for the Web Page is http://www.frederickcosheriff.com

54.2 AUDIO/VIDEO RECORDING OF LAW ENFORCEMENT OFFICERS

This General Order consists of the following sections:

54.2.1 Definitions
54.2.2 Rights and Restrictions
54.2.3 Warrantless Seizure

POLICY

The Frederick County Sheriff's Office (FCSO) recognizes that the members of the general public have a First Amendment right to observe, video record, photograph, and/or audio record FCSO members while they are conducting official business or while acting in an official capacity in any public space, unless the person's location, actions, and/or behavior create a legitimate, articulable threat to officer safety, or an unlawful hindrance to successful resolution of the police activity.

PROCEDURES

54.2.1 Definitions

A. Obstructing and Hindering: The common law criminal misdemeanor of obstructing and hindering a police officer in the performance of his/her police duties. The elements of this offense are:

1. The police officer is engaged in the performance of an official police action or duty;

2. The accused bystander commits an act, or perhaps an omission, which obstructs or hinders the police officer in the performance or completion of that official police action or duty;

3. The accused bystander knew, or should have known, of the officer's identity as a sworn law enforcement officer (i.e., the officer was in uniform, was wearing some outermost garment/armband on which the word "POLICE" or "DEPUTY SHERIFF" was printed, etc.);

4. The accused bystander knew, or should have known, that the officer was engaged in an official police action or duty; and

5. The accused bystander intended to obstruct or hinder the police officer by the act or omission.

B. Photographing: The act of capturing and storing a still image, whether in an electronic/digital format, or on any type of light-sensitive film (e.g., traditional 35mm film).

C. Video Recording: The act of capturing a series of images that, when replayed in succession, reproduce a sequence of activities in motion. Video recordings may be stored on a length of light-sensitive film, a videotape cassette, or in a digital format (e.g., a removable memory card), and may or may not contain a simultaneous audio recording.

D. Recording device: A device on which sound and pictures are recorded such as a camera or smart phone.

54.2.2 Rights and Restrictions

A. Individuals have a First Amendment right to record police officers in the public discharge of their duties. The right to record is not limited to streets and sidewalks - it includes areas where individuals have a legal right to be present, including an individual's home or business, or other private property where the person has a right to be present.

B. Members of the press and members of the general public enjoy the same rights in any area accessible to the general public. No individual is required to have or to display 'press credentials' in order to exercise his/her right to observe, photograph, or record police activity taking place in an area accessible to, or within view of, the general public.

C. Deputies must not search or seize a camera or recording device without a warrant except under very limited circumstances as described herein.

D. Deputies are prohibited from threatening, intimidating or otherwise discouraging any individual from recording police activities.

E. Deputies must not intentionally block or obstruct cameras or recording devices in any manner.

F. Deputies are prohibited from erasing or deleting recordings or photographs, and from damaging or destroying recording devices/cameras under any circumstances.

G. A person may record public police activity unless the person engages in actions that jeopardize the safety of the officer, the suspect, or others in the vicinity, violate the law, or incite others to violate the law. Examples of such actions include:

1. Repeatedly instructing a witness being questioned by a police officer not to respond to the officer's questions;

2. Persistently engaging or attempting to engage an officer in conversation while the officer is in the midst of their duties;

3. Interfering with a lawful arrest (Md Criminal Law Code Ann. §9-408);

4. Inciting bystanders to hinder or obstruct an officer in the performance of their duties.

H. On-scene circumstances permitting, deputies must obtain supervisory approval before taking any significant action against a person(s) recording police activity.

I. An individual's recording of police activity from a safe distance without any attendant action intended to obstruct the activity or threaten the safety of others does not amount to interference.

J. A person's expression of criticism of the police (or the police activity being observed) does not amount to interference. The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers:

1. The U.S. Supreme Court has held that 'a properly trained officer may reasonably be expected to exercise a higher degree of restraint' than the average citizen when it comes to reacting to insults or 'fighting words.'

2. Courts have given First Amendment protection to persons who made obscene gestures and yelled profanities at police officers, and they have prohibited the police from interfering with such speech.

54.2.3 Warrantless Seizure

A. In ordinary circumstances, the seizure of cameras or recording devices without a warrant will not be considered reasonable. Cameras or recording devices must not be seized without a warrant unless:

1. Deputies have probable cause to believe that critical evidence of a crime is contained on/in the camera or recording device; and

2. Deputies first have explained the circumstances and have unsuccessfully attempted to get the consent of the person in possession of the recording device; and

3. The seizure of the camera/recording device is for no longer than reasonably necessary for the deputy, acting with diligence, to obtain a warrant to seize the evidence; and

4. Supervisory approval has been granted for the seizure.

B. If a camera/recording device is seized without a warrant deputies are prohibited from seizing or viewing the evidence contained in the device until a warrant is obtained for that seizure.

C. Members must maintain cameras and other recording devices that are seized and in FCSO custody so that they can be returned to the owner intact with all images and/or recordings undisturbed.

54.3 SOCIAL MEDIA

This General Order consists of the following sections:

54.3.1 Purpose
54.3.2 Definitions
54.3.3 Usage

POLICY

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

PROCEDURES

54.3.1 Purpose

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

54.3.2 Definitions

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

B. Page -The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

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

D. Social Media - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but not limited to, social networking sites (Twitter, Facebook, Instagram, etc.), photo- and video-sharing sites (Flickr, Youtube, etc.), wiki's (Wikipedia), blogs, and news sites.

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

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

54.3.3 Usage

A. On-The-Job Use

1. Department-Sanctioned Presence

a. All department social media sites or pages shall be approved by the Sheriff.

b. Where possible, social media pages shall clearly indicate they are maintained by the department and shall have department contact information prominently displayed.

c. Social media content shall adhere to applicable laws, regulations, and policies, including all information technology and records management policies.

(1) Content is subject to public records laws. Relevant records retention schedules apply to social media content.

(2) Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.

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

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

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

B. Department-Sanctioned Use

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

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

b. Identify themselves as a member of the department.

c. Not make statements about the guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions, nor post, transmit, or otherwise

disseminate confidential information, including photographs or videos, related to department training, activities, or work-related assignments without express written permission.

d. Not conduct political activities or private business.

e. Observe and abide by all copyright, trademark, and service mark restrictions in posting materials to electronic media.

2. Social media is a valuable investigative tool when seeking evidence or information about:
   a. Missing Persons;
   b. Wanted Persons;
   c. Gang Participation;
   d. Crimes perpetrated online (i.e., cyberbullying, cyberstalking);
   e. Photos or videos of a crime posted by a participant or observer.

3. Social media can be used for community outreach and engagement by:
   a. Providing crime prevention tips;
   b. Offering online-reporting opportunities;
   c. Sharing crime maps data;
   d. Soliciting tips about unsolved crimes

4. Social media can be used to make time-sensitive notifications related to road closures, special events, weather emergencies and missing/endangered persons.

C. Personal Use

Department personnel shall abide by the following when using social media:

1. Department personnel are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships of this department for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among co-workers, or meaningfully impair the efficiency of the workplace.

2. As public employees, department personnel are cautioned that speech on duty or off duty, made pursuant to their official duties (owes its existence to the employee's professional duties and responsibilities), may not be protected speech under the First Amendment and could form the basis for discipline in accordance with the law or established policy. Department personnel should assume that their speech and related activity on social media sites will reflect upon their office and this department.

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

4. For safety and security reasons, department personnel are cautioned not to disclose their employment with this department nor shall post information pertaining to any other

member of the department without their permission. As such, department personnel are prohibited from doing the following:

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

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

c. Post on Twitter, Facebook, or any other social media sites while on duty, working any agency-assigned special operation, or working any extra-duty assignments for the agency.

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

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

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

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

7. Department personnel may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of this department without express authorization.

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

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

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

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

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

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

55.1 VICTIM WITNESS ASSISTANCE: ADMINISTRATION

This General Order consists of the following sections:

55.1.1 Analyzing Victim/Witness Services
55.1.2 Review of Policies and Procedures

POLICY

The Frederick County Sheriff's Office is committed to the development, implementation, and maintenance of resources designed to assist the victims/witnesses whom Office members contact. Crime victims and witnesses will be treated with fairness, compassion, and dignity. The Frederick County Sheriff's Office recognizes that every victim needs and expects a minimum level of follow-up contact to bring their experience to closure.

PROCEDURES

55.1.1 Analyzing Victim/Witness Services

The Victim/Witness Coordinator will complete an analysis of victim/witness needs and available services within the agency's service area no less than every three years. The analysis should include, but not be limited to:

1. The extent of major types of victimization within the county;

2. An inventory of information and service needs of victims/witnesses in general (including attempted homicide and suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially in children and the elderly), sexual crimes, and drunken drivers;

3. Victim assistance and related community services available within the service area; and

4. Identification of all unfulfilled needs and the selection of those that are appropriate for the Office to meet.

55.1.2 Review of Policies and Procedures

A. Based on the review of the analysis, the Criminal Investigations Commander or designee will periodically review the current policies and procedures of the Office to ensure the needs of victims/witnesses are being met by Office personnel.

B. With the exception of those reporting incidents of suspected child abuse and those subjects registered as a confidential informant (CI), victims/witnesses will be identified in the written report.

C. Every victim/witness should be made aware that they will be identified in the deputy's written report and of what process exists for dealing with any threats or attempts at intimidation.

D. Office personnel will make available, upon request, a list of the victim/witness services to any member of the public or media who requests the information. If the information is not immediately available, efforts will be made to provide the information in a timely fashion. The Victim Services Unit may be contacted for additional resources that are available.

E. It will be the duty of the Victim/Witness Coordinator to maintain a liaison with other criminal justice agencies and governmental and non-governmental agencies and organizations concerned with victim/witness needs and rights.

F. Contact with these outside agencies can be initiated by letter, telephone call, or in person.

55.2 VICTIM/WITNESS ASSISTANCE: OPERATIONS

This General Order consists of the following sections:

55.2.1 Information Source for Victims
55.2.2 Response to Threats/Intimidation of Victims/Witnesses
55.2.3 Initial Response to Victims/Witnesses
55.2.4 Follow-Up Response to Victims/Witnesses
55.2.5 Victim Notification of Arrest
55.2.6 Victim Referral

POLICY

The Frederick County Sheriff's Office will assist victims and witnesses of crimes during an investigation by providing resource information at the time of the initial report as well as during the follow-up stages. Victims and family members will be notified through the established set of procedures.

PROCEDURES

55.2.1 Information Source for Victims

A. All members of the Office, whose daily tasks include contact with the citizens of Frederick County, will be familiar with the referral procedures and resources available for victims/witnesses. In addition to the "Guide to Mental Health and Community Support Services" maintained at the Police Information Specialist (PIS) desk, the Victim Services Unit may be contacted to provide information and resources available.

B. Emergency situations, defined as, but not limited to, homicides, serious assaults, domestic situations, serious traffic collisions, sexual assaults, etc., will be referred to the 911 dispatcher. The dispatcher is available 24 hours a day.

C. Other situations may be referred to the PIS available 24 hours a day at the Sheriff's Office duty desk. The PIS may be required to determine the level of emergency and refer the victim/witness appropriately. Appropriate referrals may include, but not be limited to, 911, social service agencies, office voice mail, etc.

D. Referral and assistance information can be obtained from but not limited to the "Crime Victims and Witnesses: Your Rights and Services Brochure" and the "Guide to Mental Health and Community Support Services". A copy of each publication will be kept at the duty desk for easy referral. Additionally, each member of the agency will be provided an annual copy of the "Guide to Mental Health and Community Support Services" published by the Mental Health Association of Frederick County.

55.2.2 Response to Threats/Intimidation of Victims/Witnesses

A. All reports of threats/intimidation from victims/witnesses will be documented by Office personnel.

B. Such reports will be brought to the attention of the on-duty supervisor. The action taken will be based on the seriousness of the threat, and the supervisor's belief that the individual making threats can/will carry out the threat. The safety of the victim/witness will determine the actions of the supervisor, which will be based on the nature of the case, the resources available to the Office, and is directly commensurate with the danger faced by the victim/witness.

55.2.3 Initial Response to Victims/Witnesses

The victim/witness in a case will be rendered the following applicable services. The services will include, but not be limited to:

A. Information about available services (e.g., counseling, medical attention, other victim advocacy programs, compensation programs, or emergency financial assistance,

B. Advising of what to do if the suspect or someone acting on the suspect's behalf threatens or otherwise attempts to intimidate them,

C. Given the Office case number for the report and told of the subsequent steps in the processing of the case,

D. Provide the victim/witness with a telephone number that they may call to report any additional information, or to receive information about the status of the case.

E. The victim/witness will also be informed as to the procedure for reporting any incidents of threats or intimidation by any suspect or involved party.

F. Deputies will provide all victims the "Crime Victims and Witnesses: Your Rights and Services."

55.2.4 Follow-Up Response to Victims/Witnesses

A. A follow-up contact should be made by the investigating deputy and/or the investigator in a timely manner, usually within 10 days. This contact would be for the purpose of keeping the victim/witness informed on the case status and to further assess any additional needs that can be addressed by the Sheriff's Office. The Victim Services Unit will make additional follow-up contact with all victim referrals provided by Sheriff's Office personnel. This contact will include re-contacting the victim to determine whether needs are being met, explaining procedures involved in prosecution, scheduling other required appearances, and coordinating the prompt return of property taken as evidence. Contact will be either by phone, in writing or in person.

B. The deputy should be aware of evidence collected in the case and ensure that all evidence is returned to the victim as quickly as possible. The property will only be returned in compliance with Sheriff's Office guidelines, rules of evidence, and when permitted under law.

C. The deputy will, if feasible, schedule follow-up interviews, line-ups, and other required appearances at the convenience of the victim/witness. The deputy will attempt to arrange transportation if necessary.

55.2.5 Victim Notification of Arrest

A. All reasonable attempts will be made by the deputy to notify the victim/witness when an arrest results from the investigation of the case.

B. The victim/witness will be advised of the charges placed, the custody status of the suspect, and bond amount. The deputy will refer the victim/witness to the States Attorney's Office regarding the prosecution procedures of the case. In cases of severe threat to the victim, the deputy will request that the Detention Center notify the victim when the offender is released from incarceration.

C. Office personnel will assist the victim/witness in obtaining the above information in the absence of the investigating member.

55.2.6 Victim Referral

A. Victim referrals may be made to the Frederick County Sheriff's Office Victim Services Unit by all Sheriff's Office personnel.

B. All on scene response requests for Victim Services Unit personnel after normal business hours must be approved by the Criminal Investigations Commander.

61.1 TRAFFIC ADMINISTRATION: ORGANIZATION

This General Order consists of the following sections:

61.1.1 Traffic Component
61.1.2 Traffic Functions
61.1.3 Performance Objectives
61.1.4 Shared Responsibility

POLICY

It shall be the policy of the Frederick County Sheriff's Office to establish Traffic Administration. Traffic Administration consists of the following sections: Traffic Component, Traffic Functions, Performance Objectives, and Shared Responsibilities.

PROCEDURES

61.1.1 Traffic Component

Patrol Operations will have the primary responsibility for coordination and delivery of the Office's traffic enforcement efforts and services. The Operations Division Commander, or their designee shall coordinate planning and analysis activities with the Maryland State Highway Administration and the Frederick County Highway Department.

61.1.2 Traffic Functions

A. Patrol Operations will have primary responsibility for traffic functions to include:

1. Routine collision investigations, including investigation of collisions involving Office vehicles, hit and run collisions, and collision investigation follow-up.

2. Analysis of collision reports and records, in conjunction with the Maryland State Highway Administration and the Frederick County Highway Department.

3. Selective Enforcement
   a. Operation of speed measuring devices.
   b. Traffic law enforcement.
   c. Traffic complaints.

B. The Traffic Unit will be responsible for the following functions:

1. Technical collision investigation. The collision reconstructionist is responsible for investigating fatal collisions, very serious personal injury collisions which could become fatal, and collisions which carry a high potential for county liability.

2. Traffic safety education and public information.

3. Liaison with local traffic safety groups.

61.1.3 Performance Objectives

The Patrol Operations Commander, Traffic Unit Supervisor, and the lead collision reconstructionist will develop written performance objectives for the delivery of traffic related services and should include such objectives in the formulation of Patrol Operations' goals and objectives. The objectives will be reasonable, attainable and measurable where possible, yet provide sufficient flexibility to permit change as needed. The objectives will be reviewed annually and evaluation of the progress made toward attainment will be submitted to the Sheriff.

61.1.4 Shared Responsibility

A. Since there is a close relationship between traffic enforcement and other law enforcement activities, the responsibility for enforcing traffic laws is shared by all deputies of the Frederick County Sheriff's Office.

B. Primary responsibility for traffic enforcement and collision investigation will be of the Sheriff's Office Traffic Unit.

61.2 TRAFFIC ENFORCEMENT

This General Order consists of the following sections:

61.2.1 Selective Traffic Enforcement
61.2.2 Assigning Selective Enforcement Activity
61.2.3 Program Evaluation

POLICY

It shall be the policy of the Frederick County Sheriff's Office to establish a selective enforcement section. This section will consist of the following components: Selective Traffic Enforcement, Assigning Selective Enforcement Activity and Program Evaluation.

PROCEDURES

61.2.1 Selective Traffic Enforcement

A. Selective traffic enforcement is an activity of Patrol Operations. Selective traffic enforcement is the primary duty of the Traffic Unit. Selective traffic enforcement functions include the following procedures:

1. Traffic collision data will be compiled by the Crime Analysis Unit and reviewed by the Traffic Unit supervisor on a quarterly basis.

2. The data will include location, patrol area, day of week, and time of day.

3. This and other information is gathered from the collision reports submitted to the state through the Delta+ (ACRS) system and calls for service data.

4. The Traffic Unit supervisor will generate an additional report that correlates the locations identified in the Selective Enforcement Log with locations that have had multiple crashes during a designated time frame. This report will be generated on a monthly basis.

5. The Traffic Unit Supervisor or his designee will attend the "Frederick County Traffic Team" quarterly meetings. Crash data for the previous quarter may be reviewed at that meeting. Crash data is automatically forwarded (thru Delta+) to SHA and other effected government agencies when government property is damaged.

6. A compilation and review of traffic enforcement activities will be performed by the Traffic Unit Supervisor or his designee on a quarterly basis. The traffic complaints received during the quarter will be reviewed, as well as the citations written and the crash data comparison, to determine if adequate enforcement is being applied to the identified high collision rate locations.

7. Selective enforcement shall be undertaken in those areas where the review indicates that special attention is needed. Patterns of causes and/or sudden increases in the number and severity of collisions or violations are reasons for extra enforcement activity at a given location. When the State and County Highway Departments or the Sheriff's Office becomes aware of a particular problem that may or may not be reflected in collision report data, communication between the agencies will occur if necessary and steps will be taken to correct the problem.

8. As a general policy, speed detection devices (RADAR & LASER) will be utilized in the enforcement of speed law enforcement.

61.2.2 Assigning Selective Enforcement Activity

A. Selective enforcement activities will be based upon review of the traffic collision data compiled from traffic collision reports to provide effective countermeasures against factors contributing to traffic collisions. Enforcement efforts will then be directed toward that behavior contributing to collisions. For example, if left turn violations contribute to a high number or collisions at a particular intersection, selective enforcement activity will be assigned to that intersection.

B. In cooperation with the Maryland State Highway Administration, the Frederick County Highway Department, the Frederick County Public Works Department, and the Sheriff's Office statistical, electronic and visual surveys may be conducted to determine by location, time and day of week the predominant violations that are causing collisions. Traffic surveys shall then be employed to:
   1. Observe and report traffic flow;
   2. Look for improper driving behavior;
   3. Be alert for hazardous environmental or engineering conditions;
   4. Identify and act on emergency and other service needs.

C. It must be stressed that selective enforcement activities are performed in conjunction with routine patrol responsibilities. Traffic Unit deputies' primary function is selective enforcement and crash investigation.

D. Deployment of patrol personnel for selective traffic law enforcement shall be based on the review of traffic violation data, collision data, as well as citizen complaints.

61.2.3 Program Evaluation

On a yearly basis, the Traffic Unit Supervisor will evaluate the selective traffic law enforcement program. This review will attempt to ascertain whether selective enforcement efforts have met their objectives.

62.1 TRAFFIC LAW ENFORCEMENT

This General Order consists of the following sections:

62.1.1 Enforcement Action
62.1.2 Special Processing Requirements
62.1.3 Service of Traffic Citations
62.1.4 Uniform Traffic Enforcement
62.1.5 Enforcement Practices
62.1.6 Use of Emergency Equipment
62.1.7 Preparation of Citations and Arrest Reports
62.1.8 Accountability of Traffic Citations
62.1.9 Officer/Violator Relations
62.1.10 Traffic Stops
62.1.11 Speed Measuring Devices
62.1.12 DWI/DUI Countermeasures
62.1.13 DWI/DUI Arrest Procedures
62.1.14 Request for Re-Examination of Driver
62.1.15 Parking Violations
62.1.16 School Bus Passing Violations
62.1.17 Child Safety Seat Program
62.1.18 Window Tint Meters

POLICY

It is the policy of the Frederick County Sheriff's Office to objectively enforce the Maryland Vehicle Law in an effort to save lives, prevent collisions and expedite the flow of traffic. It is believed that reducing the number of driver failures and traffic violations through enforcement will reduce the number of collisions and traffic fatalities. There is a direct relationship between the quality of enforcement and the degree of safety with which citizens use the streets and highways.

It is the policy of the Frederick County Sheriff's Office that motor vehicle stops be performed professionally and courteously and that the civil rights of every individual who is stopped be respected. The Sheriff's Office does not encourage, condone, teach, or authorize its personnel to take any law enforcement action which is based solely on the race, gender, age, ethnicity, or religious affiliation of the operator or occupants of a vehicle. The Sheriff's Office does, however, promote, teach, and encourage the use of effective enforcement tactics which meet the standards set by the Constitution of the United States, the State of Maryland, and the decisions of the courts of this country.

PROCEDURES

62.1.1 Enforcement Action

Deputies will take one of the following enforcement actions for each violation of traffic law witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner using one of the following four methods:

A. Actions

1. Physical Arrest

a. Deputies should effect the arrest of any person in violation of those traffic laws pertaining to driving while intoxicated or under the influence of drugs or alcohol as outlined in TA-21.902 or violations of driving while suspended or revoked either in the State of Maryland or any other state.

b. There will be other incidents where a person should be physically arrested. These decisions will be based on sound legal principles coupled with good judgment and discretion. Any deviation from this policy must be approved by the on-duty patrol supervisor.

2. Citation Issuance

a. The issuance of a Maryland Uniform Complaint and Citation or electronic citation is applicable in most cases for those violators who commit a traffic offense which jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, whether those violations are moving, parking or safety and equipment violations pursuant to the Maryland Vehicle Law.

b. Deputies will be required to indicate the agency case number related to each individual traffic stop. This information will be noted in the top left corner of the paper Citation. No case number is required on an electronic citation.

3. Warning

a. A written or electronic warning is a proper alternative by deputies in response to a minor traffic infraction committed in those areas where traffic collision potential is minimal.

b. Verbal warnings are not permitted as an action after a traffic stop.

c. Deputies will be required to indicate the agency case number related to each individual traffic stop. This information will be noted in the top left corner of the paper Warning. Deputies will also be required to indicate the arrest type, as defined by MVA, next to the RD on a paper warning. No case number is required on an electronic warning.

4. Safety Equipment Repair Order (SERO) or electronic SERO

    a. Utilized for equipment violations on vehicles registered in the State of Maryland. The SERO is not applicable to foreign-registered vehicles, and one of the other options listed above will be utilized when dealing with foreign-registered vehicles with equipment violations.

    b. Deputies will be required to indicate on the paper SERO the race, gender, and date of birth of the operator. This information will be noted to the right of the operator's last name. Deputies will also be required to indicate the county which the offender resides, if it is a Maryland address, and the arrest type, as defined by MVA. The county will be noted next to the RD on a paper SERO.

    c. Deputies will be required to indicate the agency case number related to each individual traffic stop. This information will be noted in the top left corner of the paper SERO. No case number is required on an electronic SERO

B. Search and/or Arrest

1. Traffic stops resulting in a search of a vehicle or an arrest will require the deputy to complete the Frederick County Sheriff's Office Traffic Stop Data Form #62-M or complete the Search Conducted Module in E-Tix.

2. Paper Citations, Warnings and SERO's

    a. Deputies will be required to place Frederick County Sheriff's Office form #62-M on the back of the yellow copy of the corresponding paper traffic citation or the back of the white copy of the paper warning.

    b. FCSO Form #62-M and all corresponding paperwork will be forwarded to the supervisor for review and signature, then to the Records Section for data entry.

3. E-Tix Citations, Warnings and SERO's

    a. Deputies utilizing the Delta+ software will be required to complete the Search Conducted Module.

    b. The Records Section Supervisor has access to this program to recover the necessary data, if necessary.

4. The Records Section Supervisor will be responsible for providing a yearly statistical report through the chain of command to the Sheriff. The yearly statistical report will be completed in accordance with Maryland Law.

62.1.2 Special Processing Requirements

Contained within this directive are methods of handling particular situations which, by legislative mandate, require a law enforcement response of a different nature than would be required under normal circumstances.

A. Non-Maryland Resident Violators

1. Certain states within the United States have entered into a reciprocity agreement with Maryland for driving record purposes. The list of participating states is found on the cover of the Maryland Uniform Complaint and Citation book. An updated list can be found in the citation books.

2. Deputies have an option when issuing a citation to a person licensed from a state not participating with Maryland in the reciprocity agreement. The violator should be issued the citation and taken before a District Court Commissioner for a bond hearing. A violator being issued a non-must-appear citation cannot be placed into the Detention Center in the absence of a Commissioner though. The violator must be allowed to sign the paper citation and leave. An electronic citation does not require a signature prior to release. If the violator is charged with a must-appear offense, a bond hearing with a Commissioner is necessary. If a Commissioner is not available, the violator shall be placed into the Detention Center until such time as an appearance can be granted.

3. Barring any other mitigating circumstances a Deputy has the option of allowing a violator charged with a non-must-appear citation to simply sign the paper citation and leave. An electronic citation does not require a signature prior to release.

B. Juveniles

1. Juveniles who are properly licensed are issued citations in the same manner as adults when the charge is a payable offense (non-must-appear).

2. A juvenile charged with a must-appear violation or a juvenile under the age of sixteen (16) will not be issued any citations even when some of the charges are payable offenses. The juvenile will be taken into custody and transported to headquarters. Upon arrival the deputy shall contact the juvenile's parents apprizing them of the situation. An incident report will be generated along with juvenile charging documents listing all charges, both payable and must-appears. Copies will be forwarded to the Department of Juvenile Justice. A parent or legal guardian will be allowed to sign for the juvenile's custody.

3. If no parent or legal guardian is available then the Department of Juvenile Justice will be contacted.

C. Foreign Diplomats/Consular Officials

1. Stopping a diplomatic or consular officer and issuing a traffic citation does not constitute arrest or detention and is permissible, although signature of the paper citation by such individual may not be required. An electronic citation does not require a signature. Accordingly, a deputy should never hesitate to follow normal procedures to intervene in a

traffic violation which he or she has observed, even if immunity ultimately bars any further action at the scene, the deputy should always stop the person committing moving violations, issue a citation if appropriate, and report the incident in accordance with procedures listed in the Maryland Vehicle Law section 16-901 through 16-905. Sobriety tests may be offered but may not be required or compelled. If the deputy judges the individual to be intoxicated, the deputy should not (even in the case of diplomatic agents) permit the individual to continue to drive. The deputy's primary concern should be the safety of the community and of the intoxicated individual. Depending on the circumstances, the following options are available. The deputy may, with the individual's permission, take the individual to headquarters where they may recover sufficiently to drive. The deputy may summon, or allow the individual to summon, a friend or relative to drive; or the deputy may call a taxi for the individual. The deputy may choose to provide the individual with transportation.

2. In any event, the deputy involved with the incident should fully document the facts of the incident and the identity of the individual, and a written report of the incident should be promptly forwarded to the Department of State (in serious cases, report by telephone is also required). It is Department of State policy to suspend the operator's license of foreign mission personnel not considered to be responsible drivers, and this policy may only be effectively enforced if all driving related infractions (DWI/DUI, reckless driving, etc.) are fully documented and reported to the Department of State.

3. The property of a person enjoying full immunity, including his or her vehicle, may not be searched or seized. Such vehicles may not be impounded but may be towed the distance necessary to remove them from obstructing traffic or endangering public safety. If the vehicle is suspected of being stolen or used in the commission of a crime, occupants of the vehicle may be required to present vehicle documentation to permit deputy verification of the vehicle's status through standard access to "NLETS." Should the vehicle prove to have been stolen or to have been used by unauthorized persons in the commission of a crime, the inviolability to which the vehicle would normally be entitled must be considered temporarily suspended, and normal search of the vehicle and, if appropriate, its detention, are permissible. (Source: United States Department of State publication entitled "Guidance for Law Enforcement Officers, Personal Rights and Immunities of Foreign Diplomatic and Consular Personnel).

4. Attached to this general order is a chart indicating the level of immunities and privileges afforded to all categories of diplomats and consular officials.

D. Military Personnel

1. As a general policy, no physical arrest will be made on any military person going to, remaining at, or returning from his/her duty station. However, on occasion it will be necessary to issue a traffic citation, effect a physical arrest, or investigate a traffic collision involving a member of the armed forces.

   Armed forces personnel, for these purposes, will include regular members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard and reservists who are on active duty.

2. Traffic Arrest - When a physical arrest is made, an On-Duty Supervisor will notify the liaison officer of the nearest armed forces installation. This does not apply to the issuance of a traffic citation.

3. Traffic Collision - A Patrol Supervisor will make the appropriate notification when armed forces personnel are involved in a traffic collision, and are either killed or injured to the extent they require hospitalization. In this latter case, it will also apply to civilian employees of the armed forces while acting within the scope of their employment.

4. In any case where U.S. government equipment is seized, towed or confiscated, the appropriate governmental unit will be notified.

E. Legislators

1. State and Local Legislators: Members of the State or local legislature, regardless of their position or jurisdiction, are not exempt or immune from traffic citations or physical arrest resulting from traffic violations, whether the legislature is in session or not.

2. Federal Legislators: According to Article 1 of the United States Constitution: "United States Senators and Representatives shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during attendance at the session of their respective houses, and in going to and returning from the same..." However, there is general agreement that Senators and Members of Congress may be detained or arrested if their actions or intended actions cause or threaten to cause serious bodily harm or death. Deputies who come in contact with a Senator or Member of Congress under these circumstances will request the assistance of a supervisor. The supervisor in turn may request the assistance of those federal agencies that deal with Members of Congress.

F. Deaf or Hearing Impaired

All deputies will carry the Frederick County Sheriff's Office Hearing Impaired Traffic Communication Sheet (Form 62-H). This form will be utilized with all deaf or hearing impaired drivers during a traffic stop.

G. Foreign Nationals

When a foreign national (non-U.S. citizen) is arrested for a traffic offense(s), including DUI/DWI, the mandatory consular notification and access procedures, detailed in general order 72.7.6, will be followed. Brief traffic stops or the issuance of a citation in lieu of arrest and subsequent release at the scene do not require consular notification.

62.1.3 Service of Traffic Citations

A. Deputies shall as soon as safely possible identify themselves to the violator explaining why the traffic stop was initiated.

B. Deputies shall ensure that citations are completed fully before issuance to the violator as per instructions found in the fine schedule issued to them.

C. Deputies are to fully explain charges being placed against the violator to include the location of the offense, pre-set fine (if applicable) for the offense and the procedure for requesting a court date for non-must-appear charges.

D. Deputies are to explain that a must-appear will require a court appearance and that the District Court will summons the violator by mail.

E. Deputies will further explain that additional citation and court information can be found on the driver's copy of the citation.

F. Deputies shall remain courteous to the violator at all times answering any questions posed to the best of their ability.

62.1.4 Uniform Traffic Enforcement

A. Appropriate uniform enforcement action for traffic violations is important if motorists are to enjoy safe driving in Frederick County. Good judgment by the deputy in consideration of the circumstances and conditions at the time of the violation will ensure appropriate action and gain the public confidence in traffic enforcement.

B. The ultimate aim of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations. To achieve this goal the following policies and procedures are reflective of the vision of the Frederick County Sheriff's Office.

1. It is the policy of the Frederick County Sheriff's Office to actively enforce the law pertaining to driving under the influence of alcohol and/or drugs. Deputies will arrest any driver found to be in violation of this law. Arrests will be determined by the driver's observed operations on the roadway or involvement in a collision or field sobriety tests. Any deviation from this policy must be approved by the on-duty patrol supervisor.

2. Procedures for Speed Law Violations

   a. There is no legal defense for exceeding the posted speed limit or for driving faster than conditions permit, however slight. Practically, however, there exists sufficient reason to believe that factors such as improperly calibrated speedometers, marginal weather conditions and other factors may give a subject cause to believe his/her speed may have been slightly less than the speed stated by the officer or that existing conditions, in their opinion are less severe than stated by the deputy.

   b. Deputies will exercise discretion when deciding if a warning or citation is appropriate. Consideration will be given to the weather conditions, traffic volume, pedestrian traffic and location. At all times, deputies will remember there is a direct correlation between excessive speeding and collisions.

3. Reckless or Negligent Driving Offenses

   a. It shall be the practice of the Frederick County Sheriff's Office to issue citations for hazardous moving violations. Deputies will issue citations for negligent or reckless driving when conditions exist to do so.

b. Consideration to all other Transportation Article sections will be given for a more concise charge though before using either of these two charges.

4. Equipment Violations

Deputies will issue Safety Equipment Repair Orders when vehicles are found to have equipment deficiencies. Only under the most unusual circumstances will a traffic citation be issued instead of the repair order.

5. Violations by Commercial Carriers

a. Commercial carriers will be treated as the general motoring public. Uniform enforcement policies and procedure delineated in this directive are applicable to the commercial carrier.

b. Assistance from a certified commercial motor vehicle inspector or the Maryland State Police will be requested when a truck inspection or when a serious equipment violation(s) is located.

6. Non-hazardous violations or minor traffic infractions may be resolved by written warning. Subsequent violations may warrant a citation.

7. Multiple Violations

a. Enforcement of hazardous violations will follow established arrest and warning tolerances in multiple violations as well as in the single violations. It is the exception rather than rule or policy for a deputy to refrain from issuing a citation for a second hazardous violation when the violation is serious enough to fall within the charging tolerances.

b. The exceptions referred to are those situations where the two violations under consideration are similar to the extent that one law exists for the purpose of compliance with the other law. For example: This would apply to some right of way violations. When a driver has failed to stop as required and his/her actions result in a right of way violation, the stop sign citation would be issued and no action would be taken for failing to yield as required.

c. On the other hand, if a motorist fails to stop where required and pursuit reveals a speeding violation, both charges will be considered appropriate action taken based on the established tolerance for each violation.

d. Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation. In cases such as this where the elements of one offense are closely related to the element of the second offense, only one citation will be written.

e. In all instances, multiple violations found which can be classified separately as hazardous and non-hazardous will be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a license

will be issued separate paper citations or multiple charges on an electronic citation if seriousness of the first violation warrants arrest. If the hazardous violation falls within the warning tolerance, a warning may be issued even when a citation is being issued for an unrelated violation.

8. Patrol deputies are frequently in the position of encountering drivers following the detection of a traffic violation who are unable to produce a valid driver's license. This could be the result of various actions not only of the driver, but of the court or the Motor Vehicle Administration.

   The deputy will initiate a computer check by name and date of birth for the current status of driving privileges. If the violator has a valid license, then the deputy's actions will be dictated by the initial violation.

   a. If the driver does not have a valid driver's license through Maryland MVA the deputy will determine if the violator was ever issued a license through this state or their state of residency. If it can be determined that no license was ever issued, the deputy will cite for no operator's license unless the computer query indicates something other than eligible status for Maryland.

   b. If the violator was issued a license in this state or any other state, and that privilege is suspended or revoked charges shall be placed appropriately according to the Maryland Vehicle Law, Section 16-303.

   c. Subsequent to charging with a suspended or revoked license, deputies shall either release the driver on their signature and/or agreement to appear in Court, or place them under arrest transporting them to headquarters for processing and release to a responsible party or transport to the Central Booking Unit at the Frederick County Adult Detention Center.

   d. Under no circumstances shall the driver be allowed to drive from the location of the traffic stop, and other arrangements will be made for the violator's vehicle removal from the stop location.

   e. If doubt exists regarding the correct status of a license suspension or revocation the deputy will release the driver until verification by teletype is gained. A citation can then be issued when confirmation of the license suspension is received.

9. Deputies will take appropriate enforcement action when and where pedestrian violations are observed.

   a. Pedestrian Enforcement

      (1) Deputies will concentrate their efforts on pedestrian violations in those areas where pedestrian violations have been frequent and severe.

      (2) With regard to pedestrian traffic laws, the spirit of the law will supersede the letter of the law and application will be made accordingly.

b. Bicycle Enforcement

(1) In those areas where congestion and the frequency of traffic collision experience involving bicycles has been predominant, those laws pertaining to the proper operation of bicycles will be strictly enforced.

(2) On those arteries with a substantial flow of vehicular traffic and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws will be enforced.

(3) In those areas where traffic flow is minimal, visibility is unobstructed and traffic collision experience low, deputies will exercise discretion in the application of those laws regarding safe operation of bicycles.

10. Off-Road Recreational Vehicles

a. When investigating the use of recreational vehicles on private property, attempts will be made to contact the property owner to determine if permission has been granted to operators of recreational vehicles to operate on the owner's property. If the owner's permission is not granted, the operators will stop using the property and be advised to keep written permission with them along with the name and phone number of property owner so they can be contacted to verify permission. If misuse of private property occurs while operating a recreational vehicle, such as reckless operation, DWI/DUI, hit and run or destruction of property enforcement will be taken by deputies.

b. Any recreational vehicle driven upon public roadways will fall in accordance with registration laws and driver's license laws as would any other motor vehicle driven upon public roadways.

c. Towing of recreational vehicles will be in accordance with established general orders.

d. Juvenile offenders will be handled in the same manner as adult offenders. Seriousness of the violation will be taken into consideration when determining if a custodian should be contacted.

e. Collision investigations of off-road vehicles on private property or public roadways will be investigated in the same manner as would any other vehicle in accordance with established general orders. When recreational vehicles are involved in private property collisions an ACRS report will be taken only when involving a hit and run. An incident report will be submitted otherwise. Deputies will ensure that all parties exchange pertinent information.

11. Whenever a deputy assigned to investigate a motor vehicle collision has probable cause to believe the collision was caused by a violation of Maryland Vehicle Law, the deputy will take appropriate enforcement action by issuing a citation or warning.

12. The Sheriff's Office will keep agency personnel apprised of all newly enacted or revised motor vehicle laws and regulations.

C. These enforcement policies do not supplant deputy judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the deputy must decide what enforcement action is proper based on a combination of training, experience, and common sense.

62.1.5 Enforcement Practices

A. Based on the principle that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities will be conducted accordingly. Deputies will drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior.

B. In those areas where fixed-post observation is necessary to maximize the effectiveness of a selective enforcement effort, deputies will park in a manner that traffic flow is not impeded and where violators can be safely pursued.

C. It is the practice of the Frederick County Sheriff's Office to use unmarked cars in the patrol vehicle contingent. These vehicles shall be equipped with red and blue emergency-type lights and siren. They will be used in accordance with law with respect to unmarked emergency vehicles.

D. Certain special selective enforcement efforts may require the use of less conventional vehicles. Seized vehicles or other motor pool vehicles may be used in a fixed post observation post for radar purposes or for conducting spot speed surveys.

E. Roadside Safety Checks, otherwise known as checkpoints, may be utilized by the Sheriff's Office to address specific traffic violations, to include: Impaired Driving, Seatbelt & Child Safety Seat compliance, Suspended/Revoked drivers, foreign registration checks, etc.

1. These checkpoints will be planned with safety for the participants and motorists as the primary concern. All roadside safety checks and their locations will be approved by the Command Staff.

2. Roadside safety checks will be conducted in accordance with a set protocol, adhering to pertinent case law and reviewed by the States Attorney's Office prior to their implementation.

62.1.6 Use of Emergency Equipment

Deputies will utilize emergency equipment only when directly authorized to do so by a Supervisor, when required by the nature of their dispatched assignment, or when situations confront them that indicate the need for the use of emergency equipment.

A. Emergency Lights

1. This equipment is used in conjunction with the siren to signal other users of the roadway that emergency conditions exist and the right-of-way should be relinquished to the patrol

vehicle. It cannot be safely assumed by the deputy that the lights and siren will be yielded to, even though state law requires it.

2. Even when both the emergency lights and siren are in simultaneous operation, deputies remain responsible for any injuries or damage sustained as a result of their driving behavior if gross negligence on the part of the deputy is proven.

3. Emergency lights will be utilized in the following circumstances:

   a. In accordance with other provisions of the Frederick County Sheriff's Office General Orders Manual.
   b. When stopping traffic violators.
   c. When assisting motorists parked or stopped in hazardous locations.
   d. When a patrol vehicle is parked or stopped on the roadway.

B. Siren

The siren is to be used simultaneously with the emergency lights when in pursuit, responding to an emergency dispatch, where supervisory permission has been granted or to further alert a violator of the presence of the deputy.

C. Spotlights and Take Down Lights

1. These lights should be used as a protection to the deputy when making night-time traffic stops. These lights should be activated upon stopping the violator's vehicle in order to illuminate the interior of it. Vehicle occupants should be placed at a distinct disadvantage when looking back towards the deputy into the lights.

2. These lights should not be used to signal violators to stop as they could cause a glaring blindness and subsequent collision.

D. Public Address System

1. The public address system is valuable when stopping a traffic violator or when making a felony stop. The desired actions of the violator can be directed from a safe distance, minimizing the hazard to the deputy.

2. The public address system is also valuable in directing persons when unusual conditions exist, such as when the roadway is temporarily obstructed, alerting pedestrians to hazardous conditions, and relieving the emergency conditions.

62.1.7 Preparation of Citations and Arrest Reports

A. Traffic citations and arrest reports form the basis for prosecution of traffic offenders.

B. Specific guidelines on their preparation, processing and distribution are as follows:

1. Traffic Citations, Non Must Appear

    a. All paper citations will be neatly and legibly printed and signed by the deputy using a black ball-point pen.

    b. All spaces requiring information will be completed, including the violator's home phone number.

    c. Violators will be advised of the proper procedure for requesting a court date.

    d. Deputies will complete the rear of the pink copy of the paper citation or the "Notes" section of the electronic citation to testify from in court.

    e. Paper Citation - The original court copy (white), Law Enforcement Headquarters copy (yellow) are to be forwarded through supervisory review then to the data processing input operator. The court/defendant (second white copy) copy, along with the (blue) copy shall either be provided to the Court Commissioner (if applicable) or issued to the defendant. The Officer's (pink) copy is retained by the deputy. The defendant's copy (blue) is served on the violator with the attached envelope.

    f. Electronic Citation – A copy of the electronic citation will be printed and given to the defendant. No other copies are required to be printed.

2. Traffic Citations, Must Appear

    a. All above steps are followed for must appear citations when the deputy is allowing the violator to sign and leave.
        (1) A States Attorney information supplemental report is to be completed in this instance being submitted with all appropriate copies of the citation as per above.
        (2) Deputies shall check the witness block on the paper citation and summons the States Attorney's Office on the rear of the first white court paper copy or in the "Witness" section of the electronic citation.

    b. Additional documents are needed when a violator is being physically arrested on a must appear citation to include:
        (1) Statement of Probable Cause.
        (2) Arrest Report
        (3) Copy of the violators driving record (10-27)
        (4) Any other paperwork as needed in cases of a DWI/DUI arrest or collision. (These instances are covered in their respective sections within this General Order.)

C. All paperwork not given directly to the violator or the District Court Commissioner shall be forwarded through a Supervisor to the data processing input operator.

D. Utilization of E-TIX (Electronic Traffic Information Exchange)

1. The Frederick County Sheriff's Office employs E-TIX in its efforts to enforce Maryland Traffic Laws. The Delta+ software was developed and provided free of charge under a

license agreement and MOU entered into by the County of Frederick and the Maryland State Police as of March 1, 2012. The licensing agreement allows FCSO the use of the software under agreed upon conditions outlined in the licensing agreement. The software was provided free of charge, however any necessary hardware to employ the software is the responsibility of and solely owned by the Frederick County Sheriff's Office.

2. The Delta+ system may only be utilized in accordance with MD State Law and with departmental policy to increase efficiency of deputies while conducting traffic enforcement.

   a. Operation of Delta+:
      (1) Sworn members of the agency will be assigned and trained in the use of Delta+ software prior to accessing the system for issuance of enforcement related paperwork or other functions.
      (2) Deputies will only log into Delta+ under their user name and password.
      (3) When a Deputy recognizes a motor vehicle infraction he/she will press the button titled "Traffic Enforcement", and if safe to do so input the tag into the pop up screen, if necessary.
      (4) The Deputy will complete the necessary blocks of information to complete the E-Citation, SERO or Warning.
      (5) The Deputy will then issue the operator of the vehicle a copy of the paper work and no signature is required.

   b. Voiding an E-TIX Charge(s):

      (1) If a deputy "Submits" a citation in error and determines the citation should be voided, he/she will notify their supervisor via email with the reason for the request and the supervisor will determine if the request is appropriate and forward the email to the State's Attorney to request a "Nolle Pros" of the citation. If the supervisor determines the request is not appropriate, then they will respond back to the deputy and provide the reasoning for denying the request. The charging deputy is responsible to initiate the "Nolle Pros" request via the SAO within 72 hours of the charge submission.

      (2) Delta+ System out of service

          If the Delta+ system is down for maintenance or out of service, then the deputy will revert back to the paper citation, SERO or warning until the system comes back up.

   c. Race Based Traffic Stop Data Collection:

      Maryland Law requires the systematic reporting of data on most traffic stops to the state. Delta+ is set up to report all required data to the state for the participating departments.

62.1.8 Accountability of Paper Traffic Citations

A. Records Section Personnel, Police Information Specialists, and Supervisors may issue a paper citation book. The Citation Book Ledger located in the Police Information Specialist area must be completed upon issuance of each citation book.

B. Deputies shall submit paper citations through their Supervisor to be checked and then forwarded for data input by Records.

C. As the District Court sends citation dispositions to the Sheriff's Office the data input operator shall receive the data and update the system accordingly.

D. Deputies shall report lost or stolen paper citations to their Supervisor immediately. A report shall then be generated through the chain of command indicating the circumstances of the theft or loss. The Records Section Supervisor shall then notify the Motor Vehicle Administration of the loss or theft.

E. When deputies need to void a paper citation they shall remove all copies from the book submitting them to their Supervisor with the bottom portion of the citation completed including the deputy's signature.

   1. The Supervisor will then date and sign the citation somewhere on its face submitting it to the Records Section Supervisor.

   2. A paper citation cannot be voided once it has been signed by and served on the violator. The States Attorney's Office will be contacted if circumstances demand that the charges be dismissed. The deputy shall inform the violator of this if conditions allow.

F. The State's Attorney's Office will be contacted if charges against a violator need to be amended. Deputies will then be informed of the proper procedure for accomplishing this.

G. Audits of paper citation books will be accomplished by the Motor Vehicle Administration or at the direction of the Law Enforcement Bureau Chief.

62.1.9 Officer/Violator Relations

A. Traffic law enforcement is one of the routine tasks performed by patrol deputies, but for the violator it is frequently an emotional experience. Deputies should be aware of these conditions striving to make each contact educational leaving the violator with the knowledge that the deputy has performed a necessary task in a professional and friendly manner.

B. Traffic stops have two objectives which the deputy seeks to achieve. The first objective is to take appropriate enforcement action and the second is to favorably alter the violator's future driving behavior. This requires a thorough understanding of human relations and demands flexibility from the deputy. The following procedures are recommended to minimize conflict which may develop between the deputy and the violator and assist in achieving the two objectives.

C. Once the deputy has stopped the violator and approached to a point where communication can begin, the deputy's relationship with the violator begins. The deputy should:

1. Be alert at all times for the unexpected, but not be obviously apprehensive.

2. Be certain that the observations of the violation were accurate without reservation.

3. Present a professional image in dress, grooming, language, bearing, and emotional stability.

4. Decide on the appropriate enforcement action based upon the violator's behavior, not attitude. In most cases it is advisable to have the form of enforcement action decided prior to initial contact with the violator.

5. Greet the violator with appropriate title and in a courteous manner; identify yourself and your agency.

6. Inform the violator of the traffic law that was violated and the intended enforcement action; the violator should not be kept in suspense.

7. Ask for and accept the violator's driver's license and registration.

8. Obtain any other suitable identification if a driver's license is not available.

9. Allow the driver to reasonably discuss the violation.

10. Complete the forms required of the enforcement action taken.

11. Explain to the driver exactly what is expected in response to the action you take.

12. Ensure that the violator knows when and where to appear if the enforcement action requires a court appearance. Explain any alternatives to the violator, but do not predict the actions of the court. Refer questions about the appearance to the court.

13. Be alert for any emotional stress exhibited by the driver. If the stress is present, the instruction may have to be repeated or the violator may need to calm down before resuming driving.

14. Return the violator's driver's license, registration and a copy of the citation, warning or SERO.

15. Assist the violator in safely re-entering the traffic flow.

62.1.10 [Redacted]

62.1.11 Speed Measuring Devices

A. Policy

1. The law enforcement community believes that traffic radar/laser is an effective tool for speed control, and its role in traffic safety and speed control is of importance. However, modern speed measuring devices are complex and have inherent limitations as well as being subject to external and internal interference.

2. The effective use of speed monitoring devices and their acceptance is dependent upon the operator's understanding of the specific limitations of radar/laser devices, adequate training and the initial certification combined with periodic updating of policies and operational procedures to demonstrate the operator's efficiency.

3. The Sheriff's Office will only utilize radar/laser equipment which is generally accepted in the law enforcement community.

4. The Sheriff's Office will utilize radar/laser in high or potentially high collision locations when speed is a factor, in areas where speed limit violations are prevalent, and in response to citizen complaints concerning speeding motorists.

5. All deputies using radar/laser devices must successfully complete a basic operator program certified by the Maryland Police Training Commission and receive certification prior to utilization of such speed measuring devices.

6. The Traffic Unit Supervisor shall establish procedures to:

    a. Ensure that adequate maintenance, calibration and operational record systems (suitable for introduction as evidence in court) are developed and maintained.

    b. Ensure that all radar units are certified on a periodic basis.

    c. Ensure each radar/laser operator remains current with proper radar/laser operational procedures. Information regarding updated policies or operational procedures will be distributed to personnel by the Traffic Unit Supervisor and recorded on the FCSO Receipt of Orders, Memorandum, and Manual Revisions Form (Form #12-A).

        Failure to remain current with proper radar/laser operational procedures will result in a revocation of the operator's radar/laser privileges. The revoked operator must then turn their radar/laser card into the Traffic Unit Supervisor.

    d. Any time that an operator displays unsatisfactory performance or knowledge in radar/laser, the Support Services Commander may suspend the operator's certification pending re-certification training.

        (1) The person issuing the suspension will notify the deputy's supervisor and the Patrol Operations Commander of the suspension.

        (2) The affected operator will turn their radar/laser card into the Support Services Commander.

        (3) Classroom training and testing may be required of the operator prior to removing the suspension. Hands-on training will be required in every case before removal

of the suspension; however, the amount of time spent will be determined on an individual basis by the agency's radar/laser trainer(s).

e. Whenever the Traffic Unit Supervisor takes possession of a radar/laser card for reasons listed above, it must be turned into the Support Services Commander with an attached memorandum explaining the reason for the card's return. The Support Services Commander will then place the returned radar/laser card in the deputy's training file.

B. Use of Speed Detection Instruments

1. Radar/Laser

The precise method for using a radar/laser unit and the enforcement of those laws applying to speed will vary in accordance with the type of radar/laser equipment used. Generally, the following procedures are applicable:

a. The radar/laser unit must be properly installed and connected to the appropriate power supply.

b. The effective range of the particular radar/laser unit must be thoroughly understood by the operator so visual observations can support the indicated speed readings.

c. Deputies must ensure that both assigned and spare radar/laser units are properly maintained. Any discrepancies in unit performance must be immediately reported to the on-duty supervisor.

d. The operator must choose an appropriate location that is conducive to the effective and safe operation of radar/laser.

e. A Doppler radar unit will be checked for proper calibration to ensure accuracy in checking speed. Most manufacturers recommend specific methods of checking calibration. These should be followed without exception. The laser unit will be calibrated on the course established at Sheriff's Office Headquarters as instructed.

f. Sheriff's Office radar/laser units will be certified annually by a competent vendor with the necessary expertise.

g. Radar/Laser certifications and maintenance records will be maintained by the Traffic Unit Supervisor.

2. Speedometer

a. A secondary method used to measure violator speed is a certified speedometer. Whereas a speedometer is sometimes used as a basis for issuing a citation for a speeding violation, the operator of the vehicle will ensure that the speedometer is checked by radar to ensure its accuracy.

b. Speedometers shall be certified as follows:

(1) Initial speedometer certification should be accomplished as soon as possible after the vehicle is acquired or when modifications have been made to the vehicle which would affect the accuracy of the speedometers; e.g., snow tires or differently-sized tires installed.

(2) Each Team or Unit Supervisor shall ensure that all Sheriff's Office Patrol Operations vehicles under their supervision have their speedometers certified every six (6) months.

(a) Certification will be accomplished by testing the vehicles through radar.

(i) The radar unit used for this purpose shall be operated by a certified radar operator.

(ii) Testing will be conducted on a dry, level roadway at a time and in a location that will minimize conflict with other traffic.

(iii) Vehicles shall be tested in 10 miles per hour increments starting at 40/45 miles per hour and ending at 60/65 miles per hour. (Depending on the make and model of cruiser)

(b) The results of these tests will be recorded by the radar operator on a "Vehicle Speedometer Certification Record" (FCSO Form #62-C).

(i) This form must be carried at all times in the vehicle's glove box to be used for court purposes.

(ii) A copy of the completed form will be forwarded to the Traffic Unit Supervisor who will then maintain a master log of all Sheriff's Office vehicle speedometer certifications.

(c) Should there be a significant deviation in the tested versus the actual speed, the vehicle operator will contact the Frederick County Motor Pool maintenance personnel so that corrective action can be taken.

(d) The following schedule will be established to ensure all affected vehicles are certified:

(i) Patrol Team 1 will conduct speedometer certification in January and July.
(ii) Patrol Team 2 will conduct speedometer certification in February and August.
(iii) Patrol Team 3 will conduct speedometer certification in March and September.
(iv) Patrol Team 4 will conduct speedometer certification in April and October.
(v) Patrol Teams 5A and 5B will conduct speedometer certification in May and November.

(vi) Community Deputy Unit cruisers will conduct speedometer certification in April and October
(vii) Traffic Unit and School Resource Officer Unit cruisers will conduct speedometer certification in May and November
(viii) All other Law Enforcement Bureau Command personnel who request to have their speedometers certified will do so in January and July.

62.1.12 DWI/DUI Countermeasures

A. Drivers impaired by alcohol and/or other drugs represent a serious threat to the lives and safety of persons using the roadways of Frederick County and consequently a comprehensive, coordinated and ongoing countermeasures program involving education, enforcement, adjudication, treatment and public support is essential if a program is to have long term success in combating the DUI/DWI problem.

B. Enforcement is one of the key elements in the DUI/DWI countermeasures program. If the Sheriff's Office does not detect and apprehend impaired drivers, the remaining portions of the system will not function.

1. Patrol/Traffic deputies must be alert for signs of alcohol and/or other drug impairment in all contacts with motorists. After conducting an initial examination at the scene of the traffic contact and upon determining that probable cause to arrest is present, the deputy will effect a physical arrest of the subject.

2. Chemical tests for alcohol will be offered in accordance with Maryland's Administrative Per Se Law (DR-15 Form).

3. Deputies are reminded to establish sufficient probable cause using Standardized Field Sobriety Tests before affecting the arrest of a driver. Additional tests are permitted, but only after initial standardized sobriety tests have been performed.

4. All deputies shall be trained to utilize the Standardized Field Sobriety Tests recommended by the National Highway Traffic Safety Administration (NHTSA).

62.1.13 DWI/DUI Arrest Procedures

A. In accordance with requirements of the Maryland Transportation Article Sections 16-205.1 and 21-902, deputies of the Frederick County Sheriff's Office shall enforce all offenses of driving or attempting to drive a motor vehicle while under the influence of alcohol or other drugs.

B. The detection and arrest of impaired drivers differs from that of other traffic law violators. There are specific legal limits of impairment. Specific statutes govern driving while under the influence of alcohol or drugs and administrative Per Se Laws. This directive outlines the procedures to be followed by deputies in the detection and arrest of persons operating or attempting to operate a motor vehicle while under the influence of alcohol or other drugs.

1. Detection is the first step in any DUI/DWI enforcement action. In this stage, probable cause to arrest is established. Detection includes the following steps:

a. Recognize and identify specific driving behaviors that signify the driver may be impaired by alcohol or other drugs.

b. Use caution in pursuing suspected impaired drivers and be alert for unpredictable reactions.

c. Avoid prolonged pursuit and apprehend as soon as practicable in a safe location.
d. Advise dispatch of location and vehicle description as delineated in section 62.1.10.

e. Recognize and identify specific behaviors occurring during vehicle stops that provide evidence or suspicion that the driver may be under the influence or impaired.

f. Note all observations which led the deputy to believe that the driver is DUI/DWI.

g. Do not allow the driver to move the vehicle once the driver is suspected to be impaired. Secure the keys to the vehicle when impairment is suspected.

h. Request the subject exit the vehicle and move to a safe location to conduct field sobriety tests. The three Standardized Field Sobriety Tests currently endorsed by NHTSA shall be administered in conjunction with any that the deputy deems necessary.
   (1) Horizontal Gaze Nystagmus - HGN
   (2) Walk and Turn
   (3) One Leg Stand

i. The Preliminary Breath Test (PBT) can also be administered by a certified operator. This test should not be used to establish sole probable cause. It is used as a tool in instances of suspected low blood alcohol content where a suspect may be released if the PBT reading is sufficiently low. The PBT may also assist in cases where the operator may be under the influence of other drugs. The PBT may show a very low or "00" reading for alcohol thus raising suspicion for other drug influence. Deputies should be reminded that a PBT test is not admissible in court.

   (1) Only the Preliminary Breath Test (PBT) equipment approved by the Maryland Toxicologist's Office will be used.

   (2) Only those persons approved by the toxicologist will be authorized to administer PBT's. A copy of the class certificate or the PBT card must be on file with the Training Services prior to operation.

   (3) The Traffic Unit Supervisor will be responsible for maintaining the appropriate PBT records.

   (4) Every time a PBT is offered to a driver, a "Preliminary Breath Test Advisement of Rights" (FCSO Form #62-D) must be completed.

   (5) The results of PBT offers, refusals, monthly checks, and the subjects tested must be recorded on the PBT/DUI Log (FCSO Form #62-G) by the PBT operator, if

no arrest is made. If an arrest is made, it is up to the arresting deputy to log the PBT information on the PBT/DUI Log.
(a) Pages in the PBT/DUI Log will be consecutive, starting with page #1.
(b) A new page will be initiated to start a new year.

(6) A summary of PBT's offered, refused, and subjects tested during each month will be forwarded to Maryland State Police's (MSP) Chemical Test for Alcohol Unit (CTAU) on MSP Form 34A by the tenth of the month for the preceding month.
(7) If a PBT is given or offered prior to arrest, the white copy of the PBT form will be turned over to the arresting deputy by the PBT operator, and shall be placed in the arrest file. The arresting deputy shall log the PBT information.

(8) Each PBT must be calibrated once each month using a 0.08 simulated alcohol solution located in the "Intoximeter Room" at the Sheriff's Office Patrol Headquarters.
(a) The results of this test shall be recorded on the PBT/DUI Log by the PBT operator.
(b) The results of this test will be recorded in the "Name" column as "Monthly Test".
(c) The results of this test must be between 0.072 and 0.088.
(d) PBT's that do not achieve this result must be turned in to the Traffic Unit supervisor for repair and re-calibration. A spare PBT will be issued at that time, if available.

(9) PBT's, though primarily acquired to aid in identifying suspected drinking drivers, may also be utilized effectively in other instances. For example, a passenger in a vehicle in which the driver has been arrested for DUI/DWI may be requested to voluntarily submit to a PBT if the passenger intends to drive the vehicle from the scene and there is reasonable grounds to believe the passenger is under the influence of alcohol. PBT's may also be used to test a suspect or victim of a crime who is suspected to be under the influence of alcohol. These tests - both taken and refused - shall also be logged.

(10) PBT results can and should be included in the "Reasonable Grounds" section of MVA Form DR-15A, as supporting documentation.

j. Formulate appropriate arrest decisions based on all evidence accumulated.

2. Arrest and Processing is the next step in the process. In all arrests for violation of Motor Vehicle Law, Section 21-902, the DR-15 form "Advice of Rights" will be executed. All blanks must be filled in and the completed form read to the defendant giving the defendant an opportunity to sign the form acknowledging receipt. If the defendant refuses to sign, enter "refused" in the space designated "Driver's Signature." The original (white copy) will be forwarded to Records with the arrest file, a copy (pink copy) given to the defendant and a copy (yellow copy) included in the envelope of documents sent to the MVA Administrative Per-Se Unit if applicable.

3. Article 24 of the Maryland Declaration of Rights requires that a person detained for a violation of Motor Vehicle Law, section 21-902 must, on request, be permitted a

reasonable opportunity to communicate with counsel before submitting to the chemical test for breath. Defendants may also elect to submit to their attorney's BAC test prior to submitting to the required test, however the two hour time limit for the required test is not affected. Deputies should observe the administration of the attorney test. Refusal will be noted if the two hour time limit passes while awaiting the attorney's test.

4. Arresting deputies have no responsibility to suggest a detained person contact counsel at this point in processing. If a request is made by the defendant prior to conducting the required test deputies shall:
   a. Note the time of request.
   b. Allow use of a telephone to the detained person.
   c. Note number of calls attempted.
   d. Provide the Office of the Public Defender's phone number if defendant so requests.

5. Deputies shall not allow this request to interfere with the mandated two-hour time limit for conducting the chemical test. If it appears that notification of counsel will exceed the time limit, remind the defendant of the administrative penalties imposed on the DR-15 form for exceeding the time limit. If the two-hour time limit is reached while awaiting counsel the deputy shall initiate a DR-15A form noting a refusal and continue to process as directed in paragraphs A through M of this section. The two-hour time limit begins at time of apprehension.

6. Remain with the defendant during the twenty minute waiting period prior to the test and witness the administration of the test to provide corroborating testimony if necessary. Do not allow the defendant to have anything by mouth from the time of arrest to execution of the breath test.

7. If the defendant refuses the test, the DR-15A will be executed. A properly prepared DR-15A is a necessary condition for the exercise of the Administrative Per-Se Law by the MVA. The form shall be completed per Administrative Per-Se guidelines issued to all deputies.

8. If defendant agrees to submit to the test, the test for breath will be administered unless the defendant is injured in a collision and will not be able to take a breath test within the two hour time limit or the test for breath test equipment is not available.

9. Charges will be placed by issuing a Maryland Uniform Complaint and Citation, electronic citation or a Safety Equipment Repair Order (SERO) for the probable cause and a Citation for the DUI/DWI charge. Any other charges will also be listed on separate citations. Issuance of citations will be in accordance with section 62.1.7, 62.1.8 and 62.1.9.

10. If the defendant is a Maryland resident with transportation home by a sober adult and there is no concern regarding the defendant's appearance in court, the defendant need not be taken before a District Court Commissioner when DUI/DWI is the most serious charge and there are no other associated charges which require appearance. If the defendant is allowed to leave without seeing a Commissioner, a copy of the Alcohol Influence Report submitted will be sent to the States Attorney's Office for prosecutorial purposes by a Records Section Administrative Assistant. The arresting deputy will issue the District

Court Notice to Appear form to the defendant before they are released, if applicable. This action must be approved by an on-duty supervisor in accordance with 62.1.7.

11. If a full custody arrest is necessary, the defendant will be transported to the Central Booking Unit at the Frederick County Adult Detention Center for processing and bond hearing.

12. All DUI/DWI arrests will be recorded on the Preliminary Breath Test/ Driving Under the Influence Log (FCSO Form #62-G) by the arresting deputy at the time of the arrest.

13. All DUI/DWI arrests will be recorded on the DUI/DWI Information form (FCSO Form #62-Q) by the arresting deputy at the time of the arrest and submitted to Records as an I-Leads attachment.

C. Chemical Tests for Alcohol

1. The chemical test for alcohol will be the test administered. The blood test may be used only in any of the below circumstances:
   a. If the defendant is unconscious or otherwise incapable of refusing the breath test.
   b. Injuries to the defendant require removal to a medical facility.
   c. Either the breath test equipment or an operator are not available.

2. Breath Test Guidelines

   a. Notify dispatch to ascertain if a Sheriff's Office Intoximeter Operator is on duty, if not then the dispatcher will contact the Maryland State Police or Frederick City Police to ascertain if they have an intoximeter operator on-duty.
   b. Deputies shall respond to the appropriate operator location from the scene of the arrest completing as much of their paperwork there as possible.

   c. If neither FCSO, MSP, nor FPD have an operator on-duty, the dispatcher can check with a neighboring County closest to the scene of the arrest. If none are still available, the blood test will be offered.

   d. Secure the MSP-33 form (Results of Test for Alcohol Concentration) and the accompanying result receipts ensuring that the administering officer signs all appropriate forms.

   e. Secure signature of administering officer on the DR-15A, Officers certification and order of suspension, if the BAC result is .08 or greater.

   f. If the results are at or below 0.06 and the level of impairment is not consistent with the evidentiary breath test results, the deputy will request a certified Drug Recognition Expert (DRE). If an agency DRE is not available, the arresting deputy will contact the Maryland State Police Duty Officer to request a state wide page for a DRE as outlined in the Maryland DRE SOP. A subject must have completed an evidentiary breath test prior to initiating a request for a DRE and the administration of a Drug Influence Evaluation by the DRE.

g. If the results are above .30 the defendant will be transported to the closest emergency room for examination.

3. Blood Test Guidelines for when criteria for a blood test have been met.

   a. The arresting deputy shall obtain a self-addressed, pre-stamped blood alcohol kit (non-expired) from patrol and if the defendant is not already in a hospital, transport the defendant and the kit to the hospital in accordance with the following:

      (1) Frederick Memorial Hospital: The deputy shall report to the emergency room, request the test and advise the receptionist of the time remaining before the test becomes invalid due to expiration of the two hour time limit from the time of apprehension for alcohol testing and the four hour limit for DRE ordered testing. DEPUTIES SHALL INFORM HOSPITAL PERSONNEL THAT THE DEFENDANT IS TO BE BILLED FOR SERVICES AND TREATED AS AN OUT-PATIENT.

      (2) Any other hospital: Contact emergency room personnel for proper procedures.

   b. A sworn law enforcement officer shall witness the withdrawal of blood and immediately take possession of the containers and package them according to below guidelines.

   c. Only the blood test kit approved by the Maryland State Toxicologist will be used for the withdrawal of blood. The forms contained in the blood kit will be completed as follows:

      (1) The consent form included in the blood kit is to be completed by a sworn law enforcement officer, signed by defendant and sent with specimen to MSP-CTAU.

      (2) Complete the included blood collection report and include it with the specimens.

      (3) Complete all four white seals attaching two to the tubes (one each) placed over the rubber stoppers.

      (4) The MSP-34 form will be completed only in the section entitled "Arrest Information." All areas are self-explanatory except for the following:
         (a) Case number is FCSO local case number.
         (b) Time refers to time of arrest.
         (c) Send results to: Traffic Unit Supervisor at current address of Patrol Headquarters.
         (d) Place all blood kit paperwork in the cardboard mailer, beneath the plastic box containing the blood vials.

(5) Attach the two blue integrity seals on either end of the clear plastic box as indicated on the box.

(6) Attach the two red integrity seals placing them over the locking tabs of the cardboard mailer.

(7) The State's Attorney's Office also requires that the arresting deputy direct the medical personnel drawing blood to complete and sign the Qualified Medical Personnel Certificate to be included in the case file.

(8) Subsequent to sealing of the blood kit it is to be mailed from a mailbox by the end of the shift where a daily pick up is made.

d. The MSP-CTAU will notify the Traffic Unit Supervisor by mail of test results based upon submitted information from MSP-34. The results will be forwarded to the appropriate deputy so disposition on the result can be made. The results will be entered into the agency Intoximeter Log (Form 36-B) by a certified breath test operator. The deputy will contact the defendant in person to serve the blood test results via MSP form 33A. If the deputy has already charged the defendant, then the paperwork will be forwarded to a Records Section Administrative Assistant. The Records Section Administrative Assistant will provide the defendant with the blood test results by mailing the defendant a copy of the letter by registered mail, return receipt requested, if necessary. The original of the letter will be placed in the case file as well as the returned receipt. All original paperwork relating to the blood test will then be placed in the arrest case file.

D. Unconscious Persons:

When an operator of a motor vehicle is unconscious or otherwise incapable of refusing to take a chemical test for alcohol, and probable cause exists to make an arrest the investigating deputy shall:

1. Obtain prompt medical attention for the person and if necessary arrange transportation to the nearest medical facility.

2. If a chemical test for alcohol by blood withdrawal will not jeopardize the individual's health or well-being, the deputy will direct a qualified person using the approved blood kit to withdraw the blood sample. The consent form will be completed and the word "unconscious" written where the defendant's signature would normally appear.

3. If the individual regains consciousness or otherwise becomes capable of refusing the test prior to the withdrawal of blood the investigating deputy will proceed with processing as indicated in above sections.

E. Drivers Involved in Fatal Collisions:

1. "If a person is involved in a motor vehicle accident that results in the death of, or a life threatening injury to, another person and the person is detained by a police officer who has reasonable grounds to believe that the person has been driving or attempting to drive

while under the influence of or while impaired by alcohol, while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, while under the influence of a controlled dangerous substance, or in violation of §16-813 of this title, the person shall be required to submit to a test, as directed by the officer." (§16-205.1.c.1, Maryland Transportation Article).
"If a police officer directs that a person be tested, then the provisions of §10 304 of the Courts and Judicial Proceedings Article shall apply." (§16-205.1.c.2, Maryland Transportation Article)

2. "Any medical personnel who perform any test required by this section are not liable for any civil damages as the result of any act or omission related to such test not amounting to gross negligence" (§16-205.1.c.3 , Maryland Transportation Article).

3. The on-call States Attorney will be called when charges are anticipated in a fatal collision. In some instances, a search warrant maybe required for the seizure of blood evidence. These instances will be determined by the States Attorney's Office and the lead reconstructionist on the scene.

4. Complete the DR-15, ensuring that the detained person is aware that when involved in a fatal collision the detained person is required by law to submit to a chemical test as directed by the deputy. Record the detained person's decision on the chemical test on the DR-15 form.

5. If the breath test is selected, the deputy will follow the procedures previously set forth in this directive. Refusal of the detained person to cooperate will require transport to the hospital for a blood test.

6. If the blood test is selected, the deputy will witness the withdrawal of blood and immediately take possession of the containers. Blood samples obtained under this procedure will be forwarded to the Chemical Test for Alcohol Unit as indicated in earlier directives.

F. Deceased Persons

1. When the operator of a motor vehicle dies as a result of injuries sustained in an automobile collision, the Deputy Medical Examiner will take custody of the body.

2. The DME will as a matter of policy take a blood sample from the decedent and have it analyzed for BAC by the State Toxicologist. The results of the analysis will be made available to the investigating deputy upon request.

G. Defendant's Vehicle

1. If the defendant is alone and stops the vehicle in an unsafe or illegal location, or the vehicle is impeding or will impede traffic, the deputy shall have the vehicle towed in accordance with established towing policy per GENERAL ORDER #66.1, Section 66.1.9. If the defendant stops the vehicle in a safe and legal location, the deputy shall ensure that the vehicle is locked and left at the scene. The keys may be turned over to a sober adult

possessing a valid driver's license who responds to take custody of the defendant if applicable.

2. If the vehicle is occupied by passengers when the defendant is taken into custody, deputies may release the vehicle to them under the following conditions:

   a. The defendant has an ownership interest in the vehicle and grants permission to a sober, licensed adult passenger to operate the vehicle.

   b. One of the passengers has an ownership interest in the vehicle and is licensed and sober: or this person grants permission to another licensed and sober adult to operate the vehicle.

   c. If the passengers do not meet the above criteria, the vehicle and keys will not be released. The vehicle will then be towed or parked as is and locked. The deputy will retain the keys releasing them to the defendant upon completion of the arrest process, warning defendant against driving for twenty four hours or until sober.

3. The deputy should take reasonable steps to arrange alternative transportation for the passengers. Factors such as time of day, adverse conditions, location of arrest, and age, sex, and physical condition of passengers should be used as guidelines when weighing alternatives for the disposition of the passengers.

4. Search may be conducted following departmental policy and current case law.

H. Forms Needed for DWI/DUI Arrest:

1. DR-15, Advice of Rights

2. DR-15A, Officers Certification and Order of Suspension as needed

3. If blood test is given:
   a. MSP-34 sent with kit
   b. Qualified Medical Personnel Certificate
   c. All forms included in blood kit

4. If breath test is given:
   a. MSP-33, Results of Test for Alcohol Concentration
   b. Receipts indicating actual reading of BAC

5. MSP-32 Alcohol Influence Report

6. Maryland Uniform Complaint and Citations or electronic citations (as appropriate) or SERO as probable cause for initial contact.

7. Arresting deputies shall place the above documents in a case file for court presentations. The case file will be stamped with appropriate stamp located in patrol work room.

I. Drug Recognition Expert Program (DRE)

1. The Drug Evaluation and Classification Program (Maryland Drug Recognition Expert Program) provides for the identification, apprehension and prosecution of impaired drivers. This is achieved through the administration and expert interpretation of a series of standardized and systematic evaluations. The DRE will perform all evaluations in a professional and thorough manner.
   a. The Patrol Operations Commander will designate an Agency Coordinator for the DRE program.

      (1) The Agency Coordinator will maintain reports, administrative files, equipment and collect relevant statistics related to their program.

      (2) The Agency Coordinator will maintain a copy of all evaluation reports and will act as liaison between the agency and the state program coordinators.

   b. The Agency Coordinator will take direction from the Traffic Unit Sergeant.

2. Only deputies certified through Maryland's DRE Program are authorized to administer enforcement DRE evaluations. DRE's will be responsible for adhering to the International Association of Chiefs of Police, National Highway Traffic Safety Administration and Maryland DRE program guidelines.

   a. The DRE is responsible for completing all paperwork associated with the evaluation.

   b. The paperwork must be completed within ten days and forwarded to the Agency Coordinator for review.

   c. The DRE will also enter the evaluation into the DRE online database.

   d. The DRE will be responsible for ensuring their certification remains current. They must comply with all training and recertification guidelines.

   e. The DRE is subject to call-out when requested as outlined in the State of Maryland DRE Standard Operating Procedures.

      (1) A DRE who is on-duty at the time of a call-out request will receive authorization from the on-duty Patrol supervisor before responding to the scene.

      (2) A DRE who is off-duty at the time of the call-out request will receive authorization from the Traffic Unit Sergeant before responding to the scene.

3. Once on the scene with the suspect and arresting deputy/officer, the DRE will advise ECC to open a call for service for a DRE - CDS RECOGNITION EXPERT (DRE) event. The DRE will advise ECC to link this event to the arresting deputy's original case number. If the evaluation is for an outside agency or a response to a state wide page request from MSP, the DRE will advise ECC to note the requesting agency and their case number in the notes on the DRE event.

a. DRE's may conduct evaluations on subjects they arrest; however, this should be done only as a last resort after every attempt has been made to locate another DRE.

b. A DRE who is a breath test operator may administer a breath test and conduct a DRE evaluation on the same subject.

4. The DRE will confirm that the subjects evidentiary breath test results are at or below 0.06. He/she will also determine that the subject's level of impairment is not consistent with the breath test results.

5. The DRE will offer the suspect the Drug Influence Evaluation. If the subject consents to the Drug Influence Examination, the DRE will complete the evaluation with the arresting deputy as a witness. The DRE will utilize appropriate note taking during the evaluation. Upon completion of the evaluation, the DRE will determine the following:

   a. Category/categories of drugs affecting subject's ability to operate a vehicle safely.

   b. Medical rule out.

   c. Alcohol rule out. If the subject is found to be under the influence, the DRE will offer the subject a chemical test (blood).

6. If the subject refuses the evaluation, the DRE will advise the arresting deputy of this fact. The DRE will assist the arresting deputy in determining what charges if any, are appropriate. The DRE will complete a supplemental report reflecting the refusal under the arresting deputy's original case number. This supplement will consist of a short narrative. This report and attachment will be reviewed by the Agency DRE Coordinator, with a link forwarded to the Traffic Unit Supervisor.

7. Blood Testing – only a DRE can request a blood sample in these cases

   a. If the subject consents to the chemical test

      (1) The DRE has four hours from the time of arrest to obtain a sample.

      (2) The DRE will only use an approved blood kit with a valid expiration date.

      (3) The blood sample will only be obtained by approved methods.

      (4) The DRE or his designee will witness the sample being taken and obtain a signature from the authorized medical personnel drawing the blood.

      (5) The DRE will complete all appropriate paperwork and enter the evaluation in the statewide database. The blood kit will be packaged, sealed and mailed/delivered in accordance with the Maryland DRE Program procedures.

   b. If the subject refuses the chemical test

(1) The DRE will ensure the Maryland DR-15 and Maryland DR-15A are completed appropriately for the refusal.

(2) The DRE will also complete the Maryland DR-23 form.

c. DRE evaluation blood results will be sent to the DRE State Coordinator who will forward the results to the agency breath test supervisor. The results will be forwarded to the arresting deputy and the DRE so disposition on the result can be made. The results will be entered into the agency Intoximeter Log (Form 36-B) by a certified breath test operator. The deputy will contact the defendant in person to serve the blood test results via MSP form 33A. The State's Attorney's Office or DRE may assist the arresting deputy in determining what applicable charges apply. The arresting deputy or DRE will complete a supplemental report capturing this information under the original arrest case number.

8. DRE Evaluation Documentation

a. The arresting deputy will be responsible for all normal DUI/DWI arrest paperwork.

b. The DRE will complete a supplemental report under the original arrest case number for the incident. The DRE card will be closed 71.

c. If the evaluation is for an outside agency, then an initial report (Assist Other classification) under the agency DRE case number will be completed and the card will be closed 98. The outside agency's case number and arresting officer information will be noted in the report.

d. The DRE will also complete the Sheriff's Office Drug Influence Evaluation (Form 62-O) and Sheriff's Office Drug Influence Report (Form 62-P).

e. The DRE will forward all DRE related forms to the Agency DRE Coordinator for review and approval. The DRE will also send a link to the DRE Coordinator in I-Leads.

f. Once approved, the Agency Coordinator will submit all forms/reports to Records as attachments. All requests for report dissemination will be handled by Records.

g. The DRE will ensure the evaluation is captured in their individual log.

9. On a yearly basis, the Agency Coordinator will complete a review of the DRE program. The report will outline the DRE evaluations offered and completed for both the Sheriff's Office as well as for outside agencies. It will also include a review for compliance with the current State of Maryland DRE Standard Operating Procedures. The report will be forwarded to the Agency Breath Test Supervisor for review. It will then be forwarded to the Traffic Unit Supervisor for inclusion in the Traffic Unit Annual Report.

62.1.14 Request for Re-Examination of Driver

A. Routine enforcement, collision reporting and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, through physical or mental disability, impaired driving (alcohol, CDS or combined influence) violations, disease or other condition, which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the appropriate forms to request a re-examination by the Motor Vehicle Administration.

B. A request for Re-Examination will be made on the State of Maryland MVA Request for Re-Examination of Driver, form number AJ-39 or electronically through Delta+.

C. Most information requested is self-explanatory; however, certain portions must be specifically addressed.

1. The physical defects must be described in detail.

2. The summary of the incident must be written in such detail that reasonable grounds for the re-examination are conclusively established.

D. The Re-Examination form must be accompanied by copies of all other related reports and forwarded through the chain of command to a Patrol Lieutenant for final approval prior to being sent to MVA. Electronic requests for re-examination do not require supervisory or command approval.

62.1.15 Parking Violations

A. When enforcing parking violations, particularly in residential areas, the deputy will first attempt to correct the problem. The owner will be contacted if the vehicle is parked close to the owner's residence. If compliance is not achieved, a Maryland Uniform Complaint and Citation or electronic citation will then be issued and either left on the vehicle or served upon the owner if available.

B. In no parking zones, if an immediate hazard is caused by the violator, a citation is in order. A concerted effort to contact the owner of the vehicle will be attempted before the vehicle is towed.

C. Blocking the roadway is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner.

D. County Parking Ordinance

1. Restricted vehicle means a motorized vehicle with a manufacturer's rated capacity in excess of three-quarters (3/4) of a ton or rated at or capable of a gross vehicle weight or gross vehicle combination weight of ten thousand and one (10,001) pounds or more, or a motorized vehicle with manufacturer's rated capacity in excess of three-quarters of a ton or a trailer rated at or capable of a gross vehicle weight of ten thousand and one (10,001) pounds or more, or a trailer which may be used for commercial purposes. Motor homes, recreational vehicles and buses are deemed to be "restricted vehicles." Vehicles owned by

a public utility, the county, or by any other governmental agency and used primarily for carrying property or passengers are not "restricted vehicles".

2. It shall be unlawful to park a restricted vehicle on a public right-of-way.

3. It shall be unlawful to park a trailer that is detached from a motor vehicle on a public right-of-way.

4. It shall be unlawful to park any vehicle for more than forty-eight (48) hours on any public right-of-way, except when the vehicle is parked adjacent to the property lines of the owner's residence or business, and where parking is not otherwise prohibited.

5. This shall not be construed to prohibit any vehicle from parking on a public right-of-way for a reasonable period of time necessary to load or unload property or passengers.

6. A violation of this ordinance is a misdemeanor with a $100 fine for each offense. A Maryland Uniform Compliant and Citation or electronic citation will be issued to the owner of the vehicle for a violation of this ordinance. Each day that a violation of this section continues shall constitute a separate offense. The owner of the vehicle is responsible for towing, storage and other fees. A vehicle storage form must be completed.

7. A deputy may tow and impound any restricted vehicle or trailer parked in violation of the County Parking Ordinance at the time of the violation. The owner of the vehicle shall be responsible for the payment of the towing and storage fees.

62.1.16 School Bus Passing Violations

A. The Frederick County Sheriff's Office has a School Bus Safety Program which outlines procedures for informing vehicle owners of school bus safety violations, and taking enforcement action whenever possible.

B. Section 21-706 of the Maryland Transportation Article requires the driver of any vehicle to stop when meeting or overtaking a school vehicle which

1. Is stopping or has stopped on a roadway, and

2. Is operating its alternately flashing warning lights.

C. Section 21-706.1 allows a school bus driver who witnesses a violation of 21-706 to report the violation to a law enforcement agency having jurisdiction.

1. Violations of TR 21-706 reported by bus drivers

a. Shall be accepted by phone, in writing, or in person, by any member of the Frederick County Sheriff's Office

b. May be reported to the Frederick County Emergency Communications Center
(1) If possible, the call shall be dispatched to a deputy.

(2) If response by a deputy is not practical, the call shall be forwarded to the Traffic Unit Supervisor

c. Shall include
(1) The identity of the alleged violator, if known
(2) The tag number, color, and type of vehicle involved

D. When a deputy observes a violation of Maryland Motor Vehicle Law TR 21-706, the deputy shall:

1. Take enforcement action as deemed appropriate.

2. If unable to stop and interview a violator, record the motor vehicle information. The deputy may then take appropriate action when the owner of the vehicle is identified through MVA.

E. When violation information is referred to the Traffic Unit, it will be handled as follows:

1. For cases in which enforcement action has been taken, the supervisor shall file the information.

2. For unresolved cases, the following shall occur:

a. The Traffic Unit Supervisor shall
(1) Log the date, time, location, and vehicle information in a designated log book.
(2) Obtain the registration information from the MVA computer system (if such has not already been done).
(3) Identify the registered owner of the vehicle, taking care to notice any discrepancies between the MVA printout and the information recorded on the deputy's sheet. (If there is any discrepancy, the process to notify that specific vehicle owner will cease.)
(4) Generate a form letter

b. The Traffic Unit Supervisor shall send a form letter to the registered owner informing the owner
(1) That the vehicle was identified and reported by a school bus driver of the Frederick County Board of Education for failure to stop for a flashing school bus light
(2) Of the vehicle's location on the reported date and time
(3) Of the nature of the violation
(4) That there is insufficient evidence for a citation
(5) That this notification constitutes only a warning and not a finding of guilt.

c. The Traffic Unit Supervisor shall attach the green bus violation notice, a copy of the form letter and the MVA printout together, and file the information alphabetically by calendar year.

d. Attach responses to warning letters to the copy of the warning letter.

F. If a second "vehicle passing flashing light" complaint is received from a Frederick County Board of Education driver against a previously reported vehicle or operator, the Traffic Unit Supervisor shall assign a member of the Traffic Unit to follow the bus in order to observe, identify, and rectify the situation.

G. The Traffic Unit Supervisor shall report the activity summary of the program to the Sheriff in the Traffic Unit Annual Report.

H. This directive does not alter, but supplements, the Frederick County Board of Education policy that directs bus drivers to attempt to secure warrants through the court commissioner's office for drivers they can identify as violators of TR 21-706.

62.1.17 Child Safety Seat Program

A. The Child Safety Seat Program is designed to
   1. Increase the availability of car seats
   2. Increase public awareness of the importance of using a car seat
   3. Encourage the use of the car seats
   4. Help significantly reduce the number of deaths and injuries among young children

B. Deputies shall offer to loan a child safety seat to a person
   1. To whom the deputy has just issued a traffic citation for violation of the Transportation Article, Section 22-412.2, and
   2. Who is a resident of Frederick County, Maryland, and
   3. Who does not presently own a child safety seat

C. Deputies shall inform the person that a seat can be
   1. Picked up at Sheriff's Office Headquarters
   2. Loaned to him/her until that person purchases a seat of his/her own, which is not to exceed thirty (30) days

D. Deputies shall document that a loaner seat was offered, by notifying the Emergency Communications Center to place on traffic card.

E. Persons issued such citations shall have the option of
   1. Paying the fine, or
   2. Having the citation nolle prossed by the State's Attorney's Office, which will only be done if the person provides proof of purchase of his/her own approved safety seat.

F. At the time that a qualified person borrows a safety seat, the following forms will be completed by a deputy:

   1. Child Safety Seat Log (Form # 62-B), which will be maintained in the Patrol Supervisor’s area

   2. The top portion of Form # 62-A

G. Form # 62-A (with the top portion completed) will be forwarded to the Records Section, where it will be entered into the in-house computer

H. When a person returns a seat provided by this Office, along with a proof of purchase for his/her own seat, prior to the 30 day limit:

1. Form # 62-A will be completed, and a copy of the proof of purchase will be attached to the form.

2. Both the form and the copy will be forwarded to the Records Section, who will

a. Update the in-house computer

b. Forward a copy of Form # 62-A, a copy of the proof of purchase, a copy of the citation, and a cover letter requesting that the citation be nolle prossed to the State's Attorney's Office for disposition

I. The Community Services Supervisor will check the Child Safety Seat Log (Form # 62-B) at the end of each month, and notify the Patrol Operations Commander of any seats that are overdue.

62.1.18 Window Tint Meters

A. The Frederick County Sheriff's Office will utilize window tint meters to enforce the Maryland Traffic Laws and Code of Maryland Regulation on window tinting on motor vehicles.

B. Use of Tint Meters

1. Specifications

a. The tint meter measures light transmittance allowed to pass through automotive glass. The digital display shows the actual percentage of visible light transmittance as compared to 100% light transmittance.

b. Each tint meter comes with two test standards with light transmittance values printed on their labels. These two standards will be used to verify the tint meter is working properly. The standard values should read accurate to within plus or minus two percentage points of the printed value on the label.

2. Instructions for utilizing the tint meter

a. The tint meter must be tested before and after each usage to verify that it is working properly. Each standard must be used.

b. Ensure the vehicle's ignition is off and that the glass is clean. The window must be positioned so that the tint meter can easily fit on top of the glass.

c. Position the tint meter so that the bottom of the foam slot is over the edge of the window.

d. Press the tint meter downward until the window is touching the top of the foam slot in the tint meter. The tint meter will then give a VLT (Visible Light Transmittance) reading in the display window of the tint meter.

e. Due to the tolerance of the meter, 2% points will be added to the displayed value.

f. The tint meter will be stored in the tint meter case when not in use to prevent damage to the unit.

3. Enforcement

a. In accordance with Maryland Traffic Laws and Code of Maryland Regulation, if the adjusted reading is 34% or less, a citation, warning, S.E.R.O., or a combination will be issued. For example, a meter reading of 33% adjusted by adding 2% making it 35% then the tint would be in compliance. However, a meter reading of 32% adjusted by adding 2% making it 34% then the tint would be out of compliance.

b. In accordance with Maryland Traffic Laws and Code of Maryland Regulation, if the adjusted reading is 35% or more then the tint is in compliance and no enforcement is necessary.

63.1 MOTOR VEHICLE COLLISION REPORTING AND INVESTIGATION

This General Order consists of the following sections:

63.1.1 Motor Vehicle Collision Reports
63.1.2 Response to Motor Vehicle Collisions
63.1.3 Responsibility of Personnel on Scene
63.1.4 Crime and Collision Scene Command
63.1.5 Collision Scene Protocol
63.1.6 Collision Classification System
63.1.7 Follow-Up Investigations
63.1.8 Collision Reconstructionist
63.1.9 Additional Technical Assistance
63.1.10 Responsibility for Victim Property
63.1.11 Traffic Law Enforcement
63.1.12 Collisions on Private Property
63.1.13 FCSO Collision Investigations

POLICY

The policy of the Frederick County Sheriff's Office is to investigate all motor vehicle collisions occurring on the roadways of Frederick County except in certain limited circumstances which are indicated in this General Order. The agency will collect the necessary data to complete the appropriate crash report; also, to evaluate the data to determine the cause of the motor vehicle collision, determine motor vehicle operator violations, the location of hazardous roadway characteristics or conditions and identify possible engineering improvements.

PROCEDURES

63.1.1 Motor Vehicle Collision Reports

A. The Frederick County Sheriff's Office defines a motor vehicle collision as "any time one or more motorized vehicles unintentionally comes into contact with another vehicle, person, animal, or object, causing property damage or injury".

B. Deputies responding to or locating a motor vehicle collision within Frederick County will advise communications of the seriousness of the collision, request appropriate assistance, and determine if a written collision report is required. A formal investigation and the appropriate crash report will be completed on the following types of vehicle collisions:

1. Collisions involving human death or injury

2. Collisions involving disabling motor vehicle damage. (Exceptions noted below)

3. Collisions involving a hit and run motorist (See below)

4. Collisions where one or more operator/pedestrian/bicyclist is intoxicated or impaired by drugs or alcohol

5. Collisions involving vehicles carrying hazardous material

6. Collisions involving heavy commercial vehicles

7. Collisions involving damage to any traffic control devices, warning signs, utility company property, etc., or to any government property. This requirement does not pertain to vehicles.

C. Hit and run collisions involving personal injury or death will be completed on the appropriate crash report explaining the details of the investigation.

D. Hit and run collisions involving property damage only, which are reported immediately, and have a witness to describe the striking vehicle and direction of travel will be completed on the appropriate crash report explaining the details of the investigation.

E. Hit and run collisions where there are no witnesses, but there is physical evidence at the scene, other than vehicle damage, that reveals that the collision occurred at a particular location (e.g., broken taillight lens on the ground, skid marks leading into the vehicle, etc.) will be completed on the appropriate crash report explaining the details of the investigation.

F. Crash report or collision investigations are not required on:

1. Collisions not specified in 63.1.1(B), and in which the facts are not disputed, do not require a formal investigation or appropriate crash report. Deputies will make sure the operators exchange their driver's license, vehicle registration, and vehicle insurance information as required by Maryland Transportation Article 20-104. Deputies will issue FCSO Form 63-A or copy of the electronic exchange of information form in Delta+ to the involved drivers to help fulfill this requirement. This would include providing the appropriate driver/vehicle information to the owner of damaged private property (fence, mail box, etc.)

2. Property damage collisions which occurred on private property.

3. A "late reported" property damage collision.

4. Hit and run collisions:

5. If there are no witnesses or physical evidence at the scene, the collision will not be investigated. The complainant will be provided a case number for insurance purposes.

G. Collision reports will be completed within a timely manner and checked by the Duty Supervisor.

63.1.2 Response to Motor Vehicle Collisions

A. Deputies will respond to the following types of motor vehicle collisions in a routine or non-emergency fashion:
   1. Property damage only.
   2. Damage to public vehicles and property.
   3. Damage to vehicles to the extent towing is required.

B. Deputies will respond if one of the following conditions exist, and may respond in a priority or emergency fashion (lights and siren):
   1. Collision involves human death or serious injury.
   2. Unknown extent of injuries and deputy is close enough to the scene to arrive prior to fire rescue personnel.
   3. Collision involves child whose parent may not be on the scene.
   4. Collision involves intoxicated or impaired operator/pedestrian/bicyclist.
   5. Collision produces possible disturbance or violence.
   6. Collision produces dangerous traffic situation.
   7. Collision involves hazardous materials.
   8. Collision involves a hit and run which has just occurred and a description and direction of travel is known.

C. Communications will have fire rescue personnel advise the condition of the scene upon their arrival and relay that information to responding deputies. Deputies will adjust their response (routine or priority) based upon that information. If deputies arrive on the scene first, they will advise communications of the situation for relay to responding fire rescue personnel.

D. Under normal traffic conditions, only one deputy will be dispatched to a motor vehicle collision. Upon arrival a deputy may request assistance from additional deputies, with the permission of the on-duty supervisor. The deputy requesting assistance will advise if the additional deputies should respond in a routine or priority manner and the best direction of approach to the scene.

   1. Traffic Unit deputies will be the primary dispatched unit on all personal injury and fatal traffic collisions, when on duty.

   2. Traffic Unit deputies will respond to all property damage collisions when not on a selective enforcement or other assignment.

E. During extreme weather conditions, the Duty Supervisor may place the Patrol deputies on a limited response status. During such conditions deputies will not respond to property damage collisions. Communications will advise the participants of such collisions to exchange information required by Maryland Law. If the Patrol response will be limited for an extended period of time, the Duty Supervisor will advise local news media to request citizens not to travel and inform them that deputies will not respond to property damage collisions. The media will be requested to inform the public what information must be exchanged following a collision. Deputies will respond to and investigate personal injury collisions during extreme weather conditions. The term “extreme weather conditions” is not synonymous with the snow emergency plan being activated. The mere activation of the snow emergency plan by the Maryland State Police does not allow the supervisor to place patrol deputies on a limited

response status. There must be EXTREME weather conditions PRESENT prior to the supervisor authorizing this status.

63.1.3 Responsibility of Personnel on Scene

A. The primary responsibility of the first deputy on the scene of any crime, motor vehicle collision, or other incident is to make the scene safe for other deputies, and/or fire rescue personnel responding to the scene. This may include stopping vehicle and pedestrian traffic in the area, securing possible weapons, and locating and securing possible suspects.

B. If a deputy believes that a vehicle involved in a collision is carrying any hazardous material, and that material is escaping to the atmosphere, the deputy will station their patrol vehicle up wind from the collision, advise communications of the situation, and warn people (via the vehicle public address system) to stay away from the collision scene. The deputy is not to attempt any rescue or investigation until the scene has been determined safe by the fire department.

C. If a vehicle is on fire, the deputy will advise communications of the situation and if he/she believes it is safe to do so, assist injured persons away from the collision. The deputy is not to attempt to put the fire out using the patrol vehicle fire extinguisher if hazardous materials are present.

D. Deputies should, whenever possible, work with the fire-police to coordinate traffic control activities.

E. Deputies should maintain a safe "buffer" zone between traffic and emergency personnel working on the scene. Deputies will use all emergency lighting, flares, and traffic cones available to maintain scene safety.

F. After determining the scene is safe, deputies will then assist any injured person and report the number and type of injuries to dispatch for relay to fire rescue personnel. No attempt will be made to rescue or move obviously deceased persons.

G. After assisting any injured person, the deputy will then secure the scene and prevent the loss or contamination of possible evidence. This will include separating possible witnesses and suspects, establishing a perimeter, removing unnecessary personnel from inside the perimeter, establishing a security sign in, and denying access to unnecessary personnel.

H. When the scene is secure, the first deputy on the scene will determine the seriousness of the incident and obtain the necessary information for the appropriate crash report. The deputy will then advise the On Duty Supervisor of the incident and request criminal investigators, evidence unit personnel, collision reconstructionist, etc., as necessary.

I. Deputies will request tow trucks for the damaged vehicles as quickly as possible so traffic can return to normal as soon as the investigation is complete.

J. If normal traffic will be disrupted for an extended period of time, the deputy will advise the Duty Supervisor, who will notify the local news media and the Maryland State Highway

Administration or Frederick County Department of Highways and request portable/temporary traffic control devices.

63.1.4 Crime and Collision Scene Command

A. The first deputy on the scene of any incident is in command until relieved by a senior deputy. Deputy Sheriff's will remain in command of any incident until all hostile individuals, suspects, and weapons have been secured.

B. The senior fire rescue officer will assume command after all hostile individuals, suspects, and weapons have been secured by the deputies, and will remain in command until all injured persons (excluding obviously deceased persons) have been evacuated or treated, and all fires and hazardous materials have been extinguished or secured.

C. The senior deputy on the scene will assume command of the scene after fire rescue personnel have completed their mission. If requested, the collision reconstructionist or evidence technician will respond and assume command of the scene upon their arrival.

D. If requested, a criminal investigator will respond to the scene and make contact with the collision reconstructionist, who will direct their activities in the investigation. Actual control/command of the scene, and the responsibility of scene safety, security, and evidence collection remains with the collision reconstructionist or evidence technician.

63.1.5 Collision Scene Protocol

A. Deputies assigned to investigate a motor vehicle collision will locate and interview witnesses. If the collision results in a human death the deputy will obtain written statements from the witnesses. After interviewing non-involved witnesses, the deputy will interview the vehicle operators and passengers. If vehicle operators appear to be intoxicated the deputy will perform standardized field sobriety tests if possible.

B. Deputies assigned to investigate motor vehicle collisions will inspect each vehicle involved for indications of vehicle defect, alcohol or other drug usage. Deputies will document any evidence discovered during this inspection.

C. All fatal and serious personal injury motor vehicle collisions, motor vehicle collisions involving government vehicles, and any other incident at the discretion of the investigating deputy, will be photographed utilizing the digital format. The photographs shall show the perimeter of the scene to establish location, an overview of the scene from each of the four basic geographic angles, (Example: North, East, South, West), and close up photographs of items of specific evidence.

1. Primary photographs will be made with the scene "as is", or as the deputy found it. The primary photographs will not contain any scales or other objects foreign to the scene. Deputies on the scene will not in any way or for any reason replace or reconstruct any evidence or scene for photographic purposes. After primary photographs have been made, secondary photographs may be made with scales or identification items.
2. Incidents involving any death requiring an autopsy at the Office of the Chief Medical Examiner for the State of Maryland will be photographed utilizing a digital format.

3. The investigating deputy will ensure that all photographs taken are entered into the agency photograph storage system.

4. Photographs may be attached to the ACRS report, but not all photographs taken need to be included. These limited numbers of photographs may include: the overall scene, damage to all vehicles, damage to other property, etc.

63.1.6 Collision Classification System

When investigating collisions, the deputy will ensure that the appropriate crash report is filled out completely and accurately. It will include listing all occupants of the vehicles and examining and recording damage to vehicles, roadways or other public or private property. Deputies will provide the persons involved with the information of when and how to obtain a copy of the completed crash report.

63.1.7 Follow-Up Investigations

A. A follow-up collision investigation will be the responsibility of the investigating deputy. This will be either the initial traffic/patrol deputy or the collision reconstructionist assigned to the case.

B. Any collision outlined in General Order 63.1.1(B) and not completed at the scene will require a follow-up investigation.

C. The investigating deputy will put into motion any one or all of the following procedures for completing the investigation: collection of off-scene data, obtaining/recording formal statements from witnesses, dissemination of look-out information for hit and run collisions or missing witnesses, the complete collision reconstruction report, use of expert and technical assistance, and preparing formal reports to support criminal charges. These tasks are to be completed by the investigating deputy or by calling out (as per General Order 63.1.8 and 63.1.9) a deputy with specialized training necessary or the appropriate outside agency, i.e. Maryland State Police, States Attorneys Office, etc.

D. When any new information pertaining to an open collision investigation comes to light, the on duty supervisor will attempt to make direct contact with the investigating deputy. If direct contact cannot be made, a voice mail message will be left with both the investigating deputy and their supervisor. If the new information requires immediate action and the investigating deputy cannot be located, the on duty supervisor will assign a deputy to complete that portion of the follow-up investigation and all appropriate paperwork. All new information will then be forwarded to the initial investigating deputy for completion of the investigation.

63.1.8 Collision Reconstructionist

A. The first deputy on the scene will determine the seriousness of the incident and obtain the necessary information for the report coversheet. The deputy will advise the Duty Supervisor of the incident and request a collision reconstructionist for any of the following collision types:

1. Collisions involving human fatalities.

2. Collisions involving serious human injury that may lead to death.

3. Collisions involving government vehicles, loaded prisoner transports, or loaded school buses, involving any injury.

4. Collisions occurring outside Frederick County, resulting from a pursuit initiated by Frederick County Sheriff's Deputies.

5. Collisions occurring in Frederick County involving other police agencies, when the involved agency requests assistance.

6. Any other collision that might carry a high potential for county/Office liability.

B. Deputies may request a collision reconstructionist and/or evidence technician to assist on any collision with the approval of the Duty Supervisor.

C. A collision reconstructionist may call for additional reconstructionists or evidence technicians to assist on any collision or scene.

D. Collision reconstructionists and evidence technicians will be available on a 24-hour basis. If one is not working at the time of the collision, the Duty Supervisor will initiate a call out from the "on call" list at the Duty Desk.

E. The collision reconstructionist is responsible for submitting all pertinent and necessary paperwork relating to the collision investigation. This will include, but is not limited to: a sketch of the scene, a listing of all measurements taken, collision scene diagram, preliminary investigation paperwork, witness statements, and any other necessary reports.

F. The evidence technician will photograph, video tape, and process the collision scene in accordance with prescribed agency guidelines and at the direction of the collision reconstructionist. All evidence from the scene will be collected by the evidence technician in accordance with prescribed agency guidelines. A written report will be prepared and submitted by the evidence technician for all action taken. Any evidence located will be properly collected, packaged and submitted to the Evidence Control Unit and the chain of custody will be maintained.

G. Qualifications

1. Sworn (non-probationary) law enforcement personnel with the Sheriff's Office may apply for specialized training in advanced collision investigation. After completing an approved training program, personnel will be qualified as an Advanced Collision investigator.

2. The advanced collision investigator must complete an approved training program in collision reconstruction. After completing the collision reconstruction training program, personnel will be qualified as Collision Reconstructionists.

H. The collision reconstruction program falls under the control of the Traffic Unit Supervisor. One of the current collision reconstructionists will be appointed by the Traffic Unit Supervisor to serve as the Lead Collision Reconstructionist. This deputy will be responsible for reviewing all cases assigned to an individual collision reconstructionist. Once reviewed, all investigations will be forwarded through the Traffic Unit Supervisor to the Operations Division Commander, and then to the Records Section for filing.

63.1.9 Additional Technical Assistance

A. Should additional technical assistance beyond the capabilities of Office personnel be needed, it should be arranged with the approval of the States Attorney's accident investigation specialist and/or the Traffic Unit Supervisor. Such technical assistance may include surveyors, mechanics, physicists, physicians, or other specialists.

B. When investigating a serious traffic collision where a question arises about vehicle equipment failure, the deputy may order the vehicle impounded for inspection by this Office or the Maryland State Police's Automotive Safety Inspectors.

C. When a vehicle is impounded for an inspection, it should be towed directly to the Frederick County Sheriff's Office impound lot. The vehicle can then be moved to the motor pool garage, if needed, for further inspection. The investigating deputy will request assistance from a Traffic Unit supervisor. The Traffic Unit supervisor will make contact with the appropriate personnel or allied agency.

D. Vehicles impounded for inspection will be inventoried utilizing the Vehicle Storage Report. Additional items may be inventoried on a report continuation sheet.

E. Any Frederick County Sheriff's Office vehicle damaged (except superficial damage) in any motor vehicle collision will be placed out of service and removed to and secured at the county motor pool garage. The vehicle must be inspected by a motor pool mechanic prior to returning to service.

F. A Sheriff's Office vehicle with minor/superficial damage (i.e. scratched paint, small dent, etc.) may be placed back in service by an on-duty supervisor after an inspection has been completed. The cruiser will be checked by motor pool personnel on the next business day.

63.1.10 Responsibility for Victim Property

Whenever property for an injured or otherwise incapacitated person is located at a collision scene, the property should be secured in that person's vehicle, and the vehicle towed to and stored at a secure facility for safekeeping. Property that cannot be secured or immediately returned to its owner will be placed in Sheriff's Office Evidence at Sheriff's Office Headquarters.

63.1.11 Traffic Law Enforcement

Whenever a deputy assigned to investigate a motor vehicle collision has probable cause to believe the collision was caused by a violation of Maryland Vehicle Law, the deputy will take appropriate enforcement action by issuing a citation, warning or SERO.

63.1.12 Collisions on Private Property

A. Motor vehicle collisions which occur on private property, not open for use by the public in general, do not require a formal collision investigation or written report unless it involves:
   1. Human death
   2. Hit and run
   3. Intoxicated driver
   4. Seriously injured person(s)

B. Deputies are not required to conduct a formal investigation or make a written report on any "late reported", property damage only hit and run, or property damage collision.

63.1.13 FCSO Collision Investigations

A. Any member of this Office involved in a motor vehicle collision, no matter how minor, while operating or a passenger in a county vehicle, shall immediately notify the Emergency Communications Center of the incident. In addition, any deputy involved shall provide any medical assistance necessary and request emergency apparatus if warranted.

   1. Upon notification of the collision, notification will be made to the on-duty Patrol Operations supervisor to respond. Frederick County Sheriff's Office vehicle collisions will be investigated by the on-duty Patrol Operations supervisor. If the deputy involved is assigned to a section outside of Patrol Operations, and it is during a time when their direct supervisor is working, their supervisor will investigate the collision.

   2. In cases where there are any injuries to either the deputy or civilian, the supervisor shall ensure that notification is made to the respective division commander, bureau chief, Chief Deputy and the Sheriff.

B. The investigating Supervisor shall be responsible for conducting the investigation and completing the appropriate crash report. If the collision does not meet the established criteria requiring a crash report it may be waived by the investigating supervisor. The investigating Supervisor will be required to complete the appropriate vehicle-related form(s) for Risk Management and their section of the FCSO Departmental Collision Form 63-J by the end of their shift.

   1. The investigating supervisor will ensure that digital photographs are taken and downloaded into the current digital imagery management system. The photographs will depict the overall scene, damage to all involved vehicles, and any other property that is damaged or involved in the collision. The photographs will be imported from the current digital imagery management system to the County form.

   2. Depending on the seriousness of the collision, the investigating supervisor will ensure the following items are obtained and included in the investigation packet:
      a. Radio Recordings of the Event
      b. Dispatch Chronology
      c. Witness statements

C. Personnel involved in a vehicle collision shall complete and submit the FCSO Departmental Collision Form 63-J, which will be turned in to the investigating supervisor by the end of their shift. In cases where the deputy is physically unable to do so due to injuries sustained, his immediate supervisor will submit a report. Upon recovery the involved employee will submit his report.

D. The collision will be investigated from the standpoint of any possible negligence or liability to the county.

1. The submitted reports will include the investigator's objective findings and determination of which party was at fault.

2. Collision reconstructions will only be completed on departmental collisions involving a fatality or a serious, life-threatening injury to any of the involved vehicle's occupants.

3. For Sheriff's Office personnel, the supervisor will make a recommendation as to how the collision should be classified based on the following three categories:
   a. Preventable/Chargeable
   b. Preventable/Non-Chargeable
   c. Non-Preventable/Non-Chargeable

4. The reviewing supervisor will also make a recommendation as to any disciplinary action that shall be taken for a preventable, chargeable collision. Supervisors will refer to the Disposition Matrix (See: G.O 26.1) for guidance.

5. After review of the Supervisor's assessment, Command Staff will make a recommendation as to the classification of the collision and any disciplinary action if necessary.

6. The Sheriff will make a final decision as to the classification of the collision and any disciplinary action if necessary.

E. Guidelines for determination of preventability

1. A preventable collision is any collision in which the driver failed to do everything they might have done to avoid it.

2. Intersections - It is the responsibility of county vehicle drivers to approach, enter and cross intersections prepared to avoid collisions that might occur through the action of other drivers. Complex traffic movement, blind intersections, or failure of the "other driver" to conform to laws or traffic control devices will not automatically discharge a collision as "non-preventable." Intersection collisions are preventable even if the driver has not violated traffic regulations. His failure to take precautionary measures prior to entering the intersection are factors to be studied in making a decision.

3. Vehicle Ahead - Regardless of the abrupt or unexpected stop of the vehicle ahead, a driver can prevent front-end collisions by maintaining a safe following distance at all times. A safe following distance is one that allows the driver sufficient time, distance, and vision requirements to avoid a collision to reduce traffic conflict. This includes being prepared

for possible obstructions on the highway, either in plain view or hidden by the crest of a hill or the curve of a roadway. Overdriving headlights at night is a common cause of front-end collisions. Night speed should not be greater than that which will permit the vehicle to come to a stop within the forward distance illuminated by the vehicle's headlights.

4. Vehicle Behind - Investigation often discloses that drivers risk being struck from behind by failing to maintain a margin of safety in his own following distance. Rear-end collisions preceded by a roll-back, an abrupt stop at a grade crossing, a traffic signal change, or when a driver's failure to signal for a turn at an intersection, should be charged PREVENTABLE. Failure to signal intentions or to slow down gradually should be considered preventable.

5. Passing - Failure to pass safely indicates faulty judgment, and the possible failure to consider one or more of the important factors a driver must observe before attempting the maneuver. Unusual actions of the driver being passed or of oncoming traffic might appear to exonerate a driver involved in a passing collision; however, the entire passing maneuver is voluntary and the driver's responsibility.

6. Being Passed - Sideswipes and cut-offs involving a driver while he is being passed are preventable when he fails to yield to the passing vehicle by slowing down, moving to the right where possible, or maintaining speed, whichever action is appropriate.

7. Oncoming - It is extremely important to check the action of the county driver when involved in a head-on or side-swipe collision with a vehicle approaching from the opposite direction. The exact location of a vehicle, prior to and at the point of impact, must be carefully verified. Even though an opposing vehicle enters the driver's traffic lane, it may be possible for the driver to avoid the collision. For example, if the opposing vehicle was in a passing maneuver and the county driver failed to slow down, stop, or move to the right to allow the vehicle to re-enter his own lane, he has failed to take action to prevent the occurrence. Failing to signal the opposing driver in an appropriate manner should also be taken into account.

8. Fixed Objects - Collisions with fixed objects are preventable. They usually involve failure to check or properly judge clearances. New routes, strange delivery points, resurfaced pavements under viaducts, inclined entrances to docks, marquees projecting over traveled section of road, and similar situations are not, in themselves, valid reasons for excusing a driver from being involved. A county driver must be constantly on the lookout for such conditions and make the necessary allowances relative to speed and vehicle positioning.

9. Pedestrians - Traffic regulations and court decisions generally favor the pedestrian hit by a moving vehicle. An unusual route of a pedestrian at mid-block or from between parked vehicles does not necessarily relieve a driver from taking precautions to prevent such collisions. Whether speed limits are posted or the area is placarded with warning signs, speed too fast for conditions may be involved. School zones, shopping areas, residential streets, and other areas with special pedestrian traffic must be traveled at reduced speeds appropriate to the particular situation. Bicycles, motor scooters, and similar equipment are generally operated by young and inexperienced operators. The driver who fails to

reduce his speed when this type of equipment is operated within his sight-distance has failed to take the necessary precautions to prevent a collision. Keeping within posted speed limits is not taking the proper precaution when unusual conditions call for voluntary reduction of speed.

10. Private Property - When a driver is expected to enter unusual locations, construction sites, etc., or driveways not built to support heavy commercial vehicles, it is the driver's responsibility to discuss the operation with the proper authorities and to obtain permission prior to entering the area.

11. Passenger Collisions - Passenger collisions in any type of vehicle are preventable when they are caused by faulty operation of the vehicle. Even though the incident did not involve a collision of the vehicle, it must be considered preventable when the driver stops, turns, or accelerates abruptly. Emergency action by the county driver to avoid a collision that results in passenger injury should be checked if proper driving prior to the emergency would have eliminated the need for the evasive maneuver. The driver is responsible for the utilization of passenger restraint devices.

12. Non-Collision - Many collisions, such as overturning, jack-knifing, or running off the road, may result from emergency action by the driver to preclude being involved in a collision. Examination of his driving procedure prior to the incident may reveal speed too fast for conditions, or other factors. The driver's action prior to involvement should be examined for possible errors or lack of defensive driving practice.

13. Miscellaneous - Projecting loads, loose objects falling from the vehicle, loose tarpaulins, or chains, doors swinging open, etc., resulting in damage to the vehicle, cargo, or other property or injury to persons, are preventable when the driver's action or failure to secure them are evidenced. Cargo damage, resulting from unsafe vehicle operation, is preventable by drivers.

14. Backing - Many collisions result from backing vehicles into unobserved obstacles; therefore, operators will, in every instance possible, park their vehicle by backing them into a parking area. In those instances when it is necessary to back from the space, the operator will, before moving, visually inspect the area to the rear of the vehicle to eliminate the possibility of striking unseen cars, poles, or other fixed objects.

15. When guides are controlling vehicle movements, the operators are not relieved of their responsibility to safely operate his vehicle. It is incumbent on him to be certain the path of the backing vehicle is free from obstacles.

64.1 TRAFFIC DIRECTION AND CONTROL

This General Order consists of the following sections:

64.1.1 Functions
64.1.2 Traffic Control Annual Surveys
64.1.3 Manual Traffic Direction Locations
64.1.4 Manual Traffic Direction Procedures
64.1.5 Reflective Outerwear
64.1.6 Manual Operation of Traffic Control Signals
64.1.7 Temporary Traffic Control Devices
64.1.8 Parking Control
64.1.9 Special Events
64.1.10 Fire Scenes
64.1.11 Adverse Weather and Road Conditions

POLICY

The Frederick County Sheriff's Office shall establish procedures to regulate traffic direction and control to ensure the safe and efficient movement of vehicles and pedestrians.

PROCEDURES

64.1.1 Functions

A. Traffic direction and control is a joint function between the Sheriff's Office and the State and County Highway Departments to ensure the safe and efficient movement of vehicles and pedestrians. The majority of traffic control and direction will be by unmanned mechanical devices, signals and signs.

B. Deputies shall be assigned to carry out identified traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is required to ensure safety and efficiency, and until such time that the problem is resolved or traffic control apparatus can be installed.

64.1.2 Traffic Control Annual Surveys

The State and County Highway Departments will conduct periodic surveys of traffic patterns to identify locations where additional/new control devices may be needed. The Sheriff's Office will provide statistical information on collisions and incidents where human intervention is needed on a regular basis.

64.1.3 Manual Traffic Direction Locations

Manual direction of traffic will be handled by Patrol Operations. Manual direction will be used in situations where traffic control signals or devices are not present or adequate. Emergency conditions may dictate the manual control of traffic. These include, but are not limited to: collisions, out of service signals, road construction, funerals and special functions (parades).

64.1.4 Manual Traffic Direction Procedures

A. Manual direction of traffic by a deputy will be handled in a manner that would enable drivers and pedestrians to recognize and respond to verbal and gestured motions.

1. To Stop Traffic: A deputy extends his arm outward with the palm toward the car to be stopped. The deputy may use verbal and/or whistle commands to enhance the physical gesture.

2. To Start: Starting from the stop position, the arm will be moved at the elbow in a manner to indicate that the traffic may now proceed. This is done by swinging the arm upwards (from the elbow down) toward the direction in which traffic is to flow.

3. Right Turns: The deputy shall gesture to the driver of the vehicle turning right to perform the turn by extending the arm toward the direction in which the turn is to be made.

4. Left Turns: These turns are to be made only when there is a gap of traffic or oncoming traffic is completely stopped. The deputy will point in the direction of the turn when such movement can be made safely.

B. Deputies may utilize flashlights, the traffic wand and/or road flares while manually directing traffic. These will be used in a manner to enhance their visibility. At no time should a flare be waved by a deputy to direct traffic.

C. Deputies should remain calm and professional whenever directing traffic. There are times when drivers and pedestrians do not understand deputies or may refuse to obey such directions. The deputy will handle these instances with courtesy and professionalism within the guidelines of accepted procedures.

64.1.5 Reflective Outerwear

All patrol vehicles will have a high-visibility vest stored in the trunk. This vest will be worn when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a highway.

64.1.6 Manual Operation of Traffic Control Signals

As a general policy, deputies will not manually operate a traffic signal. Should the need arise, the State and/or County Highway Departments must be apprised of the situation and approve the deputy's action beforehand.

64.1.7 Temporary Traffic Control Devices

As a general policy, temporary traffic control devices will be used only in pre-scheduled special events. The devices will normally be placed and removed by the State and County Highway Departments with the Sheriff's Office coordinating placement of such devices. Flares, portable and temporary stop signs may be used in emergency cases. These would include collisions, natural disaster, etc.

64.1.8 Parking Control

The State and County Highway Departments will conduct periodic surveys of traffic patterns and information to identify locations where parking control may be needed. Results of this survey will be provided to the Sheriff's Office so appropriate measures can be taken.

64.1.9 Special Events

A. Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic. These may include parades, picketing, demonstrations and road maintenance. Deputies may assist in control of movement in the area to ensure no unusual problems. All requests must be submitted, reviewed and approved under the Sheriff's Office Special Event Request SOP.

B. The Patrol Administrative Commander may as directed assist in planning for any special event that would require deputies to control traffic.

1. Upon receipt of an approved Special Event Permit, he/she will assist State and County Highway Departments and other departments in coordinating the traffic movement based on anticipated attendance, location, and time.

2. The route will be carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption.

3. Side streets will be used to their maximum potential by eliminating parking to assist in a smooth flow of traffic. Deputies may be assigned key areas to assist with this.

4. Emergency services (fire, police, or ambulance) will be provided unrestricted access from at least one direction.

C. The Sheriff's Office will provide for crowd control by the use of foot patrol, motor patrol, bicycle patrol, and deputies in cruisers. These deputies may be at a stationary post or mobile.

D. Information will be provided at the earliest possible time to the media addressing changes or alterations of the event, parking, etc.

E. The Sheriff's Office will be provided a list of authorized personnel permitted to cross police lines. These may include press, promoters, vendors or VIPs. Use of special I.D. badges may be utilized.

F. Deputies will be allotted adequate scheduled breaks during the course of the event.

G. Where private security services are to be provided, the Sheriff's Office will review and determine the adequacy of these services to ensure that they meet accepted standards.

64.1.10 Fire Scenes

A. Deputies on the scene of fires will assess the hazards present and take action to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area.

B. The deputy will assist the Fire Department in making sure the scene is clear for emergency vehicles to enter but restrict entry to unauthorized vehicular or pedestrian traffic.

C. If available Fire Police or CAP's may be used for traffic control at the scene of fires.

D. Deputies will provide perimeter services to allow unrestricted access to the scene by fire and emergency vehicles/personnel.

E. The Sheriff's Office will work with the Fire Department to handle emergency scenes and to develop and implement plans and procedures for such scenes.

F. All volunteers arriving on the scene in private vehicles will be allowed to park at the edge of the police perimeter but not near the actual emergency scene unless conditions so permit or necessitate.

64.1.11 Adverse Weather and Road Conditions

A. Adverse road conditions may arise out of many situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice, and snow.

B. Deputies will be cognizant of changing weather conditions so emergency measures can be taken if warranted. This includes calling out salt and/or snow plow crews. A deputy will notify an on-duty Supervisor of such problems so a determination can be made to call out the appropriate agency.

C. A deputy may be utilized to provide on-scene traffic direction if warranted.

65.1 TRAFFIC ENGINEERING

This General Order consists of the following sections:

65.1.1 Responsibility
65.1.2 Engineering Complaints or Suggestions
65.1.3 Engineering Studies
65.1.4 Collision and Enforcement Data

POLICY

Sheriff's Office personnel shall notify the County Division of Transportation Engineering or the State Highway Administration of hazardous roadway conditions, in an effort to make Frederick County roadways as safe as possible for its citizens. The Traffic Unit Supervisor shall coordinate these efforts.

PROCEDURES

65.1.1 Responsibility

A. Traffic safety on the roadways of Frederick County is very important to the Sheriff's Office. The Sheriff's Office will work in cooperation with the County Division of Transportation Engineering or State Highway Administration to ensure a safe yet effective traffic system in Frederick County.

B. The Sheriff's Office is responsible for the collection of collision data within Frederick County. The Sheriff's Office is also responsible for the following:

1. Enforcing traffic laws and violations and analyzing this data as it applies to traffic problems.

2. Making recommendations to the Transportation Engineering Division or State Highway Administration regarding specific problems.

3. Monitoring road construction projects and reporting actual or potential hazards to the Division of Transportation Engineering or State Highway Administration.

4. Conducting spot speed surveys as requested by the Division of Transportation Engineering, State Highway Administration or as Selective Enforcement concerns dictate.

C. The County Division of Transportation Engineering or State Highway Administration will assemble data provided by the Sheriff's Office as well as the following:

1. Conduct traffic studies on specific problems identified by the Sheriff's Office.

2. Analyze collision data and provide feedback to the Sheriff's Office for enforcement if needed.

3. Participate in transportation system management planning.

65.1.2 Engineering Complaints or Suggestions

A. Deputies will notify the Emergency Communications Center to alert local town public works departments, County Roads Department or the State Highway Administration, as applicable, for safety problems such as missing stop signs, road name signs or substance removal from the roadway. Deputies shall remain at the scene of any hazardous condition when it would be too dangerous to leave it unattended, i.e., a non-functioning traffic light or a large deposit of a substance on the roadway.

B. As deputies find safety problems that require engineering studies or actions, they shall make their concerns known to the Traffic Unit Supervisor by written report or email. These concerns would include raising or lowering of speed limits, additional signage, improved sight distances or high collision locations, etc.

C. As the Traffic Unit Supervisor receives a deputy's roadway hazard concern, a determination will be made to forward it to the Division of Transportation Engineering or State Highway Administration or assign a Traffic Unit Deputy for immediate follow-up.

D. As the County Division of Transportation Engineering or State Highway Administration becomes aware of roadway hazards that require the Sheriff's Office's assistance, a formal request for the assistance shall be made to the Traffic Unit Supervisor.

E. As the Traffic Unit Supervisor receives a request from the Division of Transportation Engineering or State Highway Administration, he/she shall assign a Traffic Unit Deputy to address the concern.

F. As the Traffic Unit Supervisor receives a request to investigate a roadway hazard from a citizen, a determination will be made to either handle the concern internally or forward it to the Division of Transportation Engineering or State Highway Administration.

G. Personnel receiving assignments will be given a deadline to complete the report forwarding it to the Traffic Unit Supervisor.

H. The Traffic Unit Supervisor shall review and/or endorse all unit member's reports or emails (related to traffic complaint assignments) prior to forwarding them to the Patrol Operations Commander and/or Division of Transportation Engineering or State Highway Administration.

I. The Patrol Operations Commander shall forward a report to the Division of Transportation Engineering or State Highway Administration.

J. The Traffic Unit Supervisor will notify all complaining parties of the final outcome of any formal action taken as the result of their concern.

65.1.3 Engineering Studies

A. The Sheriff's Office will supply to the Division of Transportation Engineering or State Highway Administration collision data collected from the appropriate crash Report and in-house computer system.

B. The Sheriff's Office will supply specific data needed to analyze high traffic collision locations including but not limited to:
   1. Collision location
   2. Time of day
   3. Lighting conditions
   4. Road conditions
   5. Any conditions pertinent to the cause of the collision.

C. When conditions exist which indicate possible engineering problems at collision locations, the Division of Transportation Engineering or State Highway Administration will cause a sight-distance study or other appropriate study to be conducted to alleviate these conditions.

D. The Traffic Engineer or designee, county or state engineer and the Traffic Unit Supervisor will review and communicate as necessary (by meeting or email exchange) in reference to high collision locations and possible enforcement methods or engineering enhancements that could be utilized to curb the rate.

   1. The Sheriff's Office will use selective enforcement techniques for high collision areas.

   2. The Division of Transportation Engineering or State Highway Administration will furnish the Sheriff's Office with the necessary data to accomplish this task.

65.1.4 Collision and Enforcement Data

A. Collision data is collected by the Sheriff's Office from crash reports. This data is supplied to the Division of Transportation Engineering and the State Highway Administration. Limited data can also be collected from the in-house computer system on collisions reported to the Sheriff's Office in instances where no crash report was completed.

B. When a fatal collision or possible fatal collision occurs as a result of engineering or road conditions, the Division of Transportation Engineering or State Highway Administration will be notified on the next business day. The Division of Transportation Engineering or State Highway Administration will be afforded the opportunity to discuss any engineering problems as identified by the collision reconstructionist and the Supervisor. The Traffic Unit Supervisor will coordinate the meeting or information exchange.

66.1 TRAFFIC ANCILLARY SERVICES

This General Order consists of the following sections:

66.1.1 General Assistance to Motorists
66.1.2 Tow Service
66.1.3 Stranded Motorists
66.1.4 Emergency Assistance
66.1.5 Escorts
66.1.6 Hazardous Roadway Conditions
66.1.7 Radioactive and Hazardous Materials
66.1.8 Abandoned/Junk Vehicles
66.1.9 Tow Policy
66.1.10 Tow Records

POLICY:

The Sheriff's Office shall establish guidelines for activities having an indirect effect on traffic flow and responses to citizen-generated requests for assistance (general/emergency), providing public information and directions, identifying and reporting roadway and roadside hazards, checking abandoned vehicles, and locating and recovering stolen vehicles.

PROCEDURES:

66.1.1 General Assistance to Motorists

A. Due to the overall danger to stranded motorists, and also to the motorists on the roadway potentially affected by the stranded motorist, the Sheriff's Office will offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, but particularly during nighttime hours when hazards are greater.

B. Deputies should be constantly alert for roadway users who appear to need assistance. Deputies should freely provide information and directions upon request. In an effort to better serve the citizens, deputies should become familiar with the roads and services of their county.

66.1.2 Tow Service

A. Tow services will be initiated at a vehicle owner's request and will be called to tow vehicles for this Agency.

1. If a vehicle is towed at the owner's/driver's request, the Emergency Communications Center (E.C.C.) will be notified by the deputy of the name of the tow service requested. In such cases where the owner/driver is on the scene and has made such a request, a Vehicle Storage Report is not to be completed.

2. Tow companies from the approved list will be utilized. In areas where two or more tow companies are in close proximity to each other, they will be called on a rotating basis by the E.C.C.

3. A tow call log will be maintained by the E.C.C. in order to document the companies called and their response or non-response. The E.C.C. will log in C.A.D. the following information for each vehicle towed:
   a. Location
   b. Vehicle tag number
   c. Tow company

B. As a general rule, deputies will not provide or attempt any mechanical assistance or repairs to a disabled vehicle.

66.1.3 Stranded Motorists

Many occasions present themselves that call for the immediate removal of a disabled vehicle from a traveled highway so further traffic problems and/or the possibility of a serious collision may be diminished.

A. Deputies will not use their cruisers to "jump start" other vehicles.

B. Deputies may, at their discretion, transport stranded motorists to the nearest convenient location where assistance may be obtained; however deputies should be certain that assistance is available. When transporting stranded motorists, deputies should give the dispatcher their starting and ending mileage.

C. Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions, and priority of calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Deputies should periodically check to ensure the condition does not deteriorate.

D. Deputies who assist stranded motorists should remain alert to the following possibilities: the vehicle may be in the possession of a motorist not authorized to use it; the vehicle is in an unsafe operating condition; the motorist is not licensed to drive; the motorist is incapable of safely operating the vehicle; and/or the vehicles occupants have engaged in criminal activity.

E. Deputies may provide assistance to motorists in obtaining tow services, if needed, as outlined in #66.1.2.

66.1.4 Emergency Assistance

A. Deputies will render all practical assistance to users of the roadway who are involved in emergency situations.

B. Vehicle fires - Deputies will immediately advise the dispatcher upon discovery of a vehicle fire. The location, type of vehicle, location of fire, and cargo (if applicable) will be given to

the dispatcher. The dispatcher will notify the fire department of these facts so an appropriate fire department response can be made.

C. Medical Emergencies

1. Notification - Upon discovery of a medical emergency, the deputy will request appropriate fire department response. When requesting emergency equipment the following information will be given to the dispatcher: type of emergency, location, condition of patient, and any other information available regarding the emergency.

2. Assistance - After notifying the dispatcher of the nature of the emergency, deputies will render first aid assistance as possible.

3. Deputies will not provide an emergency escort to a civilian vehicle in a medical emergency unless approved by the Duty Supervisor.

D. A vehicle unlocking device will be issued to each patrol team. The patrol team Sergeant will determine who is trained and issued the unlocking device. Only trained deputies will use the device to gain entry to a vehicle in an emergency situation. An emergency situation includes a child or animal locked in a vehicle, vehicle that is currently running, or any other emergency situation approved by the supervisor. Deputies must receive supervisory approval prior to unlocking any vehicle with the issued unlocking device. Routine lockout services will not be performed. Each time a deputy attempts or successfully completes the unlocking of a vehicle, they will check the window and door area and verify that they are functioning properly. If damage is found a written incident report must be completed.

66.1.5 Escorts

A. Deputies will not initiate emergency escorts.

B. Emergency vehicles, particularly ambulances, will not be escorted by deputies except under special circumstances. Two emergency vehicles traveling together more than double the hazard to traffic.

C. Scheduled Escorts

1. Legitimate requests for scheduled law enforcement escort services include, but are not necessarily limited to, those associated with funerals, motorcades and other traffic of public officials and dignitaries, oversize vehicles, highway construction and maintenance vehicles, and vehicles with hazardous or unusual cargo. All requests must be submitted, reviewed and approved under the Sheriff's Office Special Event Request SOP.

2. When the Office elects to honor a request for scheduled escort services, the trip route will be established in advance, as will the maximum speed to be maintained along each segment of the route.

3. Point traffic control will be established, as appropriate, at locations along the scheduled route sufficient to ensure safe passage.

4. Tactical control of the escort will be assigned to a specific Supervisor or deputy in accordance with the complexity of the escort services being provided. The Supervisor will set the pace of the escort in accordance with prevailing conditions, and under no circumstances exceeding the pre-specified maximum speed for any segment of the route. The Supervisor will terminate the escort and resume normal vehicular operation when, in their opinion, conditions are such that continuation of the escort would constitute unacceptable risk to the public.

5. The use of patrol vehicle emergency equipment during the escort will be specified in advance by appropriate supervisory or command personnel.

6. Request for non-emergency escort should be referred to patrol supervision.

7. Escorts for public officials or other special requests are to be approved by the Patrol Operations Commander in advance.

66.1.6 Hazardous Roadway Conditions

A. Hazardous highway and/or environmental conditions are defined as:

1. Defects in the roadway itself (holes, ruts, or dangerous shoulders).

2. Lack of or defects in highway safety features (e.g., center and roadside striping and reflectors) or improper, damaged, destroyed or visually obstructed traffic control and information signs.

3. Lack of traffic control and information signs (curve and hill warnings, stop and yield signs, speed limit signs, street and highway identification), or improper, damaged, destroyed or visually obstructed traffic control signs or devices.

4. Lack of mechanical traffic control devices or improperly located or malfunctioning traffic control devices.

5. Lack of roadway lighting systems or defective lighting systems.

6. Natural or man-caused obstructions (fallen trees and rocks, litter, debris, parts of vehicles, broken water mains and electrical wires).

7. Ice or heavy snow accumulations on roadway surfaces.

8. Fire and its attendant smoke in areas adjacent to the highway.

9. Vehicles parked or abandoned on or near the roadway.

B. The term "roadside hazard" will refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, could impact with them, resulting in unnecessary injury to people or damage to property. Roadside hazards are defined as:

1. Rigid non-yielding supports for traffic control devices and lights, or the non-performance of safety installations (i.e., breakaway sign supports that fail to function properly).

2. Improperly engineered guard rails.

3. Unshielded bridge railings that may not be able to retain an impacting vehicle and redirect it parallel to the roadway, thereby minimizing damage to the vehicle and danger to traffic below the bridge.

4. Bridge abutments and other hazardous fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.

5. Utility poles, trees, ditches, inappropriately steep banks, culverts, rock formations, and other fixed objects built off the roadway, and into which the vehicle might crash with high injury probability.

C. The following procedures will be followed in identifying, reporting and correcting hazardous roadway, roadside, or environmental conditions.

1. When a hazard is identified and in the deputy's opinion such hazard requires an immediate correction (such as a fallen tree or electrical wire across or on any part of the traveled portion of this situation), they will immediately inform dispatch of this situation and identify the assistance or special equipment required. The deputy will protect the scene and bystanders, direct traffic, and take any other action deemed necessary to correct the situation.

2. When a hazard is detected that represents a potential collision situation but the threat of such is not imminent, as in the case of a discarded muffler, the deputy will pass this information on to dispatch. Dispatch will notify the County/State Highway Department or other proper authority to have the situation corrected. If the deputy can correct the situation (such as the discarded muffler), they will take appropriate action.

66.1.7 Radioactive and Hazardous Materials

A. Background

1. A hazardous material is defined as follows: Any element, compound, or combination thereof which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

2. Radioactive materials are in current use in hospitals, research laboratories, and numerous industrial and military applications, and are transported throughout the state by truck, rail, air, and waterborne transportation.

3. Numerous hazardous materials are transported throughout the state every day. While many of these are in common use, accidents or spills present a serious threat to the health

and safety of the general public, especially the deputy who happens to be first on the scene.

4. Many accidents and other emergencies involve more than one agency and require a cooperative emergency response. It is of extreme importance for all deputies to be aware of what actions they should take during hazardous material emergencies.

B. Procedure

1. Radioactive material

a. Complete information concerning the incident will be forwarded to dispatch by the quickest means available. This information will include:
(1) Basic description (explosion, fire, etc.)
(2) Exact location.
(3) If possible, all information contained on the Interstate Commerce Commission (ICC) label or labels.

b. Upon being notified of any incident, dispatch will notify the appropriate fire department and one or more of the following:
(1) Department of Natural Resources.
(2) The State Civil Defense Director.
(3) Hazardous Material Team.

2. Atomic Weapons

When it is believed that an accident or incident has occurred involving an atomic weapon (or weapon component) or radioactive material that can be identified with a military service, dispatch will, in addition to the notification specified in section b. above, request assistance from appropriate military headquarters.

3. Hazardous Materials

a. First, and most important, is the identification of shipments considered hazardous. This is usually accomplished directly or indirectly by descriptive data in shipping documents, on containers, package labels, and vehicle placards.

b. If this information is not readily obtainable due to an incapacitated driver, destruction of a bill of lading or other shipping papers, dispatch will immediately contact the Chemical Transportation Emergency Center (CHEMTREC). CHEMTREC provides technical expertise in handling hazardous material emergencies. They can also provide additional phone numbers for emergencies, such as accidental poisoning. When in doubt, the dispatch should immediately contact CHEMTREC. Basic information needed:
(1) Name of caller and call back number.
(2) Location of problem.
(3) Shipper or manufacturer.
(4) Container type.
(5) Rail car or truck number.

(6) Carrier name.
(7) Consignee.
(8) Local conditions.

c. In the case of hazardous material incidents deputies will
(1) isolate the hazard area,
(2) evacuate non-essential personnel, and
(3) make a preliminary hazard identification (spill, leak, fire).
(4) The appropriate fire department will be notified to aid in any such matter.

d. Employee Exposure Incidents

When an employee is involved in an incident involving hazardous materials, the employee will be required to receive medical attention under the following conditions:
(1) Exposure to hazardous substances at concentrations above the permissible exposure limits without the necessary personal protective equipment being used.
(2) Injury to an employee due to overexposure during an emergency incident.
(3) When the employee advises a Supervisor signs or symptoms indicating exposure to a hazardous substance. Such symptoms may include dizziness or rashes.
(4) Upon notifying a Supervisor, the employee will go to the Frederick Memorial Hospital Emergency Room for examination and treatment as soon as possible. The deputy will prepare a memorandum describing the incident and forward it up the chain of command to the Sheriff.

66.1.8 Abandoned/Junk Vehicles

A. Abandoned vehicles constitute a safety hazard within the county. The following procedures provide guidelines for the systematic removal of these vehicles consistent with state regulations.

B. Definitions:

1. Public Property: Any property owned or controlled by a Federal, State, County, or Municipal Government.

2. Private Property: Any property not owned or controlled by a Federal, State, County, or Municipal Government.

C. Abandoned Vehicle: Any motor vehicle, trailer or semi-trailer:

1. That is, or appears to be, inoperable and is left unattended on public property for more than 48 hours after tagging.

2. That has remained illegally on public property for more than 48 hours after tagging.

3. That has remained on public property for more than 48 hours without the consent of the owner or person in charge of the property.

4. That has remained on public property for more than 48 hours.
   a. Is not displaying currently valid registration plates.
   b. Is displaying registration plates of another vehicle.

5. That has been left unattended on any portion of a controlled access highway for more than 24 hours after tagging (Transportation Code Section 25-201).

D. Vehicle Tagging Procedures

1. Vehicles requiring tagging:
   a. If observed by the deputy as disabled or abandoned;
   b. If reported disabled or abandoned;
   c. Vehicles left unoccupied as a result of an arrest by a deputy.

2. The deputy will utilize the Frederick County Sheriff's Office Vehicle Tag by filling out all appropriate information on the tag.

3. Separate the top of the tag from the bottom at the perforated line.

4. The top portion will be used to tag the vehicle. On the reverse side of the vehicle tag, the deputy will remove the two center sections exposing the adhesive material. This exposed adhesive will be used to attach the tag to the vehicle on the rear window, driver's side. Under no circumstances will the tags be attached to any painted surface of the vehicle.

5. Retain the bottom of the vehicle tag and affix it to the Abandoned Vehicle Log located at Patrol Headquarters.

6. The day shift supervisor will check the Abandoned Vehicle Log for any vehicles that have been tagged for more than 48 hours. The deputy assigned to that patrol area will be directed to respond to the vehicle location and make disposition by:
   a. Towing the vehicle, if still on the scene, or;
   b. Notifying the supervisor to record the vehicle as "GOA" if the vehicle is not on the scene.

7. Inclement Weather - during times of rain, snow, etc., the deputy will either wrap the tag around the vehicle antenna by attaching the adhesive sides together, or by clearing an area on the glass on the driver's door window and attaching the sticker to the bottom right hand corner.

E. Vehicles Abandoned on Public Property

If a vehicle is observed or reported abandoned on public property the deputy will conduct a stolen check on the vehicle. If the vehicle is not stolen it shall be tagged. The stub from the tag will be completed affixed to the abandoned vehicle log. The deputy who tagged the vehicle is responsible for follow up to assure proper removal of the vehicle, if applicable.

F. Vehicles Abandoned on Private Property

If a vehicle is observed or reported abandoned on private property, the deputy will conduct a stolen check on the vehicle. If the vehicle is not stolen the property owner should be instructed to contact a tow company for removal. Deputies will not store vehicles from private property unless it is stolen, evidence, or has been used in the commission of a crime.

G. The abandoned Vehicle Storage Report and all relevant documents will be submitted no later than the end of the deputy's tour of duty.

H. Abandoned vehicles will be towed and stored by the tow company which is responsible for that area as outlined in 66.1.2.

66.1.9 Tow Policy

A. Towing

1. Deputies may only tow a vehicle if it is parked in violation of the law, presenting a hazard to public safety, or interfering with the flow of traffic; or when the vehicle is evidence itself or may contain evidence; or for safekeeping subsequent to an arrest, or the vehicle or its contents will likely be stolen or damaged if it is not impounded.

2. Deputies will use only those tow services that have been approved by the Frederick County Department of Procurement and Contracting and which appear on the tow list, if the vehicle is being towed at the request of the deputy.

3. It will be the responsibility of the E.C.C. to contact the next available tow service from the tow list when a request is received from a deputy and the owner does not state a specific tow service.

B. Tow List

1. The Department of Procurement and Contracting assisted by the Sheriff's Office and the E.C.C. shall establish a list of tow companies authorized to provide tow services in Frederick County. The tow company must provide 24-hour service and have a fenced lot that must be capable of being locked to preserve evidence or those vehicles seized on court orders. The list shall contain reputable businesses throughout the County, as to not cause undue delay in response time. The tow companies will have a response time of 35 minutes or less, with the exception of adverse weather conditions or other exigent circumstances beyond their control. The Department of Procurement and Contracting shall be responsible for maintaining this tow list. Any complaints regarding any company on the tow list shall be documented and referred to the Tow Policy Coordinator and forwarded to the Department of Procurement and Contracting for review and follow up. A copy of the tow list shall be maintained by the Department of Procurement and Contracting and maintained by the Emergency Communications Center. The tow companies must meet all guidelines of the Maryland Vehicle Law and Code of Maryland Regulations regarding vehicle safety and equipment standards.

2. The minimum requirements, response criteria, and violation procedures regarding tow companies are governed by guidelines established by the Department of Procurement and Contracting, Sheriff's Office and E.C.C.

C. Towed Vehicle Procedure

1. When a deputy requests the towing of a vehicle for any reason, such as; disabled causing a hazard, abandoned, recovered stolen or involved in a collision and the operator or owner is not on the scene the deputy will complete a Vehicle Storage Report by the end of their tour of duty.

2. The Electronic Vehicle Storage Report will be the primary way to document when a vehicle has been towed.

   a. A storage Number will be the primary way to document when a vehicle has been towed.

   b. The deputy will save the file in PDF format on their MDT.

   c. The deputy will then upload the completed vehicle storage report into the system where the PIS and Administrative Assistant responsible for monitoring the Electronic Vehicle Storage Reports will have access.

   d. The completed Electronic Vehicle Storage Report will be printed out and given to the tow truck driver(s) on scene.

   e. Additional vehicles involved that are stored will require separate Electronic Vehicle Storage Reports

   f. Form 84-C will only be used in place of the Electronic Vehicle Storage Report if MPS is inoperable at the time of the tow.

      (1) The tow operator will be given the goldenrod copy of the 84-C form.

      (2) Once MPS is active, the deputy will enter the information from form 84-C into the Electronic Vehicle Storage Report.

      (3) If the system in not functioning properly, form 84-C can be completed in the interim and forwarded to the Administrative Assistant responsible for monitoring the Tow Log who will enter the information into the system and obtain a storage number.

3. It is the responsibility of the deputy to contact the owner/operator of the vehicle to determine if attempts are being made to remove it. If the vehicle is towed, the deputy will conduct follow-ups to notify the owner. Leaving a message via an answering machine is not considered contact. Deputies must speak with the owner/operator or authorized agent directly or via another police agency if the owner is out of the FCSO jurisdiction. Certified Mail will be a final option for notification of the owner. The deputy shall document all attempts to notify the owner.

4. Stored vehicles can only be released by having the owner or an authorized agent of the owner respond to the Sheriff's Office to obtain the "release copy" of the vehicle storage report.

5. After the Electronic Vehicle Storage Report has been filled out in its entirety and uploaded, it will be saved into the system until the vehicle is released to the owner or an authorized agent.

D. Towing Vehicles in Violation/Involved in Collision or Disabled

1. Requests by owner/operator for a specific tow service may be honored with consideration given to the existing traffic conditions and the proximity of the desired towing service.

2. Deputies requesting tow services will normally do so via the police radio. Requests shall include the following information if the deputy is not to remain on the scene.
   a. The make, model, color and tag number.
   b. The exact location of the vehicle being towed.
   c. The reason for towing (collision, disabled, etc.).
   d. A brief description of the scene (overturned, burned, etc.)

3. All vehicles towed in this category will be taken to the lot of the tow service unless otherwise specified by the owner/operator.

4. If the owner/operator is impaired, incapacitated, or not present when the vehicle is towed, the vehicle contents will be inventoried and noted on Vehicle Storage Report. Valuable property will be submitted to the evidence unit.

5. When any vehicle is towed without the knowledge of the owner/operator, the dispatcher will note the information in the CAD system should the owner/operator inquire as to the vehicle's location.

6. It will be the responsibility of the deputy to contact the owner/operator of the vehicle to determine if attempts are being made to remove it. If the vehicle is towed, the deputy will conduct follow-ups to notify the owner. Leaving a message via an answering machine is not considered contact. Deputies must speak with the owner/operator directly or via another police agency if the owner is out of the FCSO jurisdiction. Certified Mail will be the final option for notification of the owner. The deputy shall document all attempts to notify the owner.

7. All unattended vehicles towed will be checked for stolen prior to a tow truck being requested.

8. When a vehicle is towed for illegal parking, the vehicle will be tagged with a Maryland Uniform citation, copy of an electronic citation or written or electronic warning for the violation. The citation or warning will be issued to the registered owner of the vehicle. In the absence of the owner/operator, the citation or warning will be placed on the windshield.

E. Stolen Vehicles

1. If a stolen vehicle, a vehicle used without the authority of the owner, or a vehicle used in connection with criminal activity is recovered, the investigating deputy will:

   a. Arrange for the vehicle to be processed at the scene for evidence, if applicable.

   b. If there is no reason for holding the vehicle it may be released directly to an authorized person. Prior to the release, the deputy will complete a Vehicle Storage Report.

   c. If the owner of the vehicle is not available and there is no reason for holding the vehicle, request the next tow company on the approved tow list through the E.C.C.

   d. If the vehicle must be retained as evidence or for further processing, it will be removed to the Sheriff's Office Impound Lot until it is no longer needed as evidence and has been properly claimed. Prior approval for such removal will be obtained from the supervisor.

2. The deputy will contact the owner or, in the case of out of County or out of State, cause a teletype to be sent to the police agency in that area requesting notification of the owner, advising of the recovery and how vehicle may be claimed.

F. Towing Vehicles for Evidential Procedures

1. Only vehicles subject to forfeiture guidelines, or vehicles that are in and of themselves a crime scene, may be stored in the impound lot without prior Narcotics Investigations Section (NIS) or Traffic Unit supervisory approval.

2. If the vehicle needs to be processed as a crime scene, the tow service operator who responds will be advised not to enter the vehicle. If evidence tape is available it will be used to seal the doors of the vehicle.

3. When a vehicle is towed for this reason the deputy handling the case will contact an Evidence Technician as soon as possible and advise him of the circumstances of the case and the processing needed on the vehicle. The Evidence Technician will coordinate with the Investigator any further action concerning the vehicle.

4. When vehicles are impounded for potential confiscation and forfeiture proceedings for violation of the controlled dangerous substances statutes, the investigating deputy will request the next tow company on the approved tow list through the E.C.C.

   a. The reporting deputy will file impounded Vehicle Storage Reports in the "impound" section of the vehicle storage log.

   b. The keys, the tow bill, and a copy of the incident and vehicle storage reports will be forwarded to NIS by the end of the deputy's tour of duty.

   c. A Vehicle Storage Report will be completed as outlined in section 66.1.9 C.

5. Authorization for release of vehicles being held will be by:

    a. The NIS supervisor for narcotics seizure vehicles

    b. The detective or investigating deputy for criminal evidence or hit and run vehicles.

G. Inventory Searches

1. There are three reasons that inventory searches are conducted (as cited in South Dakota v. Opperman (428 U.S. 364) 1976) as a routine administrative procedure:

    a. The protection of the owner's property while it remains in police custody;

    b. The protection of the police against claims or disputes over lost or stolen property;

    c. The protection of the police from potential danger.

2. Deputies will conduct inventory searches prior to removal by tow trucks.

    a. All items, which could be considered to have a significant value and the deputy believes may be lost or stolen, shall be recorded on the Vehicle Storage Report for items which are left with the vehicle.

    b. Items removed from the vehicle will be documented on an incident report and submitted into evidence for safekeeping.

3. Limitations are imposed on the scope of an inventory and each inventory must be justified as inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere will call into question the deputy's motives. Unlocked areas may be opened for the mutual protection of the deputy and the owner. Evidence or contraband discovered in the conduct of the inventory can be seized and used in a criminal prosecution as it falls under the Plain View Doctrine. The burden is on the deputy, however, to show that the inventory was reasonable and pursuant to Agency policy.

4. Except for evidence, only personal property that could be considered to have significant value, and that the deputy believes may be damaged or stolen if left in the vehicle, shall be removed and placed into property for safekeeping unless the deputy is relieved of that responsibility by the exceptions listed in G.O. 42.2.1 - III. N. Personnel shall consider each item in the vehicle as their obligation to safeguard. Items not removed will be locked in the vehicle, preferably in the trunk.

66.1.10 Tow Records

A. Any person claiming a vehicle will furnish identification and proof of ownership. The person releasing a vehicle will check the Electronic Vehicle Storage file (webpage) for the vehicle. The person releasing the vehicle will ensure there isn't a hold on the vehicle and confirm that it may be released. This will be noted on the Electronic Vehicle Storage Report. If it is listed

and may be released, the Electronic Vehicle Storage Report's "release" section will be filled out and uploaded to the system.

B. The owner will be given a copy of the completed Electronic Vehicle Storage Report.

C. Vehicles may be released:

1. To the owner.

2. To an authorized agent of the owner with a notarized form from the owner giving such authorization.

3. Upon presentation of a court order.

4. Upon presentation of a notarized form or document indicating that the person or firm named on the form or document is lawfully entitled to the stored vehicle.

71.1 TRANSPORT OPERATIONS

This General Order consists of the following sections:

71.1.1 Prisoner Searches
71.1.2 Vehicle Searches
71.1.3 Vehicle Inspection
71.1.4 Prisoner Transportation
71.1.5 Visual Observation
71.1.6 Meals
71.1.7 Assistance of Others
71.1.8 Escapes
71.1.9 Prisoner Communication
71.1.10 Transport to other Detention Facilities
71.1.11 Transport to Medical Facilities
71.1.12 Security Hazards
71.1.13 Accident or Disabled During Transport
71.1.14 Transporting Prisoner to FCADC or Courthouse
71.1.15 Out-of-county Transports

POLICY

Written direction will govern routine search of prisoners, vehicle inspections, and security measures during prisoner transports.

PROCEDURES

71.1.1 [Redacted]

71.1.2 [Redacted]

71.1.3 [Redacted]

71.1.4 [Redacted]

71.1.5 [Redacted]

71.1.6 [Redacted]

71.1.7 [Redacted]

71.1.8 [Redacted]

71.1.9 [Redacted]

71.1.10 [Redacted]

71.1.11 [Redacted]

71.1.12 [Redacted]

71.1.13 [Redacted]

71.1.14 [Redacted]

71.1.15 [Redacted]

71.2 SPECIAL TRANSPORT SITUATIONS

This General Order consists of the following sections:

71.2.1 Transporting Prisoners of the Opposite Sex
71.2.2 Transporting Handicapped Prisoners
71.2.3 Transporting Sick or Injured Prisoners
71.2.4 Restraints on Handicapped Prisoners
71.2.5 Restraints on Sick or Injured Prisoners
71.2.6 Special Situations
71.2.7 Juveniles

POLICY

General Guidelines shall be provided to ensure safety and security during transports involving special prisoner situations.

PROCEDURES

71.2.1 Transporting Prisoners of the Opposite Sex

A. Upon beginning the transport the deputy will advise the Emergency Communications Center of the starting location, mileage and destination. During extended transports, at least one deputy of the same sex as the prisoner will be assigned when possible.

B. Upon arrival at the destination the deputy will advise the Emergency Communications Center of the ending mileage and location.

71.2.2 Transporting Handicapped Prisoners

Physically and mentally handicapped prisoners present special conditions for their transport that dictate due care and attention. For example, the type of vehicle to be used would be a consideration when transporting non-ambulatory prisoners or those requiring wheelchairs, crutches or prosthetic appliances. It may be necessary to call a Detention Center transport van into service to safely effect the transport. Deputies must also be aware of the need and arrange for transport of medicine, insulin, or other special items. The safety, comfort and care of the prisoner and the deputy requires thought and planned action when preparing to transport handicapped prisoners.

71.2.3 Transporting Sick or Injured Prisoners

A. A person's immediate medical needs take precedence over legal processing procedures. Any prisoner who is injured prior to or during an arrest situation will be transported to and offered treatment at the local hospital prior to processing, initial appearance and/or incarceration. If

necessary an ambulance will be dispatched to provide emergency transport to the hospital. In this event, the deputy will follow the ambulance in emergency status to the hospital. A second deputy, if available, will ride with the prisoner in the ambulance.

B. If the prisoner refuses treatment while at the hospital, the deputy will obtain a copy of the hospital refusal of treatment form prior to transporting the prisoner to another location. If the prisoner is to be incarcerated the form will be initialed by the deputy and given to the on-duty detention holding authority as part of the prisoner's intake records. The deputy will request a copy of the release for police records.

C. Deputies will promptly advise their supervisory personnel of all medical incidents and will submit by report the details of the injury and occurrences.

71.2.4 Restraints on Handicapped Prisoners

When transporting a handicapped prisoner the degree of physical restraint necessary will be applied within reason at the discretion of the transporting deputy. The safety of the prisoner and the deputy require special care in these situations. A prisoner in a wheelchair or one who uses walking aids may not require the use of restraints in all instances; however, every precaution should be taken to ensure safety of the prisoner and the deputy. If in the deputy's discretion a handicapped prisoner does not present danger of injury to themselves or others, or does not present a risk of escape, restraints may be withheld.

71.2.5 Restraints on Sick or Injured Prisoners

Sick or injured prisoners will be handcuffed during transport with exception to circumstances where the restraints may further compound the injury or will prevent medical personnel from properly performing their duties. In these instances, medical personnel may direct that restraints not be used.

71.2.6 Special Situations

Special transports such as funerals and visits to hospitals require attention to personal contacts, awareness of persons at the event, the potential for harm to the prisoner or others, and escape attempts. These special transports will only be conducted by an order of the Court. The prisoner will remain handcuffed with hands in front, secured by a waist chain, unless the Court directs otherwise. If cuffs are to be removed they will be kept on until the deputy reaches the destination. They will then be removed only immediately prior to entry to the event and reapplied on departure. Personal contact will be kept to a minimum and the prisoner will be removed from the event as soon as practical. If a separate visit apart from other persons is required with regard to high risk prisoners attending these events, the Court will be consulted on approving special security arrangements.

71.2.7 Juveniles

A. The Sheriff's Office will only transport delinquent offenders under proper court order, approved Department of Juvenile Justice request, limited custody order, or detention order.

B. Non-offenders and status offender juveniles may be transported in the course of an on-going investigation only. Juveniles in these categories are never to be held in secure custody or held by restraining devices.

C. Juveniles will not be transported with adults.

D. Juveniles will not be secured to an adult by a restraining device.

E. Juvenile delinquent offenders and waived non-felons will not be held in secure custody, including transport, beyond a six-hour period, except under express written authorization by Department of Juvenile Justice.

71.3 RESTRAINING DEVICES

This General Order consists of the following sections:

71.3.1 Restraints During Transport
71.3.2 Transporting Mentally Disturbed Prisoners

POLICY

The transport of prisoners will be accomplished using that degree of restraint authorized to effect safe completion of the assignment.

PROCEDURES

71.3.1 Restraints During Transport

A. During transport, all arrested persons will be handcuffed with hands behind their back. Exceptions may be made in limited circumstances at the deputy's discretion while keeping safety and security foremost in mind. Exceptions may be:

1. Handicapped prisoners.

2. Ill or injured prisoners.

3. Extended trips in which prisoners may be handcuffed with hands in front, secured by a waist chain. A "lock box" may be used by transportation personnel to further secure the handcuffs, if available.

B. During transports involving more than one prisoner, the prisoners will be cuffed with hands in front and arms intertwined. A "gang chain" may be used to connect multiple prisoners if the transport is being conducted in a prisoner van.

C. Prisoners will not be handcuffed to any part of a vehicle, such as door parts or protective screens. This does not apply to the proper use of the hobble restraint (See: General Order 1.3.7. K.).

D. Leg-irons are permissible at the deputy's discretion when a prisoner is believed to be a high security risk or when the need arises to prevent a prisoner from harming himself or others. Leg-irons are mandatory within the Central Booking Unit.

E. All restraints will be double-locked with handcuff keyholes secured facing up. A "lock box" may be used by transportation personnel to further secure the handcuffs, if available.

F. The removing, transferring, switching or changing of restraints should only be made in a secure area with not less than two law enforcement/corrections personnel present.

G. Prisoners will not be restrained with hands cuffed behind their back and further connected to their ankles or in such a way that could be potentially dangerous to the prisoner and contribute to conditions such as positional asphyxia.

71.3.2 Transporting Mentally Disturbed Prisoners

A. The guidelines outlined in Section 71.3.1 are applicable under this section.

B. If the prisoner is prone to violence, the Detention Center van may be called into service. If the van is not immediately available, at the deputy's request or supervisors direction, a second deputy may be dispatched to assist with the transport by following the transport vehicle or riding with the transporting deputy.

71.4 TRANSPORT EQUIPMENT

This General Order consists of the following sections:

71.4.1 Safety Barriers
71.4.2 Vehicle Modifications

POLICY

Secure barriers will be installed in all primary prisoner transportation vehicles, and security modifications will be made to all patrol vehicles to ensure safe and secure transportation of prisoners.

PROCEDURES

71.4.1 Safety Barriers

A. The Frederick County Sheriff's Office uses transportation cars and vans assigned to the Corrections Bureau as the primary vehicles for conducting all prisoner transports following incarceration.

B. These vehicles may be called into service, when Corrections Staff are available, in instances of unusual and special needs circumstances prior to incarceration.

C. These vehicles are equipped with safety barriers made of wire mesh or transparent impact resistant material separating the driver's compartment from the prisoner's compartment to prevent prisoners from having physical access to the driver, without limiting verbal communications.

71.4.2 Vehicle Modifications

In order to minimize opportunities for a prisoner to exit an agency vehicle without assistance from the transporting deputy, all patrol vehicles including the Corrections Bureau vans will be modified so that inside door handles, locks and window cranks are inoperable from the rear compartment.

72.1 HOLDING FACILITIES: ORGANIZATION, MANAGEMENT AND ADMINISTRATION

This General Order consists of the following sections:

72.1.1 Holding Facilities Manuals
72.1.2 Responsibilities
72.1.3 Training
72.1.4 Access of Non-Essential Personnel
72.1.5 Safeguarding Records

POLICY

There are holding cells located at the Courthouse and Sheriff□'s Office Headquarters. The Sheriff's Office shall provide written guidelines governing personnel responsibilities, training, confidentiality of records, and access to secure holding facilities.

PROCEDURES

72.1.1 Holding Facilities Manuals

A. The Operation and maintenance of the Sheriff's Office Court Security Unit holding cells are governed by General Orders 72.1 through 72.7 of this manual.

B. The Frederick County Corrections Bureau maintains a general orders manual governing Corrections Bureau operations. Correctional policies and procedures are established in compliance with the Maryland Commission on Correctional Standards, the Maryland Correctional Training Commission, and the National Commission on Correctional Health Care.

72.1.2 Responsibilities

A. Responsibility and accountability for holding facilities operations rests with the Judicial Operations Commander.

B. Holding facilities operations are directly supervised by the Judicial Operations Commander, Courts Security Unit.

72.1.3 Training

A. All uniformed personnel will receive training in holding facility operations in accordance with the nature of their assignments and responsibilities.

B. Court Security personnel will receive in-service training.

1. The training will be documented by written lesson plans outlining each area of instruction.

2. Training will include, but not be limited to:
    a. Use of physical restraint
    b. Security and search procedures
    c. Weapons control
    d. Emergency procedures
    e. Post operations
    f. Supervision of prisoners
    g. Juvenile prisoners
    h. Key control procedures
    i. Documentation of activities
    j. Fire extinguisher use and fire suppression

72.1.4 Access of Non-Essential Personnel

A. Those personnel classified as essential personnel having access to holding areas at the courthouse are:

1. Court Security Unit personnel

2. Prisoners

3. Sheriff's Office personnel having business in the holding area

B. All other persons are considered to be non-essential personnel, and will only be allowed in the holding areas with the permission of the attending deputy or Judicial Operations Commander.

1. Non-essential personnel having business in the holding area that may have access with approval of the attending deputy are:
    a. Medical authorities
    b. Corrections officers
    c. Necessary maintenance personnel
    d. Attorneys
    e. Juvenile Justice Authorities

2. All other non-essential personnel will require specific approval from the Judicial Operations Commander.

C. In all cases, the prisoners' privacy will be protected.

D. There are certain times when non-essential personnel shall not be permitted in the holding areas. These times include but are not limited to the following:
1. Transfer of prisoner custody
2. Booking-in process of prisoner
3. Prisoner searches
4. Emergency situations
5. Prisoner movement to and from court appearances

72.1.5 Safeguarding Records

A. Records relating to arrested persons including arrest reports, prisoner tracking forms, and incident reports are secured in confidential files in the Court Security records cabinet. Information from these reports will not be released without proper authorization consistent with General Order 82.1: "Records Security and Privacy." All requests for information will be forwarded to the Records Section Supervisor for handling.

B. Booking records including personal and medical information will be forwarded to the Detention Center for prisoner case files. Information contained in these records may only be released by Detention Center authorities in accordance with confidential records access procedures established by that facility.

72.3 SAFETY AND SANITATION

This General Order consists of the following sections:

72.3.1 Fire Prevention and Control
72.3.2 Fire Equipment
72.3.3 Fire Equipment Testing and Inspection
72.3.4 Fire Detection System
72.3.5 Fire Detection System Testing and Inspection
72.3.6 Emergency Evacuation Plan
72.3.7 Sanitation Inspections and Vermin Control

POLICY

The Sheriff's Office shall provide for the safety of prisoners and personnel through inspections, written emergency plans, and testing of fire equipment and detection devices located in Office holding facilities.

PROCEDURES

72.3.1 Fire Prevention and Control

A. To prevent the spread of fire, and to ensure the safety of prisoners and personnel, smoking is prohibited in all Sheriff's Office facilities and Courthouse facilities.

B. Upon observing a prisoner's possession of tobacco or flammable materials (matches, lighters), whether during a search or otherwise, deputies shall

1. Remove the items

2. Record the items on a property sheet

3. Maintain possession of the items until the prisoner is

a. Released, at which time the item(s) will be returned to the individual; or

b. Transferred, at which time the items will be given to the receiving agency

C. Fire emergency evacuation procedures are outlined in General Order #72.3.6 as guidelines for the safe, secure evacuation of prisoners and personnel.

D. Personnel will attempt to extinguish any fire within reason, and will promptly report notice of any fire or smoke to the supervisor-in-charge for further investigation.

E. The Supervisor will make contact with the appropriate building maintenance and emergency response personnel to request necessary response to fire or smoke situations.

F. In evacuation situations, prisoners will be moved and secured in accordance with procedures outlined in General Order #72.3.6, Emergency Evacuation Plan.

G. Fire safety inspections of equipment and automatic alarm systems will be conducted on a regular basis to ensure equipment is functioning properly.

H. Fire drills will be held at each building housing holding cells a minimum of two times each year. Reports of these activities will be maintained on file by the Judicial Operations Commander and building manager.

72.3.2 Fire Equipment

A. Fire and safety equipment will be located in easily accessible areas as follows:

1. Fire extinguishers in the Courthouse will be located and maintained in accordance with NFPD 1 (Uniform Fire Code)

2. First Aid Kits/Fire Blankets
   a. Sheriff's Office Holding Area (2nd floor)
   b. Circuit Court Holding Areas 1 & 2
   c. District Court Holding Areas 1 & 2
   d. Circuit Court Holding Areas 3 & 4
   e. Circuit Court Holding Area 5

B. The type and location of fire equipment was approved in writing by the State Fire Marshal, Frederick County Department of Fire and Rescue Service's Fire Marshall, and Frederick County Office of Life Safety at the time of occupancy of the courthouse. Copies are maintained on file with the Sheriff's Office compliance records and the Frederick County Department of Public Works.

72.3.3 Fire Equipment Testing and Inspection

A. Daily inspections of fire extinguishers and first aid kits are conducted to verify presence and detect possible damage or tampering.

1. These inspections will be documented:
   a. As part of the Courts Unit's daily security inspection (Form #73-A) by the assigned deputy
   b. In the appropriate patrol log by date, time, name of inspecting person, and condition of equipment.

2. Any damage or tampering noted will be documented and reported by separate incident report to the Judicial Operations Commander as appropriate for follow up action.

3. Repair or replacement needs will be documented on a maintenance request form (Form #72-A) and forwarded to the appropriate building maintenance personnel.

B. Fire extinguishers will be serviced and maintained as required under NFPA 1 (Uniform Fire code). Testing and certification is the responsibility of Frederick County Maintenance.

The inspection and testing dates will be marked on the card attached to each extinguisher for those inspections conducted by the Fire Service contractor. The Court Security Supervisor and patrol duty officer (day shift) will ensure that the cards are accurate and up-to-date, reporting any lapse in service promptly by request form to the appropriate building maintenance personnel, with copy forwarded to the Judicial Operations Commander.

72.3.4 Fire Detection System

A. The Courthouse has an automatic fire alarm, and heat and smoke detection systems that are approved in writing by the State Fire Marshal. This documentation shall be maintained on file with the Sheriff's Office. These devices will alert personnel when smoke, heat and/or fire are present in the facility.

B. The alarm system is directly connected to and monitored by an approved alarm company, which is staffed 24 hours daily, and has direct contact with the Frederick County Emergency Communications Center if response is required.

72.3.5 Fire Detection System Testing and Inspection

A. The automatic heat and smoke detectors and fire alarm systems will be inspected daily by the assigned Court Security deputy.

1. These inspections to verify presence and detect damage or tampering will be recorded in the daily log.

2. The Courts Deputy will document these inspections on Form #73-A as part of the daily Court Security inspection.

B. Documented testing of these systems will be coordinated by the DPW's Office of Facility Maintenance in accordance with local fire code.

72.3.6 [Redacted]

72.3.7 Sanitation Inspections and Vermin Control

A. The Courts Supervisor will ensure that sanitation inspections of the holding areas are conducted daily to ensure sanitary conditions are maintained.

1. These inspections will be documented by entry in the daily log, noting any unacceptable conditions with explanation and corrective action taken.

2. The assigned Court Security Unit member will document these daily inspections in the Court Security Inspection Report (FCSO #73-A).

B. Complaints by personnel or prisoners indicating the presence of insects, rodents, or other vermin will be promptly reported to and investigated by the Court Supervisor.

1. If the complaint is found to be valid, the supervisor will notify appropriate maintenance personnel on Form #72-A requesting that extermination services be called to address the problem.

2. These reports and copy of the maintenance requests will be forwarded to and maintained on file by the Judicial Operations Commander when corrective action is final.

72.4 SECURITY AND CONTROL

This General Order consists of the following sections:

72.4.1 Weapons Security - Holding Areas
72.4.2 Entry of Occupied Cells
72.4.3 Key Control
72.4.4 Door Security
72.4.5 Security Checks of Unoccupied Cells
72.4.6 Security Inspections
72.4.7 Tools and Culinary Utensils
72.4.8 Audio Communication System
72.4.9 Security Alarms
72.4.10 Escape Procedures
72.4.11 Reporting Emergency and Routine Activities

POLICY

The Sheriff's Office will provide for safe secure operation of holding facilities through the use of security controls, inspections and safety practices.

PROCEDURES

72.4.1 [Redacted]

72.4.2 [Redacted]

72.4.3 [Redacted]

72.4.4 [Redacted]

72.4.5 [Redacted]

72.4.6 [Redacted]

72.4.7 [Redacted]

72.4.8 [Redacted]

72.4.9 [Redacted]

72.4.10 [Redacted]

72.4.11 [Redacted]

72.5 DETAINEE PROCESSING

This General Order consists of the following sections:

72.5.1 Detainee Property
72.5.2 Detainee Searches
72.5.3 Property Storage
72.5.4 Intake Forms (Arrest Slip)
72.5.5 Juvenile Holding Area
72.5.6 Female Holding Area
72.5.7 Segregation of Intoxicated or Violent Prisoners
72.5.8 Officer Identification
72.5.9 Group Arrests
72.5.10 Identification of Prisoner Prior to Release
72.5.11 Return of Prisoner's Property

POLICY

To provide accountability; lawful custody; and safe, secure detention, the Sheriff's Office shall provide guidelines governing prisoner property, searches, segregation and intake and release processing.

PROCEDURES

72.5.1 Detainee Property

A. A written itemized inventory will be made of all personal property removed from detainees, utilizing FCSO Form 72-B.

1. This will include a listing of any unauthorized or confiscated property that is removed.

2. Property such as keys, belts, ties, suspenders, hats, tobacco products, and matches/lighters will be removed and accounted for, together with any other items the processing deputy believes may jeopardize safety or security.

3. The deputy taking possession of the property shall write the appropriate arrest incident number on the form, and sign as the receiving deputy.

4. Prisoners in Court Security custody may only retain legal paperwork and one religious book on their person. These items will be searched for contraband.

5. Prisoners placed in Court Security custody directly from court or on warrants will have laces removed from their footwear. The laces will be accounted for as part of the property inventory.

B. The detainee will be requested to sign for the removed property, and will be given the pink (third) copy after signing. If the detainee refuses or is unable to sign, a notation of refusal will be made by a Court Security Unit member, and another Court Security Unit member will witness by signature on the property sheet.

C. Property envelopes/bags within which to place the detainee's removed personal property shall be maintained at the Courts command post.

1. The canary (second) property sheet copy will be attached to the property envelope or bag, which will then be stapled shut.

2. The envelope or bag with the copy of the property sheet attached will be secured in a property locker, or if required by size, at the command post under direct supervision, if the detainee is held by the Court Security Unit.

D. While the detainee is in the custody of the Sheriff's Office, the original property sheet will be filed in a "pending release" file.

E. Upon transfer or release of the detainee, the following procedures will be followed:

1. If the detainee is released:

a. All three copies of the property sheet (if available) shall be reassembled and signed by the releasing deputy.

b. The triplicate form shall be signed by the detainee after the property is returned.

c. Copies of the form shall be distributed as follows:

(1) If released by a Law Enforcement Bureau deputy:

(a) The original and canary (second) copy shall be filed with the appropriate case or warrant file.

(b) The pink (third) copy, if available, shall be given to the detainee.

(2) If released by a Special Police Officer:

(a) The original shall be forwarded to the Records Section to be filed with the appropriate case or warrant file.

(b) The canary (second) copy shall be maintained in the Court Security file.

(c) The pink (third) copy, if available, shall be given to the detainee.

2. If the detainee is transferred:

   a. All three copies of the property sheet (if available) shall be reassembled and signed by the releasing deputy.

   b. The triplicate form shall be signed by the receiving officer.

   c. Copies of the form shall be disbursed as follows:
      (1) If released by a Law Enforcement Bureau deputy:
         (a) The original shall be filed with the appropriate case or warrant file.
         (b) The canary (second) copy shall be given to the receiving officer.
         (c) The pink (third) copy, if available, shall be given to the detainee.

      (2) If released by a Special Police Officer:
         (a) The original shall be forwarded to the Records Section to be filed with the appropriate case or warrant file.
         (b) The canary (second) copy shall be maintained in the Court Security file.
         (c) The pink (third) copy if available, shall be given to the detainee.
         (d) A photocopy shall be made of the original to be given to the receiving officer.

F. Any evidence found on a detainee during processing will be properly tagged and marked as evidence and taken promptly to the evidence room for secure storage. Procedures are outlined in General Order 83 and General Order 84.

G. Any weapons or contraband found will be confiscated, tagged appropriately, and secured in the Law Enforcement Bureau evidence room or locker. The detainee will be charged accordingly, and the deputy will submit an incident report to the appropriate Supervisor by the end of shift. Controlled Dangerous Substances or paraphernalia will be brought to the attention of the available on duty sworn personnel for processing.

H. Occasionally a detainee will have a weapon in his/her possession that is not considered evidence or contraband. In most cases this would be a type of legal knife. The weapon will be removed from the detainee and accounted for on the property sheet. On transfer of custody the receiving officer will be made aware of the weapon and will sign for its receipt. If the detainee is released from custody, the weapon will be returned to the individual with signature of receipt required.

72.5.2 Detainee Searches

A. General Requirements

1. All detainees placed in the custody of the Sheriff's Office will be searched.

2. Searches will be conducted in the following instances:
   a. At time of booking/intake
   b. Prior to being secured in any holding area
   c. Prior to being transported

d. Prior to a court hearing (if not previously conducted in holding, prior to movement to the hearing)
e. Each time a Court Security Unit member accepts custody or transfer of a prisoner
f. Anytime a Court Security Unit member believes contraband may have entered the prisoner's possession
g. Anytime prisoner contact with the public has occurred
h. After each court appearance

3. Sheriff's Office personnel will not assume that a proper search of any prisoner has been conducted by another agency. Each time a prisoner comes into a Court Security Unit member's custody, the member will conduct a proper search.

4. Only trained deputy sheriffs, police officers, Special police officers, and corrections officers are permitted to conduct searches for the Sheriff's Office.

5. It is recommended that personnel wear latex gloves provided by the Office when conducting all searches.

6. All searches will be conducted in a professional manner that preserves the dignity of the prisoner.

B. Frisk Search

1. A frisk search will be conducted on all prisoners prior to being placed in a holding cell.

   a. This type of search is a hands-on search of an individual's clothing for weapons and contraband; and to remove and inventory personal property at the time of intake/booking.

   b. The prisoner will be required to remove any outer clothing such as jacket, coat, sweater, and hat. These articles are to be searched prior to return to the prisoner.

   c. The frisk search will include a search of all pockets, handbags, purses, and baggage. The contents will be searched in the presence of the prisoner.

2. A hand held metal detector will be available at the Courts command post to assist with all searches.

3. Male prisoners may be frisk searched by female Court Security Unit members. Male Court Security Unit members will use the hand held metal detector to conduct frisk searches of female prisoners when a female Court Security Unit member is unavailable to conduct the search.

4. All frisk searches will be entered in the appropriate daily log by date, time, prisoner, and conducting Court Security Unit member.

C. Strip Searches

1. A strip search is one in which the prisoner is required to remove all clothing while a thorough search of the clothing and a visual inspection of the body is conducted.

2. A strip search will be authorized whenever the arresting or processing Court Security Unit member has reasonable suspicion to believe the prisoner is concealing evidence, the fruits or tools of a crime, contraband, or a weapon that would not otherwise be discovered.

3. The supervisor in charge shall be notified of the intent to conduct any strip search, and the reasons for the search; and must approve the search if time and circumstances permit.
4. Strip searches shall be conducted

    a. By two Sheriff's Court Security Unit members and/or corrections officers who are the same sex as the prisoner

    b. In a holding cell away from the view of other persons

5. A detailed report shall be submitted on all strip search incidents citing the reasonable suspicion and rationale for the search.

    a. Documentation will include any unusual findings or observations such as cuts, bruises, body vermin, needle marks, scars, injuries, weapons, contraband, etc.

    b. These reports will be maintained on file by the Judicial Operations Commander after review by the Operations Division Commander.

6. The Courts Supervisor will make an entry in the daily log regarding all strip searches.

7. If contraband is discovered during a strip search incident to a lawful arrest, it will be the responsibility of the discovering deputy to make any necessary arrest, file proper arrest documents, and process evidence, etc.

D. Body Cavity Searches

1. Unless there is a legitimate medical reason or medical emergency believed to be of a life threatening or health endangering nature justifying a warrantless search, a body cavity search shall be conducted only after a search warrant is obtained authorizing the search.

2. The Supervisor must be notified and give authorization to proceed with either course of action.

3. In any case, a body cavity search shall be conducted at the hospital, or Detention Center Medical Unit if appropriate, by an attending physician, registered nurse, or licensed practical nurse.

4. The prisoner will be transported to the appropriate medical facility in a separate vehicle from other prisoners, accompanied by two deputies.

5. For all body cavity searches:
    a. Notation will be entered in the daily log
    b. A detailed report citing justification for the search shall be completed

72.5.3 Property Storage

Any personal property removed from a detainee will be securely stored in a property locker, or if required by size, at the command post under direct supervision, if the detainee is held by Court Security.

72.5.4 Intake Forms (Arrest Slip)

A. An intake form (arrest slip) will be completed on every prisoner taken into custody and placed in a holding cell.

B. In order to provide the Sheriff's Office with an awareness of the prisoner's general health condition, medical needs, and medications if any; security needs and positive identification; the safety considerations of others; and the secure handling of property, the intake form will include the following:
    1. Time and date of arrest
    2. Charges
    3. Authority ordering arrest
    4. Detainers from other jurisdictions, agencies
    5. Additional charges or outstanding warrants
    6. Names and aliases
    7. Date of birth
    8. Race
    9. Sex
    10. Social security number
    11. Address
    12. Phone number (residence)
    13. Employer, occupation
    14. Nearest relative
    15. Emergency notification person and contact number
    16. Weight, height, descriptive characteristics
    17. Personal physician, medical needs, complaints, medications, visible injuries, current health condition
    18. Apparent physical condition
    19. Under influence alcohol/drugs observation
    20. Behavior, including state of consciousness and mental status
    21. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.
    22. Identifying characteristics (marks, scars, tattoos)
    23. Property removed
    24. Arrest/Incident case number

C. At the time of processing, an inventory will be made of the prisoner's personal property as outlined in Section 72.5.1(I) of this General Order.

D. All persons arrested and processed into custody will be photographed and fingerprinted (either onsite or at the Detention Center).

E. All persons arrested and processed into custody will have a computer check made to inquire into any outstanding warrants.

F. Completed intake forms (arrest reports) will be forwarded to the Records Section data entry for informational inclusion in the Sheriff's Office data base.

G. Court Security personnel will conduct an assessment of all new intakes taking place at the courthouse for medical and psychological conditions and potential indicators for self-injury.

1. New intakes for Court Security will be assessed utilizing the appropriate Intake and Assessment Form.

2. A Court Security supervisor will be immediately notified any time a potential problem has been identified on the form.

3. A copy of the form will be maintained in Court Security's files with copies of the arrest slip or court card as appropriate. A copy of the Intake Assessment will be provided to FCADC when transfer to their facility occurs.

72.5.5 Juvenile Holding Area

A. A juvenile as defined in the Juvenile Justice and Delinquency Prevention Act of 1974 is an individual under the age of eighteen; or an individual between the ages of eighteen and twenty-one who is still under the jurisdiction of the Juvenile Court.

B. A juvenile classified as a status offender is one who has been alleged or adjudicated for an offense for which adults cannot be charged. Juveniles in this classification should not be held in secure custody for any length of time. Status offenses include:
1. Runaway
2. Truancy
3. Incommutable
4. Underage drinking
5. Curfew violation

C. A juvenile classified as a non-offender is one who is not charged with any offense such as a child in need of assistance. This classification of juvenile should not be held in secure custody for any length of time.

D. A juvenile classified as a delinquent is one who has been charged with an offense for which an adult can be charged, but for the juvenile is remaining within the jurisdiction of the Juvenile Court. This classification of juvenile should not be held in secure custody for more than six hours.

E. A juvenile classified as a waived offender is one who has been remanded to adult criminal court due to the seriousness of the charges.

1. Waived felony offenders are juveniles charged with felony offenses who are not included in the Juvenile Justice and Delinquency Prevention Act requirements, and may be housed in secure custody as adult offenders.

2. Waived non-felony offenders are juveniles who have not been charged with felony offenses, and should not be held in secure custody for more than six hours.

F. Juvenile Services will be notified of the juvenile's arrival in accordance with Maryland Law, Title 3, Subtitle 18, Section 3-815.

G. Juveniles, with exception of waived offenders, will always be held separated by sight and sound from adult prisoners.

H. Juveniles will always be entered in the daily log by name, date, time in, time out, date of birth, and deputy. Additionally, if a juvenile is held in custody by Court Security, a Prisoner Court Card (FCADC #057) will be completed and maintained on file at the Courts command post.

I. Courthouse Juvenile Holding Facilities

1. A court holding facility is defined as a secure facility, other than an adult jail or lockup, that is used to temporarily detain persons immediately before or after detention hearings or other court proceedings. Court holding facilities where individuals are not housed overnight and are not used for punitive purposes or purposes unrelated tom a court appearance, are not considered adult jails or lockups.

2. A status offender or delinquent offender, placed in a court holding facility as defined, is exempt from the deinstitutionalization requirement of the Juvenile and delinquency Prevention (JJDP) Act of 2002. The facility must maintain the sight and sound separation from adult offender requirement set forth in the Act.

3. Juvenile holding area procedures:

a. Juveniles will be placed in holding cells that maintain sight and sound separation from adult offenders.

b. If juveniles are placed in holding cells adjacent to adult offenders, personnel will monitor and prevent any communication between cells.

c. While housed in the 2nd floor holding area, the juvenile’s shoes will be removed and placed outside the holding cell door. The shoes will be worn for court appearances and during movement outside of the holding cell.

d. 15-minute documented checks will be made of all juveniles while in Court Security custody.

e. Movement of juvenile offenders will occur separately from adult offenders except in emergency situations.
f. Juveniles waived to adult status will be housed separately from adults and juveniles until transferred to FCADC.

g. Juveniles waived to adult status received from FCADC will be housed in accordance with FCADC's classification of the inmate.

h. Female juvenile offenders will be housed separately from male juvenile offenders.

i. If a juvenile requires transport by a deputy, it will occur separate from adult prisoners.

72.5.6 Female Holding Area

A. Female prisoners will always be housed in separate holding cells out of sight and sound of adult male prisoners, and juveniles.

B. Personnel will take action to control any deliberate yelling between cells by prisoners.

72.5.7 Segregation of Intoxicated or Violent Prisoners

A. Violent persons - any prisoner who is known to be violent or whose current behavior indicates that he/she is likely to behave in a violent manner will be placed in a separate holding cell from other prisoners. This action will be entered in the daily log by the assigned Courts Deputy, and the receiving authority will be advised of the information if transfer of custody occurs. These individuals will be held under close observation with visual checks made at 15-minute intervals or more frequently, as appropriate.

B. Intoxicated persons - prisoners under the influence of alcohol or other drugs will be handled and housed in the same manner as violent prisoners. These individuals will be held under close observation with visual checks made at 15-minute intervals or more frequently, as appropriate.

C. Special prisoners -

1. Prisoners who appear to be mentally disturbed shall be taken to the hospital for examination and treatment prior to being secured in a holding cell or removed to Central Booking.

2. Those prisoners who appear to be self-destructive or exhibit other behavioral or special conditions will be secured in a holding cell separate from other prisoners and maintained under direct observation pending transfer to another facility.

3. This action will be logged appropriately and the receiving authority advised on transfer of custody.

D. Injured Prisoners - prisoners who are visibly injured, unconscious or otherwise in need of immediate medical attention shall be taken to the hospital prior to processing, being secured in a holding cell, or being removed to the Detention Center.

1. The hospital will examine, treat and admit or release the patient.

2. Upon release, the hospital will provide a release authorization to be delivered with the prisoner to the Detention Center.

3. Injured prisoners on release from the hospital will be housed separate from other prisoners until transferred to the Detention Center.

72.5.8 Officer Identification

A. Whenever a prisoner is brought into the Sheriff's Office for holding, the receiving Court Security Unit member will properly identify the escorting officer prior to accepting custody. If the escorting officer is not a Frederick County Sheriff's Office deputy or corrections officer, the receiving deputy will request proper identification.

1. A badge and photo identification from another police or state agency may be accepted as proper identification to certify the officer's authority to make the commitment.

2. If necessary, the receiving Court Security Unit member will make phone calls to the transferring agency to verify the officer's identity and authority.

B. Prior to a prisoner being accepted into custody, the receiving Court Security Unit member will review the commitment documents to verify legal and proper confinement. These documents will usually be in the form of commitment papers from the court, temporary confinement order from a court commissioner, or a commitment pending hearing.

1. If the documentation or the escorting officer's authority is questionable, the receiving Court Security Unit member will contact the supervisor for review and direction.

2. If the commitment documents are not valid, the Court Security Unit member will refuse to accept custody of the prisoner until the matter can be resolved.

3. Each new admission will be documented in the appropriate daily log by prisoner's name, date, time in, time out, committing authority, charges, bond, receiving/processing deputy, and property removed, as appropriate.

4. All Court Security prisoners will be tracked on the Court Security Prisoner Tracking Roster.

5. For Detention Center prisoners, a Detention Center Prisoner Court Card (FCADC #057) will be completed.

72.5.9 Group Arrests

A. Procedures for mass arrests are outlined in General Order #46.2.

B. Group arrests will be pre-planned whenever possible. An action plan will be developed for pre-planned occurrences.

C. The supervisor in charge of the group arrest will coordinate activities with the Detention Center Director of Security.

D. In the event a group arrest exceeds the maximum capacity of the Patrol Operations processing and holding area, the Detention Center will be used to provide secure processing and detention.

E. The Detention Center has mass arrest policies and procedures in place for handling and processing large groups of prisoners, and activating sufficient personnel to manage the occurrence.

F. Usually, law enforcement personnel will conduct processing from Patrol Operations and will then transfer custody of prisoners to the Detention Center for secure housing and bond transportation.

G. Juveniles will be processed and transported separately from adults.

H. If the group arrest includes both males and females, they will be segregated upon arrival, processed separately, and arrangements made for separate holding and transportation.

I. If small children are brought in with their arrested parents or guardians, the children and parents will be separated from the rest of the group until arrangements can be made either for release of the adults, for another responsible party to take charge of the children, or for social services to assume custody of the children.

72.5.10 Identification of Prisoner Prior to Release

A. No prisoner of the Frederick County Sheriff's Office will be released from custody until the following steps have been taken by the releasing deputy:

1. Check the release from commitment to ensure that the document is in order.

2. Have a computer check made to ensure there are no outstanding warrants.

3. Have the Detention Center check to ensure that the Office has no additional charges or outstanding detainers.

4. Verify the identity of the person being released by:

a. Verifying identity against the Detention Center inmate photo identification, if available

b. Verifying identity by contact with the Detention Center holding unit supervisor, if appropriate

c. Verifying information against the prisoner court card, release from commitment documents, and arrest documents

5. Contact the supervisor in-charge, arresting deputy, and/or appropriate court if release is questionable

6. If the prisoner is from the Detention Center:

   a. Contact the Detention Center holding unit supervisor to
      (1) Verify identity and ensure the release is proper
      (2) Verify the case number(s) being released
      (3) Have the holding unit check for additional charges, outstanding warrants and detainers
      (4) Receive authorization to effect the release

   b. Return the prisoner to Detention Center transportation officers if
      (1) The person is in a Detention Center uniform; or
      (2) There is a hold on the prisoner as indicated by a hole punched in the appropriate block on the Detention Center Court Tracking Card

   c. Return paperwork on the release to the Detention Center transportation officers for return to the Center's inmate case file.

7. Inform the Courts command post deputy of the release for entry in the appropriate daily log. The log will reflect the prisoner's name, date and time of release, releasing deputy, and type of release.

B. Once a prisoner is placed in the custody of the Court Security Unit, custody may only be transferred to the originating party unless directed otherwise by court order.

72.5.11 Return of Prisoner's Property

A. If a prisoner is being transferred to another agency, the receiving officer shall sign for receipt of the property.

B. Upon release processing, property released to the prisoner will be inventoried against the property sheet, and the prisoner will be requested to sign for receipt. If the prisoner refuses to sign, a notation will be made on the property sheet and a second deputy will witness by signature the return.

C. Property that has been confiscated and is not being returned will be noted as such on the property sheet.

D. If any property is missing or damaged on return, it will be noted on the property sheet and the prisoner will be instructed to forward a letter of complaint to the Sheriff requesting

replacement or reimbursement. If reimbursement is requested, the prisoner will be advised that a copy of the purchase receipt must be provided.

1. On receipt by the Sheriff, an internal affairs investigation will be conducted to determine the appropriate action, and the complainant will be provided a response.

2. If the prisoner does not lodge a complaint, the releasing deputy will submit a detailed report of the incident to the Judicial Operations Commander or Patrol Operations Commander for investigation. A copy of the report will be maintained with the property sheet.

E. The Sheriff's Office will retain completed property sheets in a file maintained with Courts Security and with the Law Enforcement Bureau case file. (Details of final distribution of property sheets are outlined in 72.5.1.)

F. For property that is being held by the Detention Center, the prisoner will be released and instructed to return to the Detention Center to receive his/her property.

G. If a juvenile offender does not retrieve property on release from court, the property will be promptly delivered to Juvenile Services and the juvenile's case worker will be advised. Juvenile Services will be required to sign for receipt. The property will not be maintained by the Sheriff's Office past the close of the court day.

H. All adult prisoner property not claimed will be forwarded to property storage and maintained for thirty days. After a thirty-day period, the property will become property of the Sheriff's Office and may be disposed of through property disposal procedures.

72.6 MEDICAL AND HEALTH CARE SERVICES

This General Order consists of the following sections:

72.6.1 Medical Services for Prisoners
72.6.2 First Aid Equipment
72.6.3 Preliminary Health Screening
72.6.4 Access to Medical Services
72.6.5 Distribution of Medications

POLICY

As a primary concern for the health and welfare of persons in custody, the Sheriff's Office will ensure that the necessary medical care is offered to all prisoners.

PROCEDURES

72.6.1 Medical Services for Prisoners

A. The Corrections Bureau has full-time medical staff by contractual services to include provisions for nursing staff, physicians, physician assistants, and psychological care for inmates in custody of the Frederick County Sheriff's Office.

B. All deputy sheriffs receive training in first aid and CPR to enable administration of emergency first aid to prisoners and citizens in need.

C. A prisoner's emergency medical needs will be given precedence over processing procedures.

1. Prisoners in need of emergency medical attention will be transported directly to the hospital for examination and treatment.

2. If a prisoner becomes ill while in custody of Courts Security or Patrol, and immediate attention is required, medical evacuation procedures will be to request ambulance response from the Emergency Communications Center. On response, a deputy will escort the prisoner in the ambulance to the hospital. (Court Security procedures are further outlined in General Order 73.5.7)

3. If a prisoner informs a deputy of an illness but is not in need of immediate transport to the hospital, the deputy will inform corrections personnel so that information can be given to Corrections Bureau medical personnel for assessment.

D. The Corrections Bureau will be contacted to provide corrections personnel for security assignment at the hospital if the prisoner is expected to remain at the hospital for a significant period of time.

E. Any time a prisoner is in need of emergency care and is transported to the hospital, the escorting deputy will ensure a written release from the hospital is taken to the Detention Center with the prisoner.

F. If on delivery of a prisoner to the Detention Center it is determined by corrections personnel that the prisoner is in need of emergency care, it will be the deputy's responsibility to ensure hospital care is provided prior to acceptance of custody by the Detention Center.

72.6.2 First Aid Equipment

First aid kits will be available at the Courts Security Unit command post, the Courts holding cell locations.

A. These kits will be inspected daily by the assigned Courts Deputy to determine security and use. The inspections will be documented as part of the Courts daily security inspection report.

B. The kits are secured by easily broken twist locks to ensure security and allow for visible inspection of use.

C. In the event that a kit is opened, a log entry will be made indicating the deputy's name, date, time, and contents used.

1. A detailed report of the incident will follow.

2. The Courts Supervisor will be responsible for replacing the contents used and finalizing the report to reflect the kit has been updated and re-secured.

3. A file will be maintained at the Courts Command Post of reported use.

72.6.3 Preliminary Health Screening

A. Sheriff's Office law enforcement personnel will ensure that the emergency medical needs of conscious and unconscious persons are provided by hospital personnel prior to detention.

B. Per Corrections Bureau Policies and Procedures #3-109 and #5-104, the Center will not accept into custody any prisoners who, in the opinion of the Center's shift supervisor, are in need of immediate medical attention.

C. The Detention Center conducts receiving screening for all prisoners at the time of initial Detention Center intake processing.

1. This includes:
   a. Current health
   b. Medications
   c. Behavior, including state of consciousness and mental status
   d. Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

2. This information obtained during the intake process is documented on separate medical forms and maintained on file by the Medical Unit. Documentation of treatments,

medications administered, and circumstances of treatment that occur while in Detention Center custody are also maintained in the inmate's medical file.

72.6.4 Access to Medical Services

A. Courts

A sign, in both English and Spanish languages, is posted at each holding area location informing prisoners of access to medical services.

B. Corrections Bureau

1. Procedures for gaining access to medical services are contained in the Detention Center inmate handbook which is given to each new inmate at the time of intake processing.

2. Receiving screening is provided at intake, and a medical history and complete physical is completed by medical personnel within fourteen days of intake.

3. Detention Center counseling personnel conduct intake interviews with each new intake, and provide any necessary oral explanation of services to those prisoners who may be unable to read or require clarifications.

72.6.5 Distribution of Medications

A. The Sheriff's Office deputies do not dispense medications.

B. Medication distribution and documentation is provided by Corrections Bureau medical personnel and is governed by policies and procedures of administration for that facility.

C. If the prisoner is required to take a prescribed dose prior to Detention Center transfer, he/she will be permitted to do so.

D. Medications in possession of a prisoner at the time of a deputy sheriff's arrest processing will be noted on the property sheet and given to Detention Center personnel on intake at that facility.

E. On release from custody, the individual's medication will be returned.

72.7 PRISONER RIGHTS

This General Order consists of the following sections:

72.7.1 Timely Court Appearance
72.7.2 Opportunity to Make Bail
72.7.3 Access to Attorneys
72.7.4 Access to Telephones
72.7.5 Meals
72.7.6 Consular Notification and Access

POLICY

The Sheriff's Office will provide for the rights of prisoners to make timely court appearances and have access to persons providing legal assistance.

PROCEDURES

72.7.1 Timely Court Appearance

A. The Corrections Bureau is responsible for ensuring timely court appearance of all Detention Center prisoners. Court schedules are provided to the Detention Center for daily transportation scheduling. Written policies and procedures are in place at the Detention Center governing court transportation and appearances.

B. Courts deputies ensure prompt appearance of prisoners before the Court as stated in 73.2.5.

72.7.2 Opportunity to Make Bail

A. It is the responsibility of the Detention Center to assure prompt appearance before the District Court Commissioner upon completion of charging documents. Upon disposition, the Corrections Bureau will respond as directed by the commissioner (release on recognizance, bail, or incarceration).

B. In the event no commissioner is on duty, the suspect will be held by the Central Booking Unit.

C. Authority to release a suspect charged with a criminal offense lies solely within the jurisdiction of the courts.

D. Prisoners placed on secure bond are afforded the opportunity at the time of Detention Center intake processing to make reasonable calls to arrange for bond release. Procedures are in effect at the Detention Center for these calls.

72.7.3 Access to Attorneys

A. The Corrections Bureau has written procedures and provides daily confidential access to attorneys through telephone communications, professional visitation, and mail privileges.

B. The Sheriff's Office Court Security Unit allows reasonable attorney requests to enter the professional visitation and holding area to conduct brief conversations with clients prior to and/or after court appearances when time and circumstances permit. The Courts Security Unit will, when possible, reasonably accommodate attorney/client conversations necessitating private/confidential discussion. If this is not possible, the attorney will be provided access to clients at the Detention Center.

72.7.4 Access to Telephones

A. The Detention Center provides telephone access at the time of intake processing, followed by reasonable daily requests while housed in the holding unit. When assigned to general population, inmates have telephone access daily from the housing unit.

1. The Detention Center inmate handbook outlines these privileges, and the Center has written procedures in place governing telephone use.

2. Personnel at the Detention Center are available to provide assistance to inmates in completing calls as needed.

3. Detention Center calls are not monitored unless substantial reasons exist, and approval has been given by the Corrections Bureau Chief or Sheriff.

B. At the time of arrest processing, a reasonable number of telephone calls (two minimum) will be allowed if the arresting deputy believes safety and security will not be jeopardized. These calls will be made in the presence of the deputy. The calls will not be otherwise monitored or recorded.

1. Legitimate reasons for these calls include, but are not limited to, making arrangements to post bond or having a co-signer for release present at the bond hearing.

2. A notation will be made in the daily log indicating if a call(s) was made by the detainee.

3. If the deputy refuses to permit calls, an entry will be made in the daily log citing the reasons.

72.7.5 Meals

A. The Detention Center provides three meals a day to prisoners, scheduled to occur not more than fourteen hours apart.

B. The Court Security Unit provides bag lunches to prisoners being held over for court.

1. The lunches are delivered from the Detention Center.

2. The deputy serving meals shall account for the number of prisoners being served, and ensure that a log entry is made of the total.

3. The starting and ending times of meal service will also be recorded in the log.

4. The deputy will ensure the removal of all trash at completion of the meal.

5. Any misuse of food will be reported, and copy of the detailed report forwarded to the Detention Center for disciplinary considerations.

72.7.6 Consular Notification and Access

A. The United States is signatory to international treaties that require law enforcement officials to follow specific procedures upon the arrest or detention of a foreign national; or upon the death of a foreign national while in custody.

B. A foreign national is any person who is not a U.S. citizen. The term foreign national and alien are used interchangeably. Resident aliens who have a resident alien registration card, commonly known as a "green card," are considered foreign nationals for the purpose of consular notification, as are undocumented (or "illegal") aliens.

C. Any foreign national who is arrested and transported to the Frederick County Adult Detention Center or the LEC's temporary detention area, for detention or processing (including DUI/DWI), is considered under arrest/detention and the notification rights and procedures are applicable.

D. Brief traffic stops or the issuance of a citation in lieu of arrest and subsequent release at the scene do not require consular notification.

E. Detailed instructions, including a list of mandatory notification countries, are found in the Department of State's publication Consular Notification and Access. A copy of this publication is available in the Patrol Operations room and is also available online at U.S Department of State website. Pocketsize reference cards are provided to all deputies.

F. The arresting deputy will ensure the following procedures are followed:

1. Determine the foreign national's country. Normally, this is the country on whose passport or other travel document the foreign national travels.

2. If the foreign national's country is not on the mandatory countries list:

   a. Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. Use the statement suggested by the Department of State in their publications.

   b. If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country prior to the completion of the current shift.

3. If the foreign national's country is on the mandatory countries list:

    a. Notify that country's nearest consular official's consular officials of the arrest/detention prior to the completion of the current shift.

    b. Tell the foreign national that you are making this notification. Use the statement suggested by the Department of State in their publications.

4. Whenever possible, notification will be made by fax.

5. A notation of your actions will be detailed in the incident report.

6. There is no restriction preventing a deputy from making a consular notification regardless of the foreign national's request otherwise.

G. Consular officers and diplomats, with proper identification, will be afforded the same access and visitation privileges as attorneys. The same visitation guidelines will also apply.

H. Always take precautions regarding the disclosure of inappropriate information to a foreign government, i.e. if a detainee has applied for asylum or refugee status. If a consular officer insists that they are entitled to information about a detainee that the detainee does not want disclosed, contact your shift commander or the Department of State for guidance.

72.8 SUPERVISION OF PRISONERS

This General Order consists of the following sections:

72.8.1 Supervision of Prisoners
72.8.2 Visual Observation
72.8.3 Electronic Surveillance
72.8.4 Supervision of Prisoners of the Opposite Sex
72.8.5 Inspection of Mail and Packages
72.8.6 Visitation

POLICY

The Sheriff's Office shall provide measures for the safe and secure supervision of prisoners placed in holding facilities.

PROCEDURES

72.8.1 [Redacted]

72.8.2 [Redacted]

72.8.3 [Redacted]

72.8.4 [Redacted]

72.8.5 [Redacted]

72.8.6 [Redacted]

72.9 LAW ENFORCEMENT CENTER TEMPORARY DETENTION FACILITIES

This General Order consists of the following sections:

72.9.1 Supervision and Accountability for Temporary Detainees, Authorization for Use of Detention Cells, and the Separation of Males, Females and Juveniles
72.9.2 Physical Conditions for Temporary Detention Cells
72.9.3 Detention Limitations
72.9.4 Securing Detainees to Objects
72.9.5 Fire Prevention, Suppression, and Evacuation Plan
72.9.6 Weapons Control, Panic/Duress Situations, Prisoner Access, Escape Prevention, Detainee Search, Security Inspection
72.9.7 Access to Attorney
72.9.8 Training Requirements

POLICY

There are four temporary detention cells (two adult and two juvenile), two intoximeter rooms, a processing room, and a suspect disinfection room located between the Sally Port and the Patrol Operations room at the Law Enforcement Center (LEC). This secure detention area will be utilized when the arrest type dictates processing or testing at the LEC instead of the Frederick County Adult Detention Center. Sheriff's Office personnel shall comply with the following policies and guidelines governing responsibilities for the safe keeping of all detainees held within this facility.

PROCEDURES

72.9.1 Supervision and Accountability for Temporary Detainees, Authorization for Use of Detention Cells, and the Separation of Males, Females and Juveniles

A. The arresting deputy is accountable for the control, processing, and supervision of that detainee at the LEC.

B. All sworn personnel are authorized to utilize the temporary detention area at the LEC.

C. The arresting deputy will complete the appropriate detention log form (adult or juvenile) for every detainee processed or held in the secure detention area, including the intoximeter room.

D. All juveniles held at the LEC must be logged, regardless of whether they are held in a secure or non-secure area.

E. All juvenile detainees shall be separated by sight and sound from adult detainees at all times in the secure detention area rooms and hallways. Magnetic panels, located on the door of each detention cell, are to be used to cover the cell door window(s) as necessary.

F. All detainees shall be separated by gender.

72.9.2 Physical Conditions for Temporary Detention Cells

A. All detainees held at the LEC temporary detention area will be allowed access to drinking water and restrooms in a timely manner, upon request. It will be the arresting deputy's responsibility to ensure this task is performed in a safe and secure fashion.

B. The Sheriff's Office Headquarters has video surveillance cameras in each of the temporary detention cells to record and monitor detainee activities. Electronic surveillance equipment will not be used, in any manner, to invade or violate the personal privacy of detainees.

72.9.3 Detention Limitations

A. The secure detention area at the LEC is utilized for the purpose of processing, testing, and/or temporary detention only. Detainees will not be housed (overnight) at the LEC or provided meals, except in extenuating circumstances.

B. Detainees must remain under the constant supervision of a deputy or be secured in a detention cell and monitored appropriately.

C. The arresting/attending deputy will conduct a face-to-face visual check of any detainee placed in a detention cell at least every 30 minutes and record same on the detention log.

D. Juvenile detention prohibitions and exceptions:

1. The temporary detention area at the LEC has been designated as a secure adult facility.

2. Juvenile status offenders may not be placed in a detention cell or held in the secure detention area for any reason. A status offender is a juvenile who has been accused of or adjudicated for conduct that would not be a crime if committed by an adult (e.g., truancy, runaway, underage tobacco offenses, underage alcohol offenses, etc.)

3. Juvenile non-offenders (e.g., CINA) may not be placed in a detention cell or held in the secure detention area for any reason.

4. Under OJJDP regulations, juvenile delinquent offenders (juveniles accused of committing criminal-type offenses that would be a criminal offense if committed by an adult) may be held in the secure detention area for up to six (6) hours for the purpose(s) of identification, processing, release or transfer to a juvenile facility.

   Six hours is the total time a delinquent offender may be held in secure custody at an adult facility. Once a juvenile has been placed in a secure custody status, in the detention area, the 6-hour time period has begun. You cannot temporarily take the juvenile from the secure detention area and then begin the 6-hour time period again.

5. A juvenile taken into the booking areas only long enough to be fingerprinted and/or photographed is not considered in a secure custody status if they are under continuous supervision.

6. A juvenile in custody may be held in a non-secure area of the LEC (e.g., interview room, roll call area, supervisor's cubicle or office, work room, etc.) without a time restriction, provided they are under continuous visual supervision.

72.9.4 Securing Detainees to Objects

A. The only immovable objects that a detainee may be secured to, while at the LEC detention facility, are the metal handcuff rings designed for this purpose. Handcuff rings are located in the intoximeter rooms and the suspect disinfection room. These rings should only be used for detainees that are violent or present a physical threat to arresting deputies and/or themselves. Detainees that are considered a high potential for escape risk can also be secured in this manner.

B. Offenders held in non-secure areas, outside the secure detention area, may be secured to themselves or a movable object, such as a chair, if deemed necessary.

C. The arresting deputy shall also have the option to utilize the restraint chair per General Order 73.3.3.

72.9.5 [Redacted]

72.9.6 [Redacted]

72.9.7 Access to Attorney

The Sheriff's Office Headquarters allows reasonable attorney requests to enter the temporary detention area to conduct brief conversations with their clients when time and circumstances permit. If this is not possible, the attorney will be provided ample access to clients at the Frederick County Adult Detention Center or a Maryland Department of Juvenile Services' detention facility.

72.9.8 Training Requirements

Sworn personnel who monitor temporary detainees will receive initial training in temporary detention area procedures and retraining at least once every three years.

73.1 COURT SECURITY ADMINISTRATION

This General Order consists of the following sections:

73.1.1 Court Security Directives
73.1.2 Availability of Court Security Directives
73.1.3 Security and Emergency Plans
73.1.4 Physical Security Plan
73.1.5 Communication of Shared Responsibility
73.1.6 Duties of Courts Deputies
73.1.7 Weapons in the Courthouse/Courtroom
73.1.8 Storage of Prohibited Weapons

POLICY

The Sheriff's Office shall provide written directives governing court security operations to include security plans, weapons control, and duties and responsibilities of personnel.

PROCEDURES

73.1.1 [Redacted]

73.1.2 [Redacted]

73.1.3 [Redacted]

73.1.4 [Redacted]

73.1.5 [Redacted]

73.1.6 [Redacted]

73.1.7 [Redacted]

73.1.8 [Redacted]

73.2 COURT PHYSICAL FACILITIES

This General Order consists of the following sections:

73.2.1 Circulation Patterns
73.2.2 Secured Prisoner Entrance and Delivery
73.2.3 Holding Facilities

POLICY

The Sheriff's Office shall provide guidelines for the safe and secure entrance, holding and movement of prisoners through the courthouse.

PROCEDURES

73.2.1 [Redacted]

73.2.2 [Redacted]

73.2.3 [Redacted]

73.3 COURT SECURITY

This General Order consists of the following sections:

73.3.1 Courtroom Contraband Searches
73.3.2 Admittance of Hand Carried Articles
73.3.3 Use of Restraints
73.3.4 Key Control
73.3.5 Security Survey

POLICY

The Sheriff's Office shall have procedures governing the security of courtrooms.

PROCEDURES

73.3.1 [Redacted]

73.3.2 [Redacted]

73.3.3 [Redacted]

73.3.4 [Redacted]

73.3.5 [Redacted]

73.4 COURT SECURITY PERSONNEL

This General Order consists of the following sections:

73.4.1 Responsibility for Court Security
73.4.2 Courts Unit Supervisor Qualifications
73.4.3 Court Security Staffing
73.4.4 Uniforms and Equipment

POLICY

The Sheriff's Office shall provide for responsible delegation of authority among Court Security personnel.

PROCEDURES

73.4.1 Responsibility for Court Security

A. The Sheriff's Office designated representative for court security operations is the Judicial Operations Commander.

B. The Judicial Operations Commander oversees Courts operations and will be the liaison with all courthouse agencies to include the Frederick City Police Department.

C. The Judicial Operations Commander reports to and takes direction from the Operations Division Commander who reports to the Law Enforcement Bureau Chief.

73.4.2 Court Security Unit Qualifications

A. The individual assigned as Court Security Supervisor will be a corporal level or higher. The position responsibilities and qualifications are outlined in the position job description.

B. Only those persons qualified to perform the duties of a Court Security Unit member will be assigned those duties and responsibilities.

C. The position classification of Correctional Officer II may be assigned to the Court Security Unit to perform civilian duties within the Unit.

73.4.3 [Redacted]

73.4.4 Uniforms and Equipment

The following uniform and equipment items will be issued to Court House Deputies:

Account	Item	Number
Uniform	Coat, Gortex	1
	Raincoat	1
	Polo shirt	1
	Shirt, Summer	5
	Shirt, Winter	5
	Tie	3
	Trousers	5
Equipment	Radio, w/mike and charger	1
	Ear piece (radio)	1
	Antenna	1
	Baton, expandable	1
	Baton holder	1
	Badge	2
	Belt	1
	Belt buckle	1
	Belt keepers (4-piece set)	1
	Body armor	1
	Collar brass (set)	1
	Flashlight, rechargeable	1
	Flashlight holder	1
	Glove case	1
	Handcuffs	2
	Handcuff case	2
	Holster	1
	Magazine pouches	2
	Name tag	2
	OC holder	1
	OC spray dispenser	1
	Pin, shooting badge	1
	Pin, serving since	1
	Tie tack	1
	Gas mask/bio-hazard suit (set)	1
Capital	Handgun	1

73.5 COURT SECURITY EQUIPMENT

This General Order consists of the following sections:

73.5.1 Courtroom Security Equipment
73.5.2 Duress Alarms
73.5.3 Duress Alarm Testing
73.5.4 Emergency Light Sources
73.5.5 Restraining Devices
73.5.6 External Communications
73.5.7 Emergency Medical Plan
73.5.8 Metal Detectors

POLICY

The Sheriff's Office shall maintain appropriate security measures, testing, and equipment to ensure secure operation of the courts.

PROCEDURES

73.5.1 [Redacted]

73.5.2 [Redacted]arms

73.5.3 [Redacted]

73.5.4 [Redacted]

73.5.5 [Redacted]

73.5.6 [Redacted]

73.5.7 [Redacted]

73.5.8 [Redacted]

74.1 LEGAL PROCESS RECORDS

This General Order consists of the following sections:

74.1.1 Responsibility, Access and Processing of Legal Process
74.1.2 Recorded Information on Legal Process
74.1.3 Records on Attempts to Execute Legal Process
74.1.4 Records on Execution or Cancellation of Legal Process
74.1.5 Service/Execution of Legal Process in Foreign Jurisdictions

POLICY

The Frederick County Sheriff's Office is responsible for recording, servicing and maintaining all Legal Process that is received from various Judicial and law enforcement agencies.

CONFIGURATION:

This General Order separately delineates operational procedures for Judicial Operations, Support Services, and Patrol Operations.

PROCEDURES

74.1.1 Responsibility, Access and Processing of Legal Process

A. JUDICIAL OPERATIONS FUNCTIONS

1. Responsibility

   a. The Judicial Operations Commander is responsible for the integrity of the Legal Process System within Judicial Operations.

   b. The Civil Process Unit Supervisor is responsible for the day-to-day operations of the Legal Process System within Judicial Operations.

   c. Records management functions related to civil process child support body attachments are handled by the (Support Services) Records Section/Warrants administrative specialist.

2. Access

   All original legal process is maintained in a file by the administrative specialists with copies assigned to the deputy or constable for service. Records on legal process are accessible in the computer.

3. Processing

a. District Court

Background: Citizens acquire Small Claims legal process at the District Court of Maryland. The District Court, upon issuance of process, collects service fees for the Office of the Sheriff. The fees (check or money order payable to the Sheriff) are itemized on a two-part transmittal form. Each check or receipt is attached to the legal process and forwarded with the transmittal to the Sheriff's Office.

Once the legal process, checks, receipts and transmittals are received at the Sheriff's Office, the District Court Administrative Specialist is responsible for the financial management and processing in accordance with the following guidelines:

(1) Receipt

(a) Upon receipt of material from District Court or from another jurisdiction, the District Court Administrative Specialist totals the transmittal and counts the quantity of checks to verify the number of checks received.

(b) The District Court Administrative Specialist then removes and adds the amounts of each check and receipt to verify the transmittal totals.

(c) The legal process is then checked against the transmittal to verify receipt of number and type of paper. This is done by highlighting or checking the type of paper on the transmittal.

(d) The transmittal is then signed and dated by the District Court Administrative Specialist verifying accuracy. The white original is forwarded to the appropriate District Court. The yellow copy is retained.

(e) The removed checks and cash are placed in a moneybag and secured in the Office safe.

(f) A copy of each transmittal is filed according to the ledger.

(g) Using the yellow transmittal copy, the date, name, case # and amount received is recorded into the District Court Account Ledger.

(2) Assignment

(a) Personnel assigned for service is determined by the address area of the paper. Initials of the assigned person are marked on the original legal process in ink.

(b) Papers are entered in the in-house computer for service according to the area assigned.

(c) All landlord complaints and evictions are in the bulk entry of the in-house computer system.

(3) Emergency Petitions

(a) Emergency Petitions include Ex-Partes, Emergency Evaluations, Peace Orders and Protection Orders.

(b) The Judicial Operations deputy will fill out the Emergency Petition Service Report and forward it to the Courts Security Unit Supervisor.

(c) The Courts Security Unit Supervisor will be responsible for checking the accuracy of the Emergency Petition Service Report and the legal process paperwork. The supervisor is also responsible for ensuring that the Return of Service from the court is attached.

(d) A copy of the Emergency Petition Service Report will be retained by the Courts Security Unit Supervisor

(e) The Courts Security Unit Supervisor will ensure that all the proper paperwork is forwarded to the Law Enforcement Bureau via Sheriff's Office personnel.

b. Circuit Court

Background: State of Maryland Officials, attorneys, and occasionally, private citizens acquire legal process at the Circuit Court.

Cases that are not through the State or its designees, or cases where the plaintiff is going through legal aid, will have a check made payable to the Sheriff's Office in the amount of $40.00 attached. This fee is collected by Circuit Court at the time of request for the paper. The Out-of-state process fee is $60.00.

(1) Receipt

(a) Upon receipt of the process from Circuit Court, the Circuit Court Administrative Specialist shall remove and forward that which goes to the Detention Center and to the Sheriff's Office Headquarters. Warrants are stamped in, using an automatic time and date time-clock stamper.

(b) Civil process is checked ascertaining that all appropriate forms are attached and, where applicable, proper fees are attached.

(2) Assignment of Documents

(a) The original copy of the paper is removed and filed in the appropriate folder in numerical order. (In Juvenile Petition-Child Orders there will be no original.) Separate files are kept for each type of paperwork as follows:

(i) Criminal
(ii) Law
(iii) Equity
(iv) Juvenile
(v) Paternity
(vi) Jury
(vii) Civil
(viii) Miscellaneous
(ix) Out of County - a separate file for each county will be retained
(x) Out of State

(b) If a check, cash, or money order accompanies the paperwork, a receipt is created using the defendant's and plaintiff's names, case number, and fee amount. The receipt is given to the District Court Administrative Specialist for entry onto the Excel spreadsheet, located on the "R" drive in the Civil Process Unit folder, and used as documentation for deposits. The collected fees are placed in a moneybag and secured in the Office safe.

(c) The Administrative Specialist then enters Civil Process papers into the in-house computer.

(d) Personnel assignment responsibility is determined by the address area.

(e) Expiration date is determined by the following:
(i) If the court date is over 30 days away, then the expiration date is 29 days from the date of receipt of the paperwork.

(ii) If the court date is less than 30 days away, the expiration date is the day before the court date.

(iii) Exceptions:
- Notice of Depositions - expiration date is 10 days before court date.
- Juvenile Waiver of Jurisdictions - expiration date is 2 days before court date.
- Court orders and Show Cause orders - expiration is the expiration date indicated on the paper.
- Writ of Execution - expiration date is 60 days from date of receipt.
- Out of County, when the court date is less than 30 days - expiration date is two days before the court date.
- Workers Compensation, when only records are required - expiration date is ten (10) days before the expiration date on the paperwork.

(f) Once entry is made into the in-house computer system, the initials of the constable or deputy are placed on top left corner of the copy to be served.

(g) The copy is then distributed to the indicated person for service of the paper.

B. PERSONNEL SERVICES FUNCTIONS

1. Responsibility

   a. The Personnel Services Commander is responsible for the integrity of the Legal Process System within the Law Enforcement Bureau.

   b. The Personnel Services Warrant/Records Supervisor is responsible for overseeing the day-to-day operations of the Legal Process System within the Law Enforcement Bureau.

2. Access

   All original legal process, except District Court Criminal Summons, Emergency Petitions and Protection Orders, will be maintained in a secure file at the Law Enforcement Bureau Duty Desk under the supervision of Police Information Specialists (PIS). All legal process, except District Court Criminal Summons, Emergency Petitions and Protective Orders which are retained by the deputy or agency assigned for service, is accessible to Agency personnel on a 24-hour basis. Records on legal process are accessible on a 24-hour basis.

3. Types of Legal Process
   a. Circuit Court
      (1) Criminal Body Attachment
      (2) Civil Body Attachment
      (3) Indictment
      (4) Juvenile Body Attachment
      (5) Juvenile Writs
      (6) Violation of Probation Warrant
      (7) Motion to Revoke Bond Warrant
      (8) Protective Orders

   b. District Court
      (1) Arrest Warrant
      (2) Bench Warrant
      (3) Attachment for Contempt
      (4) Body Attachment for Material Witness
      (5) Criminal Summons
      (6) Show Cause (out of county only)
      (7) Emergency Evaluation
      (8) Temporary and Final Protective Orders
      (9) Fugitive Arrest Warrant
      (10) Peace Order

   c. Other
      (1) Military Desertion Warrant
      (2) Governor's Warrant
      (3) Hospital Warrant

4. Processing

a. Each item of legal process, civil and criminal, received at the Frederick County Sheriff's Office will be time/date stamped by duty desk personnel upon receipt at Patrol Headquarters.

b. All legal process received by Personnel Services will be entered into the Sheriff's Office in-house computer system.

c. All warrants that are applied for and received directly by a deputy, as a result of an investigation, will be submitted to the Records Section if the warrant cannot be executed within 24 hours to ensure that the warrant is recorded in both the in-house computer system and CJIS. The deputy that applied for a warrant may still attempt service.

d. Expiration of Legal Process

(1) Stipulated Expiration Date - If the legal process has an expiration date stated on the paperwork that is the date of expiration.
   (a) Emergency Evaluations
   (b) Peace Orders
   (c) Protective Orders

(2) Legal Process with No Expiration Date - All legal process with no expiration date does not expire unless notification is received from the appropriate Court.

e. Assignment of Legal Process

(1) <u>Frederick County Address</u>:

   (a) All legal process received indicating a Frederick County address will be assigned to an individual Frederick County Sheriff's deputy on an equitable, rotating basis based on area assignments, except for Child Support Enforcement body attachments which will be assigned to the Child Support Enforcement Deputies in the Civil Process Unit of the Judicial Operations Section of the Sheriff's Office.
   (b) Legal process with no expiration date will be due back to the Records Section within 30 days from the assignment date. Extensions will be granted on an individual case basis.
   (c) Any warrant applied for by a deputy will be assigned to that deputy for service.

(2) <u>Out-of-County Address</u>:

All legal process received indicating an address in another county in Maryland will be assigned to the appropriate agency which should attempt service of our legal process in that county.

(3) Out-of-State Address:

Legal process indicating an out-of-state address will be retained in an active file. If the subject is incarcerated out of state and the legal process is extraditable, a copy of the paperwork will be forwarded to the appropriate jurisdiction as a detainer.

f. Investigation Sheet

Each piece of legal process will have an investigation sheet attached to record attempts of service and other information. If Records Section personnel are processing the legal process, they will make the following notations:

(1) Frederick County Address:

The deputy's name and due date will be noted on the top of the investigation sheet.

(2) Out-of-County Address:

The appropriate agency's name will be noted on the top of the investigation sheet.

(3) Out-of-State Address:

A notation of "Out of State" will be placed on the top of the investigation sheet.

g. All original legal process, except District Court Criminal Summons, Emergency Petitions, Peace Orders, and Protective Orders are retained in the open warrant cabinet until returned to the appropriate court. Copies will be made of all legal process issued for service, except District Court Criminal Summons.

h. All legal process to be forwarded out of county will have a cover letter attached. A copy of the cover letter will be made for the file. The cover letter and a copy of the legal process will be forwarded to the appropriate agency. Original legal process is maintained in the active file pending return.

i. Each piece of legal process received by the Records Section, except District Court Criminal Summons, will be retained in a file envelope with a label in the upper left corner. The first line of the label will contain the defendant's last name, first name and middle name. The second line will contain the defendant's date of birth, listed as month, day, year (MMDDYY). If the date of birth is unavailable, a zero (0) will be placed on line 2. The third line will contain the assigned Agency control number.

j. All legal process, except Peace Orders, and Protective Orders, originating in Frederick County that needs to be entered into MILES/NCIC will be listed on a transmittal sheet by the Records Section Warrant administrative specialist.

k. The transmittal sheet and all legal process packets which require CJIS background information retrieval will be forwarded to Police Information Specialist (PIS) personnel. The legal process packet will include:
   (1) The original legal process
   (2) Investigation sheet
   (3) A copy of the legal process, if assigned to a deputy
   (4) A copy of the cover letter, if assigned to another agency
   (5) A legal process envelope with label

l. CJIS Background Information Retrieval

   (1) The MILES/NCIC/CJIS computer located at the Frederick County Sheriff's Office Headquarters will be manned 24 hours a day to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data per NCIC regulations.

   (2) Legal process that will need CJIS background information retrieval are:
      (a) Legal process originating in Frederick County, to include warrants (criminal and civil), and Protective Orders, which will be entered into MILES/NCIC.
      (b) Any other legal process that is assigned to a Frederick County Sheriff's Office deputy for service.
      (c) CJIS background information retrieval is very important in determining if a subject is dangerous as well as providing deputies leads locating the subject.

m. Police Information Specialist (PIS) Processing:

   (1) The PIS will run the background information retrieval through CJIS for each appropriate piece of legal process.
   (2) As the PIS is running the background, the PIS will complete the investigation sheet with all available information.

   (3) Protective Orders, and legal process that are listed on a transmittal sheet, excluding Peace Orders, will be the only legal process entered into MILES/NCIC. The information for the entry will be gained from the investigation sheet. The entries will be made in accordance with MILES/NCIC/CJIS guidelines (see manuals at Duty Desk). All information available will be entered into CJIS. All warrant entries, unless otherwise directed by the Warrant Section, will be entered into MILES only. A printout of the CJIS entry will be made stet.

   (4) Any legal process assigned to a Frederick County Sheriff's Office deputy will be forwarded to the assigned patrol team supervisor by the PIS. The paperwork forwarded to the patrol team supervisor will include:
      (a) A copy of the legal process
      (b) The investigation sheet
      (c) Form 74-M (Warrant Assignment Form)

   (5) All CJIS criminal history printouts for any legal process will be destroyed once the necessary information is collected.

(6) The legal process packet will then be filed alphabetically in the open warrant file cabinet. The PIS shall ensure that the packet includes, at a minimum:
(a) The original legal process
(b) A copy of the CJIS entry printout, if applicable

(7) The PIS will sign and date any legal process transmittal sheet verifying that the legal process listed on the transmittal was entered into MILES/NCIC. The transmittal sheet will then be returned to the Records/Warrant Section.

(8) A quality control check will be performed by PIS personnel, other than the entering person, to ensure the accuracy of the CJIS entries and to ensure the entries meet MILES/NCIC/CJIS guidelines.

n. Exceptions to Normal Processing

(1) Any District Court Criminal Summons received indicating an out-of-state address will be immediately returned to the court for re-issuance as a warrant. Unlike other paperwork, they will not be held until their expiration date.

(2) Show Cause Documents
(a) Show Cause Documents indicating Frederick County addresses are assigned to Judicial Operations.
(b) Any Show Cause Document with an out-of-county/state address shall be returned to the Clerk of the Court.

(3) Emergency Petitions - See Standard Operating Procedures

74.1.2 Recorded Information on Legal Process

A. JUDICIAL OPERATIONS

1. The Sheriff's Office in-house computer system will be used to record and track each piece of legal process received by Judicial Operations. The Administrative Specialists are responsible for entering all legal process in the computer system. The in-house computer system will record, at a minimum, the following information:
a. Name of person to be served
b. Case number
(1) The case number for out of county or state legal process will have the name of the appropriate county or state typed beside the number in the computer, i.e., 32768MONT.
(2) For Workers Compensation legal process, W.C. will be typed beside the case number in the computer.
c. Address of person/business to be served
d. Plaintiff's name
e. Date paper received
f. Type of paperwork (each section attached to the original is listed, includes source)
g. Deputy/Constable assigned
h. Expiration date

B. PERSONNEL SERVICES

1. The Sheriff's Office in-house computer system will be used to record and track each piece of legal process received by the Law Enforcement Bureau. The Warrant/Records Section is responsible for entering all legal process into the in-house computer system. The in-house computer system will record, at a minimum, for each piece of legal process, the following information:
   a. Control number - automatically assigned by the computer
   b. Type of legal process
   c. Status of legal process
   d. Name of defendant/respondent and all descriptive information available
   e. Document number (Court docket number)
   f. Date legal process issued
   g. Date legal process received
   h. Agency legal process issued to
   i. Source of document (Court)
   j. Disposition of legal process, when applicable
   k. Charges/reason for legal process
   l. Deputy and/or agency assigned for service
   m. Expiration of legal process
   n. Name of complainant/plaintiff, if available
   o. Date legal process assigned or forwarded
   p. Any aliases

2. Records on legal process can be retrieved from the in-house computer by the defendant's/respondent's name or by the Agency assigned control number.

74.1.3 Records on Attempts to Execute Legal Process

A. JUDICIAL OPERATIONS

1. District Court Paperwork

   a. Each service attempt on District Court paperwork is to be recorded on the actual paperwork to include the date and time service attempted.

   b. Miscellaneous helpful and relevant information is to be recorded in the in-house computer system in the Notes section under Related Persons of the Civil Module.

2. Circuit Court Paperwork

   a. Each service attempt on Circuit Court paperwork is to be recorded on a copy of the issued document and saved by the constable in a secure desk drawer for no more than one year.

   b. Miscellaneous helpful and relevant information is to be recorded in the in-house computer system in the Notes section under Related Persons of the Civil Module.

B. LAW ENFORCEMENT BUREAU

1. Legal Process Assigned to the Frederick County Sheriff's Office for Service

a. All legal process assigned for service to Patrol Operations will have an Investigation Sheet attached, except in the case of Emergency Petitions which will have an Emergency Petition Service Report attached. The Investigation Sheet/Emergency Petition Service Report is to be completed by the deputy assigned for service.

b. Each service attempt shall be recorded on the Investigation Sheet/Emergency Petition Service Report. In the case of Emergency Petitions, the Return of Service sheet from the court will also need to be documented with each service attempt.

c. Each recorded attempt will include the following information:
(1) The address where service was attempted
(2) The date and time attempted
(3) The reason for non-service

d. Emergency Petitions

(1) Each deputy assigned to service of an Emergency Petition is responsible for returning the paperwork to the on-duty P.I.S. or supervisor prior to the end of their shift.

(2) When final disposition is made, the on-duty P.I.S. or supervisor is responsible for noting the disposition on the Emergency Petition Log.

e. The Investigation Sheet or Emergency Petition Service Report and any attached paperwork for all unserved legal process is to be returned to the deputy's supervisor by the expiration date of the paperwork. Follow-ups on all leads are to be conducted. This information is to also be included on the forms. Final disposition is to be noted on the forms.

f. If a District Court Criminal Summons is not served, the bottom of the Court copy (return of service) will be completed. Deputies should mark that the defendant cannot be found, and sign and date the paperwork.

g. Once a final disposition is made, the deputy's supervisor or PIS personnel will forward the Investigation Sheet to the Warrant/Records Section to update the in-house computer.

h. Warrant/Records personnel will update the in-house computer legal process entry to indicate that the paperwork was not served and the reason why.

i. Once the computer is updated, and if there is no expiration date on the paperwork, the Investigation Sheet will be filed with the original legal process.

j. In the case of unserved District Court Criminal Summons, the entire Criminal Summons will be returned to District Court after updating the in-house computer record.

k. In the case of unserved Emergency Petitions, the on duty PIS is responsible for returning all the paperwork to Judicial Operations. Judicial Operations will return the paperwork to the court.

l. If the legal process is served and an arrest is made, the completed Investigation Sheet is not required in lieu of the Arrest/Intake Report.

2. Legal Process Assigned to Other Jurisdictions

a. Legal process indicating an out-of-county address will be forwarded to the proper jurisdiction for service.

b. A cover letter will accompany a copy of the legal process, except in the case of District Court Criminal Summons where all the original copies will be sent to the appropriate jurisdiction. The cover letter requests the assistance of the agency in locating the subject named on the legal process.

c. A fax cover sheet will be used in lieu of a cover letter for Emergency Petitions which are faxed to other jurisdictions.

d. All original copies of legal process received by Support Services will be kept in the open warrant cabinet, except in the case of District Court Criminal Summons and Emergency Petitions.

e. The cover letter will include, but is not limited to, the following information:
(1) Name of person to be served
(2) Date of birth of person to be served, if available
(3) Race and gender of person to be served
(4) Document number

f. The cover letter also requests that if the other jurisdiction is unable to locate the subject to be served within 60 days, to return the paperwork to our Agency with and explanation as to why the paperwork has not been served.

g. The in-house computer will be updated, and the paperwork will continue to be processed as outlined in 74.1.3 II A.

74.1.4 Records on Execution or Cancellation of Legal Process

A. JUDICIAL OPERATIONS PAPERWORK

1. District Court

a. Served Paperwork

(1) Returns of process are entered in the in-house computer system by the assigned deputy or constable. Court documents are returned to the District Court Administrative Specialist.

(2) Upon receipt of the document, it is located in the ledger and the money amount is entered indicating status.

(3) A copy of the return is retained and filed numerically. The following seven files are kept for auditing purposes:
(a) Complaints - served
(b) Misc. - served
(c) Out of County - served
(d) Complaints - refunds
(e) Misc. - refunds
(f) Out of County - refunds
(g) Transmittals

(4) The return is forwarded to District Court.

b. Unserved Returns

(1) Non-refundable Process
(a) As a general rule, the following types of process are non-refundable
(b) Forcible Entry Detainer (FED)
(c) Tenant Holding Over (THO)
(d) Landlord Complaint (LC)
(e) Warrant of Restitution (WOR)
(f) Writ of Execution/Levy or Seizure (EXECL) (EXECS)
(g) Body Attachment
(h) Peace Orders
(i) If a refund for these types of process is required, the Administrative Specialist responsible for District Court process will document in the ledger. This will satisfy necessary audit requirement.

(2) No Charge for Process
(a) Rent Escrow
(b) Emergency Evaluations
(c) Indigent (Judge's decision)
(d) Protection Order

(3) Refund Process

(a) Unserved documents are returned to the Sheriff's Office District Court Administrative Specialist for processing. Upon receipt of a document, it is located in the ledger. The money amount is entered in the refund column.

(b) Remove a copy of the original document. This provides the information as to who receives a refund. Files are kept as stated in Section D. These files provide proof of refunds for auditing purposes.

(c) The original legal document is returned to District Court.

(d) Refund checks are prepared monthly. The District Court Administrative Specialist enters and processes the voucher requests in the Peoplesoft Financial System; it is electronically approved by the Civil Process Unit's sergeant and forwarded to Accounting for payment.

(e) Checks are mailed to the appropriate plaintiff.

2. Circuit Court

a. Served/Returned Documents

(1) Personnel making final return on a paper, by service or non-est, shall retrieve the case in the in-house computer and indicate the appropriate return. It is the constable's or deputy's responsibility to print out the return from the computer. The print out is given to the Administrative Specialist for Circuit Court. The original is located in the file folder and the print out is stapled to the front to return to the Circuit Court.

(2) For Writs of Garnishments, a copy of the document is mailed to the Judgment Debtor.

(3) For Writ of Executions, a copy of all supporting instructions (levy sheet, deeds and or/titles, etc.) are given to the corporation handling the Sheriff's sale.

(4) Checks are removed and receipted. The checks and copy of the receipt are placed in the safe.

(5) Returns are forwarded to the appropriate Circuit Court, with the following exceptions:

(a) Workers Compensation Documents are returned to the requestor (attorney) of the paperwork.

(b) Out of State

(i) When service is completed, an affidavit is completed by the Administrative Specialist for signature of the assigned personnel. Affidavits will be notarized.

(ii) The original document and affidavit are mailed back to the plaintiff.

b. Non-Service of Legal Documents

(1) Papers that are not served are treated the same as served papers with the exception of entering the status into the in-house computer. The reason for not serving the paper will be indicated on the print out provided Circuit Court.

(2) Originals that are not served are returned with the paperwork to Circuit Court.

(3) Refund checks are prepared monthly. The District Court Administrative Specialist enters and processes the voucher requests in the Peoplesoft Financial System; it is electronically approved by the Civil Process Unit's sergeant and forwarded to Accounting for payment.

(4) Checks are mailed to the appropriate plaintiff.

B. LAW ENFORCEMENT BUREAU PAPERWORK

1. Legal Process Executed by the Frederick County Sheriff's Office

a. It is the deputy's responsibility to verify that the original legal process, except in the case of District Court Criminal Summons and Emergency Petitions, is in the open warrant cabinet and shows "active" in the in-house computer system before attempting service. Deputies will only serve the original warrant, not a copy. In cases where the warrant is faxed to the Sheriff's Office from another jurisdiction, the faxed copy will be considered the original.

b. The following procedures will be followed if a subject turns him/herself in at the Courthouse:

(1) Judicial Operations personnel will notify Patrol Operations to verify that active legal process exists for the subject.

(2) The on duty Patrol supervisor will assign Patrol Operations personnel to take the warrant packet to the Courthouse for service.

c. Both MILES/NCIC and the in-house computer will be checked to determine if there is any other outstanding legal process on the subject.

d. Deputies will ensure that fingerprints (Adult - one State card and two FBI cards; Juvenile - one State card and one FBI card) and photographs (two sets, front and side) are taken on all non-status offenses. If the subject is taken to Central Booking, fingerprints and photographs will be taken by Corrections Bureau personnel.

e. Deputies will complete the return of service on all executed legal process. All warrants are to be signed and dated on the front of the document.

f. An Arrest/Intake Report (FCSO 82-C) or Emergency Petition Service Report (FCSO 74-C) will be completed on each piece of legal process served by our Agency that is not taken through Central Booking.

g. The Arrest/Intake Report or Emergency Petition Service Report will record, at a minimum, the following information:
   (1) Name of Person Served
   (2) Race/Gender/Age/Date of Birth
   (3) Social Security Number
   (4) Physical Descriptors
   (5) Date and Time Served
   (6) Name and ID Number of Server
   (7) Agency of Server
   (8) Location of Service
   (9) Incident Number
      A new incident number will be obtained from Central for each individual arrested on served legal process. The only exceptions to this is if the service of the legal process closes a FCSO case as an arrest; then the original incident number will be used for Emergency Petitions.
   (10) Document Number
   (11) Control Number
   (12) Any other data available

h. Completed Arrest/Intake Reports will be reviewed by a supervisor for accuracy and completeness.

i. It is the responsibility of the deputy serving any legal process originating in Frederick County to ensure that any CJIS entry has been removed.

j. Upon notification that the legal process was served locally, it is the responsibility of Duty Desk personnel to notify an agency by teletype to return any legal process that was sent to them for service from our agency.

k. If the subject who was served the legal process was not taken through Central Booking, the completed Arrest/Intake Report or Emergency Petition Service Report; fingerprint cards and photographs, if applicable; and a signed copy of the served legal process, to include the Court copy in the case of District Court Criminal Summons, will be forwarded to the Warrant/Records Section by the deputy.

l. If the subject was processed through Central Booking the deputy is to forward a CEPI'd copy of the legal process along with any other paperwork from the original legal process packet to the Warrant/Records Section.

m. Central Booking will forward a Central Booking packet to the Warrant/Records Section. The packet will contain a Central Booking Offender Booking Information

Report and an Offender Arrest Information Report. Warrant/Records personnel will combine the paperwork from the Central Booking packet and legal process packet.

n. The Warrant/Records Section personnel are responsible for updating the in-house computer legal process entry to include the following information:
   (1) Change the status to inactive
   (2) Indicate under status that the legal process was served
   (3) The date the legal process was served
   (4) Update any additional information that the Arrest/Intake Report, Emergency Petition Service Report, Central Booking Offender Booking Information Report, or Offender Arrest Information Report may provide

o. When an actual custodial arrest is made, information from the Arrest/Intake Report or the Central Booking Offender Booking Information Report and Offender Arrest Information Report will also be entered into the in-house computer Arrest module.

p. The Court copy of all served District Court Criminal Summons is to be returned o the Court.

q. In the case of served Emergency Petitions, Records personnel are responsible for returning the paperwork to Judicial Operations. The Judicial Operations Commander will return the paperwork to the court.

r. All other original legal process served by the Law Enforcement Bureau shall be returned to the courts upon service.

s. It is the responsibility of the Warrant/Records Section to verify that all executed legal process originating in Frederick County has been removed from MILES/NCIC.

t. The Warrant/Records Section is also responsible for verifying that any agency that was forwarded a copy of legal process for service was notified that the legal process was served by our Agency and that a request to return the paperwork to our Agency was made. A notation will be made in the in-house computer Warrant module that notification was sent and the date it was sent.

u. The Records Section will complete any fingerprint cards received and forward one State and one Federal card to the Central Repository.

v. Original mugshot pictures will be placed in the subject's Identification File. A copy of the computer identification photograph sheet received from Central Booking will be placed in both the subjects Identification File and the appropriate case file.

w. All paperwork on served legal process, with the exception of Emergency Petitions, is placed in a case file and filed by incident number. A copy of the Arrest/Intake Report or in the case of a Central Booking arrest, a copy of both the Offender Booking Information Report and the Offender Arrest Information Report, will be placed in the subject's Identification File. Emergency Petitions are kept in their respective Emergency Petition file until the court expiration date.

x. In the case of Child Support warrants, the serving deputy is responsible for forwarding a copy of the served warrant and a copy of the Arrest/Intake Report (Form 82-C), and it will be the responsibility of the supervisor reviewing reports to ensure this document is forwarded immediately to the Child Support Unit of the Sheriff's Office.

2. Cancellation of Legal Process Assigned to Frederick County Sheriff's Office

   a. It is the responsibility of the Warrant/Records Section to return any legal process that has been canceled or recalled to the appropriate court or agency. Only the court or agency that forwarded the legal process to our Agency for service can recall/cancel the paperwork.

   b. Warrant/Records personnel will also update the in-house computer legal process entry with the following information:
      (1) Change the status to inactive
      (2) Indicate under disposition that the legal process has been returned
      (3) The date of cancellation or recall
      (4) The reason for the cancellation or recall and the person/agency canceling or recalling

3. Warrant/Records personnel are responsible for the removal of the MILES/NCIC from the CJIS computer, if there was an entry made.

4. Warrant/Records personnel are responsible for notifying any agency that was forwarded a detainer or a copy of the legal process for service that the legal process has been canceled or recalled and to return the paperwork to our Agency. A notation will be made in the in-house computer Warrant module that notification was sent, the type of notification sent (return letter or teletype) and the date it was sent.

74.1.5 Service/Execution of Legal Process in Foreign Jurisdictions

LAW ENFORCEMENT BUREAU

1. Legal Process Executable in Other Jurisdictions -

   Includes District Court Warrants indicating that they can be served in another jurisdiction, District Court Criminal Summons, Emergency Petitions, and Show Cause Orders.
   a. Out-of-county Addresses

      (1) Warrant Section personnel are responsible for forwarding all legal process, except Emergency Petitions, indicating an out-of-county address to the proper jurisdiction for service. Duty Desk personnel are responsible for faxing Emergency Petitions indicating an out-of-county address to the proper jurisdiction.

(2) If the subject listed on the legal process is located by another jurisdiction and the legal process states that it can be served in that jurisdiction, the locating agency may serve the legal process from their copy.

(3) It is the responsibility of that agency to notify our Agency of service so that the legal process can be removed from MILES/NCIC if necessary.

(4) The cover letter sent with the paperwork requests that the serving agency forward a copy of the signed, served paperwork and a copy of the arrest report back to our Agency so that we may update our records.

(5) If the served paperwork is returned to our Agency, the Warrant/Records Section will update the in-house computer legal process entry to include the following information:
   (a) Indicate under status that the legal process was served
   (b) The date the legal process was served
   (c) The agency that served the legal process
   (d) Any additional information available from the arrest report

(6) If our Agency is notified by a Frederick County court that the legal process was served by another agency, the following information must be obtained:
   (a) The date the legal process was served
   (b) The agency that served the legal process
   (c) This information must then be updated in the in-house computer.

(7) It is the responsibility of Warrants/Records personnel to ensure that the legal process is returned to the appropriate court when legal process is served from a copy in another jurisdiction.

(8) The Warrant/Records personnel will also ensure that all executed legal process has been removed from MILES/NCIC.

(9) All paperwork on executed legal process, with the exception of Emergency Petitions, is placed in a case file and filed by incident number. A copy of the Arrest/Intake Report or in the case of a Central Booking arrest, a copy of both the Offender Booking Information Report, and the Offender Arrest Information Report will be placed in the subject's identification file.

b. Faxed Legal Process

(1) Legal Process faxed between other jurisdictions is acceptable by the District Court Commissioner. If the paperwork has not already been sent to an agency that locates a subject wanted by our Agency, a faxed copy may be sent.

(2) Faxed District Court Charging Documents must include copies of the application and/or statement of probable cause.

(3) Anytime legal process is faxed from this Agency to another by personnel other than Warrant/Records personnel, a copy of the fax cover sheet and a note

explaining the circumstances will be forwarded to the Warrant/Records Section for updating of the in-house computer.

(4) If the faxed legal process is served in another jurisdiction, the person faxing the warrant is responsible for:
   (a) Removing the legal process from the file
   (b) Clearing the legal process from the MILES/NCIC computer
   (c) Requesting a signed, served (CEPI'd) copy of the paperwork and a copy of their arrest report
   (d) Forwarding the legal process packet to the Warrant/Records Section

(5) Once the paperwork has been received, the in-house computer will be updated and the paperwork filed.

2. Legal Process In-executable in Other Jurisdictions

a. Within the State of Maryland

Includes all Circuit Court Warrants and District Court Warrants indicating that they must be served in our jurisdiction.

(1) Copies of legal process which cannot be served in other jurisdictions will still be forwarded to the appropriate jurisdiction for that agency to try and locate the individual.

(2) No Local Charges

(a) If a subject is arrested on our charges and there are no local charges, arrangements will be made to have the subject transported here.

(b) In most cases involving agencies from surrounding counties, arrangements are made to meet the locating agency at the county line.

(c) Once the subject is returned to our jurisdiction, the paperwork will be served on the individual.

(3) Local Charges

(a) If there are local charges on the subject, a detainer will be forwarded to the locating agency.

(b) In cases where the subject may be released within a short period of time, a teletype shall be sent as a temporary detainer. A copy of the teletype will be forwarded to the Warrant Section.

(c) It is the responsibility of the Warrant Section to ensure that the CJIS entry has been removed any time a wanted subject is located.

(d) Warrant Section personnel will update the in-house computer to include the following information:
(i) The date the detainer was sent
(ii) Agency to which the detainer was sent
(iii) Indicate under disposition that a detainer was placed

(e) Warrant Section personnel will also forward a copy of the warrant with a cover letter to the locating agency. The cover letter will indicate that our warrant is to be filed as a detainer and will also include the following information:
(i) Name of person to be served
(ii) Date of birth of person to be served, if available
(iii) Race and gender of person to be served
(iv) Document number

(f) Once the subject is returned to our jurisdiction, the paperwork will be served on the individual.

b. Outside the State of Maryland (Includes all legal process.)

(1) The following procedures will be followed if a subject for whom we hold an active warrant is located outside of the State of Maryland:

(a) Prior Authorization for Extradition from the State's Attorney's Office
(i) Ascertain if the jurisdiction falls within the boundaries set forth by the State's Attorney's Office, i.e., surrounding states only.
(ii) If the jurisdiction falls within the boundaries set forth by the State's Attorney's Office, a teletype will be sent advising the locating agency that we will extradite.
(iii) A copy of the teletype and/or note shall be left for the Warrant Section advising where the subject was located.

(b) No Prior Authorization for Extradition from the State's Attorney's Office
(i) Contact the State's Attorney's Office for extradition authorization.
(ii) If it is not possible to contact the State's Attorney's Office and the subject may be released, the following procedures will be followed:
- The Extradition Guidelines set forth by the State's Attorney's Office will be used to determine whether or not the charge is extraditable (See Addendum #1).
- If the charge does not meet the Extradition Guidelines, advise the locating agency that according to the State's Attorney's Office Extradition Guidelines the charge does not meet the guidelines and we will not extradite.
- If the charge does meet the Extradition Guidelines, advise the locating agency that the charge does meet the State's Attorney's Office Extradition Guidelines and to hold the subject until we can get official authorization from the State's Attorney on the next business day.

- In cases where the subject may be released within a short period of time, a teletype shall be sent as a temporary detainer.
- A copy of the teletype shall be forwarded to the Warrant Section Supervisor. Also, a note shall be left for the Warrant Section Supervisor to contact the State's Attorney's Office to obtain extradition authorization.

(c) If extradition is authorized, Warrant Section personnel will update the in-house computer to include the following information:
(i) The date the detainer was sent
(ii) Agency to whom the detainer was sent
(iii) The name of the person from the State's Attorney's Office who authorized the extradition

(d) Warrant Section personnel will also forward a copy of the warrant with a cover letter to the locating agency. The cover letter will indicate that our warrant is to be filed as a detainer and will also include the following information:
(i) Name of person to be served
(ii) Date of birth of person to be served, if available
(iii) Race and gender of person to be served
(iv) Document number

(e) It is the responsibility of Warrant Section to ensure that the CJIS entry has been removed any time a wanted subject is located.

(f) Once the subject is returned to our jurisdiction, the paperwork will be served on the individual.

c. Extradition Guidelines

(1) Extradition Guidelines are established and disseminated by the States Attorney's Office to be used by the Sheriff's Office when entering warrants into the Criminal Justice Information System on persons charged with crimes in Frederick County, Maryland. These guidelines may be modified on a case-by-case basis as needed through consultation with the State's Attorney's Office.

(2) When the Sheriff's Office receives notification of an arrest from an agency outside the State of Maryland on charges originating in Frederick County, and there was no prior authorization for extradition received from the State's Attorney's Office, the Warrant Section Supervisor shall notify the State's Attorney's Office immediately during normal business hours or at the beginning of the next business day to ascertain extradition. The State's Attorney or Deputy State's Attorney may be paged, if necessary, during non-business hours; this will be the responsibility of the on-duty P.I.S. The final decision on whether or not to extradite a defendant arrested in another state shall be the sole discretion of the State's Attorney's Office.

74.2 LEGAL PROCESS - CIVIL

This General Order consists of the following sections:

74.2.1 Execution of Civil Process
74.2.2 Body Attachments, District Court
74.2.3 Writ of Seizures, Real or Personal Property

POLICY

It shall be the policy of the Sheriff's Office to serve or execute all writs upon the person(s) or place(s) named on the writ. The only exception to this procedure is when the writ is accompanied by special instructions from the court or the attorney or plaintiff from whom the writ originated.

PROCEDURES

74.2.1 Execution of Civil Process

A. All Civil Process sent to the Sheriff's Office for service shall be served by sworn deputies or those persons designated as Sheriff's Constables, sworn by the Courts for the service of civil process.

B. All civil process shall be served on the person named on the document. Methods of service are governed by, but not limited to: Annotated Code of Maryland, Courts and Judicial Proceedings, Maryland Rules.

C. All civil process shall be returned prior to or on (if unserved) the Court's return date.

D. Lost or misplaced process shall be reported immediately to the Judicial Operations Commander. The loss will be accompanied by a written report explaining all details relevant to that loss.

E. Once disposition is determined on the civil process, the return shall be completed. The return shall state:

1. Whether the process was Served or Executed. If the process was served, the following information shall be included:
   a. The date and time of service
   b. The name of the deputy/constable serving the process
   c. Upon whom the process was served
   d. The location of the service
   e. The method of service should the circumstances dictate:
      (1) Personal service
      (2) Posting

(3) Drop-service
(4) Any other means in accordance with special instructions

F. If the process was not served, the Sheriff's return to the court shall state:
1. The reason(s) why the document was not served.
2. The name of the deputy/constable making the return.
3. The location where the non-est was determined.

G. The deputy/constable shall be aware of variations of returns for out of county/state process. If that process requires the deputy/constable to fill out a return different from that in use in Maryland, he/she shall do so upon the form supplied.

H. The deputy/constable encountering an avoider/evader of service shall document all service attempts per established guidelines. If the deputy/constable determines actual avoidance/evasion is taking place, he/she shall make the necessary return accompanied by an Affidavit of Avoidance/Evasion of Service.

I. Should the return be found insufficient for any reason, the process with any/all supporting papers will be returned to the Judicial Operations Commander for action, correction, or additions.

J. Service of Corporations and/or Partnerships are served as follows:

1. Typically the papers state which individual the papers are to be served on.

2. A paper not indicating a specific person will be served to an available officer at the corporation or the manager on duty if involving a partnership.

K. Civil process received from an outside governmental agency will be assigned to a deputy or Constable for service per guidelines previously established.

L. Civil process received for service outside of this Office's jurisdiction will be returned to the agency originally requesting the service.

74.2.2 Body Attachments, District Court

A. The District Court, as a result of a non-appearance for trial, authorizes a Body Attachment.

1. The District Court considers Body Attachments as a Civil Arrest or "non-warrants." (For a complete explanation of this interpretation, see Rule 525, Civil Contempt.)

2. There is no time limit to this action.

3. After a period of three years, the Body Attachment may be returned to District Court. District Court will determine if the attachment is to be held or reissued by the Court.

B. Receipt by Administration Specialist in charge of District Court

1. The Body Attachment is logged into the Accounts Receivable Ledger by the Administrative Specialist in charge of District Court.

2. Civil Body Attachments will then be sent to the Support Services Warrant/Records Supervisor at the Sheriff's Office Headquarters for assignment and service.

C. Procedures for processing, attempts of service and execution of Civil Body Attachments will be followed as outlined in General Order 74.1 for the Law Enforcement Bureau.

74.2.3 Writ of Seizures, Real or Personal Property

A. All Writ of Attachment (Seizure) property issued to the Sheriff's Office will be executed in the most expeditious manner.

B. All Writs requiring the seizure of real or personal property will be executed by a sworn law enforcement officer. Sworn deputies will carry out the following Writs:

1. Writs of Execution - those writs directing the Sheriff to attach real property, personal property, rights, goods, chattels, credits, and/or effects matured or unmatured belonging to a debtor upon application through the courts of any person who has the right to become a plaintiff in an action in the State of Maryland. Such a writ originates from the Common Law and is used for the purpose of satisfying a money judgement.

2. Writs of Sequestration (similar to Writs of Execution), directing the Sheriff to levy upon property real and personal, chattels, goods, rights, credits and effects of a person to satisfy a decree. This writ usually directs the Sheriff to remove the items and place them in the hands of the third party designated by the court, for the protection of the property, until determination of ownership is made by the court.

3. Writ of Replevin - directs the Sheriff to seize chattels and place them in the hands of the plaintiff or a third party directed by the court for protection of the property when rightful ownership is in dispute. This writ must give a specific description of the property to be seized (replevined). Failure to locate said property usually leads to eloignment proceeding.

4. Warrant of Restitution - directs the Sheriff to put a landlord or representative agent in possession of real property, usually a dwelling, following proper court application and hearing. The Warrant is usually the result of a rent matter or other Landlord/Tenant hearing. This Writ may involve a physical eviction of the tenant from the premises.

5. Writ of Possession - directs the Sheriff to put property, real or personal, in the hands of the plaintiff following a hearing to determine ownership. These writs usually require forthwith action by the Sheriff as part of the instructions.

C. Deputies will be aware of all exemptions allowed under the law. The deputy shall be aware of bankruptcy exemptions and the discovery of a bankruptcy file. (Note: The defendant may elect to exempt property under the law. The defendant may do so through proper application to the courts.)

D. The deputy

1. Shall be aware, during the service of writs, of the potential of the writs for resistance.

2. Will approach each writ as a potential for violence on the part of the defendant and plaintiff.

3. Will keep uppermost in his/her mind their sworn duty both, legal and moral. Each deputy must remember they are present to carry out a court order in form of a writ, keep the peace, and protect life and property from damage.

4. Will ensure there are sufficient law enforcement personnel on the scene to offer assistance if required.

74.3 LEGAL PROCESS - CRIMINAL PROCESS

This General Order consists of the following sections:

74.3.1 Execution of Criminal Process
74.3.2 Execution of Criminal Arrest Warrants by Sworn Personnel Only
74.3.3 Laws/Procedures for Arrest
74.3.4 Open Warrant on Alternative Sentencing Participant
74.3.5 Prioritizing Warrant Service
74.3.6 Immigration Warrants

POLICY

It is the policy of the Frederick County Sheriff's Office to attempt to execute all criminal process received for service and to affect other warrantless arrests in a manner as prescribed in The Annotated Code of Maryland.

PROCEDURES

74.3.1 Execution of Criminal Process

A. Types of Service to be Executed

1. District Court
   a. Criminal Arrest Warrants
   b. Bench Warrants
   c. Criminal Summons
   d. Fugitive Arrest Warrants

2. Circuit Court
   a. Criminal Body Attachments
   b. Indictments
   c. Violation of Probation/Parole Warrant

B. Territorial Limitations

1. Any criminal legal process, serviceable in Frederick County, Maryland, which has been issued for someone found in Frederick County, Maryland may be served by any sworn deputy of this Office. A Frederick County Sheriff's Office deputy may not serve any legal process outside Frederick County, Maryland.

2. Refer to General Order 74.1.5 for service/execution of legal process issued by any Frederick County court to be served in another jurisdiction.

C. Criminal Summons in Lieu of Arrest Warrant

1. The decision to either apply for a Criminal Summons or Arrest Warrant should be based upon the severity of the case, strength of the case and the weight of evidence.

2. When a deputy does not feel comfortable with this decision, the Application for Statement of Charges shall be completed and submitted to the District Court Commissioner for his decision. In either case, the District Court Commissioner has the final decision of whether a criminal summons or a warrant will be issued.

D. Use of Force when Executing Criminal Arrest Warrants

1. The use of force employed affecting an arrest by warrant or otherwise should be reasonable and necessary in the light of resistance received from the person being arrested and progressive in nature when circumstances permit.

2. More specific delineation of Office policy pertaining to the use of force is found in General Order 1.3.

E. Immunity from Arrest

1. The geographical location of Frederick County with respect to the Nation's Capital requires deputies to be well versed in the laws of diplomatic immunity from arrest. The United States Department of State has issued a "Guidance for Law Enforcement Officers" reference book for use when faced with the prospect of a possible arrest of someone claiming diplomatic immunity. This portion of the General Order will provide an overview of the requirements. More specific knowledge can be gained from the State Department manual a copy of which shall be maintained at the duty desk.

2. Definitions

a. Diplomatic Mission - encompasses both the chancery where embassy work is performed and the residence of the head of the mission.

b. Diplomatic Immunity - full or limited criminal immunity which the personnel of a foreign diplomatic mission and, in varying degrees, their family members enjoy because they serve as representatives of a sovereign state and require special rights and guarantees for the effective functioning of the mission.

c. Diplomatic Agents - a term embracing heads of missions, ambassadors and charge d'affaires, and members of their diplomatic staff, i.e., those recognized by the U.S. Government as having diplomatic rank and title.

d. Administrative and Technical Staff - this category includes secretaries, clerical personnel, office managers and certain professional security personnel. These persons also enjoy a high level of privilege, but somewhat less than "diplomatic agents".

e. Service Staff - these persons are drivers, cleaners and building/grounds personnel. They have much less in the way of immunity.

f. Private Servants of Members of the Mission - they and their families are hired by diplomats for their personal use and have no immunity for their criminal acts or private wrongs even if such acts occur in the course of the performance of their duties.

g. Consulates - are not to be confused with Diplomatic Agents and do not enjoy the privileges and immunities. Consulates perform a variety of functions of principal interest to their countries (e.g., issuance of travel documents, attending to difficulties of their own countrymen who are present in the Host Country, and generally promoting the commerce of their country.)

h. Special Bilateral Agreements - there are some foreign countries in respect of which the categories set forth above are not applicable. These are countries with which the United States has concluded bilateral agreements which grant to all members of the staff of their respective embassies (provided that they are nationals of the sending country) the privileges and immunities to which only diplomatic agents are normally entitled. Again, this situation will be taken care of when identity documents are issued, but deputies should be aware of this distinction because they may have to confront situations where a chauffeur or mechanic from the embassy of one of these countries asserts a right to full diplomatic privileges and immunities.

3. Full Criminal Immunity

a. This type of immunity is given to the diplomatic agents, administrative and technical staff of missions and their families.

b. Full criminal immunity means more than immunity from prosecution. It means that the residence, vehicles, papers and correspondence of an individual with this immunity classification cannot be searched, the person cannot be detained, or arrested, and is not required to give evidence as a witness.

Note of Caution: All members of the embassies of Russia (including the Administrative, Technical, and Service Staff) and China and members of their families have full immunity. When in doubt, verify through the State Department.

4. Limited Criminal Immunity

Service staff has limited criminal immunity. This immunity only prevents conviction if a judge finds that a criminal act transpired in the course of the person's official duties. Therefore, service staff can be detained and arrested, their papers can be searched, and they can be required to give evidence as a witness.

5. Outline of Criminal Immunity by Personnel Category or Family Classification

   a. Diplomatic Agents - Full Immunity
      (1) Head of mission (Ambassador or Charge d'affaires)
      (2) Carry diplomatic identification documents issued by the State Department
      (3) Names are in the "Blue Book"

   b. Diplomatic Staff of Mission - Full Immunity
      (1) Carry diplomatic identification documents issued by the State Department
      (2) Names are in the "Blue Book" and include:
         (a) Members of Delegation of the Commission of the European Communities
         (b) Permanent representatives and senior staff of missions to Organization of American States and United Nations
         (c) Senior officials to United Nations

   c. Administrative and Technical Staff - Full Immunity Names are on the "White List" and include:
      (1) Administrative Officers
      (2) Administrative Assistants
      (3) Security Officers
      (4) Purchasing Agents
      (5) Budget and Fiscal Technicians
      (6) Archivists
      (7) Cryptographers
      (8) Receptionists
      (9) Secretaries
      (10) Stenographers
      (11) Typists
      (12) Clerks
      (13) Couriers
      (14) Messengers
      (15) Guards

   d. Families of Diplomatic Agents, Staff of Mission, Administrative and Technical Staff - Full Immunity
      (1) Spouses
      (2) Dependent children until age 21, or age 23 if full-time student at an institution of higher learning

   e. Service Staff - Immunity only for acts in the course of duties (Court decides if acts are in the course of duties.) Names are on the "White List" and include:
      (1) Chauffeurs
      (2) Drivers
      (3) Servants in missions
      (4) Employees performing domestic duties in missions

   f. Families of service staff - no immunity

   g. Private servants and their families - no immunity

h. Members of Consular Posts - Consulates and their personnel must not be considered identical to embassies. Consulates have a significantly lower amount of privilege and immunity, reflecting the fact that consulates are concerned with issuing travel documents, etc., and not with communication between countries. Consular officers have only "official acts" immunity in both criminal and civil matters. They may be arrested for felonies but have immunity from providing evidence as witnesses where a case involves their official duties. Note that family members of consular officers enjoy no immunity.

Note: No police deputy is expected to determine whether a given set of circumstances constitutes an "official act". Thus, a person enjoying "official acts" immunity may always be prosecuted if the alleged criminal act is believed outside the scope of "official duties". The court will decide whether the alleged crime was part of an "official act". Also note that consular service staff have no immunity except they do not have to serve as witnesses concerning "official acts". Family members have no immunity. U.S. nationals or permanent residents employed by a consulate have no immunity, and honorary consuls have only "official acts" immunity and witness immunity regarding "official acts". Family members have no immunity.

6. Traffic Violations Involving Diplomats

a. Moving Violations

When a driver believed to have diplomatic immunity is stopped for any moving traffic violation and has proper and valid identification indicating immunity, the deputy may issue an appropriate traffic citation or warning notice. The issuance of a traffic citation does not constitute an arrest or detention. This paragraph shall not be construed as authorizing the arrest or detention of members of the Diplomatic Corps for any violation of the Transportation Code of Maryland.

(1) It must be noted that the diplomat does not have to sign the citation and cannot be arrested for refusal to sign or accept the citation.

(2) Failure of diplomat to appear in court to answer the citation will cause no action by the Motor Vehicle Administration in relation to the diplomat's driving privileges within this state.

(3) The citation can be administratively voided by the diplomat if turned in to their legation, who will in turn submit it to the U.S. State Department for disposition.

b. Copies of Citations and Collision Reports

(1) Deputies should, in addition to normal procedures, send a copy of citations for moving violations and of collision reports to the Office of the Sheriff, via chain of command, whenever any of the following situations exist:
   (a) The citation is issued to the driver of a vehicle (or the collision involves a vehicle) with U.S. Department of State diplomatic license plates;
   (b) The citation is issued to (or the collision involves) the bearer of a U.S. Department of State diplomatic driver's license; or

(c) The citation is issued to (or the collision involves) a driver whose identity has been confirmed by the U.S. Department of State, Office of Protocol, as a member of a foreign mission entitled to immunity.

(2) Call the Diplomatic Security Command Center at U.S. Department of State at either 571-345-3146 or toll free at 1-866-217-2089 to ascertain where the documentation should be sent.

(3) Driving While Intoxicated Violations

When a deputy stops an individual with the intention of making an arrest for driving while intoxicated and the individual is entitled to diplomatic immunity, the deputy shall extend the same courtesy and consideration to him as a member of the Diplomatic Corps as has existed in the past.

(a) If the state of intoxication of the individual entitled to immunity, whether claimed or not, is such that his driving would endanger the safety of the community, the deputy shall request that the diplomat not drive and provide assistance in parking the vehicle or securing another driver.

(b) A deputy may issue a traffic citation to the person for DWI and any other related traffic charges. However, no physical arrest can be made. A copy of the citation along with documentation of the incident will be forwarded to the Sheriff as indicated in Section E,2.

(c) If the diplomat refuses assistance or a claim is made that the deputy's requested action would restrict the effective exercise of his function as a diplomat, the deputy will politely inform the diplomat that he is free to go, but the vehicle may not be moved, and the embassy or legation concerned will be contacted immediately for advice or assistance in obtaining a driver and removing the vehicle.

(d) If the driver is entitled to diplomatic immunity, he should not be restrained except in extreme cases and will not be subjected to any sobriety or any other mandatory test. Force must not be used except when necessary to prevent injury to the diplomat or others and then only the minimum force necessary to prevent injury to the Diplomat, Deputy or others shall be used.

c. Towing

When it becomes necessary to have a vehicle bearing diplomatic registration towed, deputies will comply with the section in FC 1060 entitled Towing of Vehicles Bearing Diplomatic Registration. It should be noted that a diplomat's vehicle is considered secure from violation and cannot be searched.

7. Claims of Diplomatic Immunity

a. When proper I.D. is shown, the immunity will be fully respected. Where there is full immunity as a diplomatic agent, the person may not be arrested and should not,

except in the most extraordinary circumstances, be detained in any way. However, in any serious incident, the deputy will record all pertinent details from the I.D. card and details and circumstances of the incident in accordance with normal police procedures.

b. A copy of the report prepared following a diplomatic incident or arrest should be sent promptly via the chain of command through the Office of the Sheriff to the Command Center, Office of Security, Department of State, 2121 Virginia Avenue, N.W., Washington, DC 20520. Serious incidents should be reported by telephone as soon as possible at either 571-345-3146 or toll free at 1-866-217-2089, which is operational 24 hours a day.

c. When a deputy is confronted with a person claiming immunity and the person cannot produce satisfactory I.D. and the situation would normally warrant arrest or detention, the deputy will inform the person that he or she will be detained just until proper identity can be confirmed. The State Department Protocol Office will be called immediately at either 571-345-3146 or toll free at 1-866-217-2089. The Emergency Communications Center (ECC) can assist those deputies attempting to verify claims of diplomatic immunity by referring to the "Blue Book" and/or "White List".

d. Inquiry should also promptly be made to the Department of State in any case where an individual claims immunity and cannot present satisfactory identification or in any case where the deputy has reason to believe that invalid identification is being presented.

   All inquiries should be made to the Diplomatic Security Command Center, U.S. Department of State at either 571-345-3146 or toll free at 1-866-217-2089

e. Where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, deputies may intervene to the extent necessary to halt the activity. This naturally includes power of the deputies to defend themselves from personal harm.

f. Where a U.N. diplomat is involved in an incident or arrest, a copy of the report should be sent promptly via the chain of command, through the Office of the Sheriff to the Host Country Section, U.S. Mission to the United Nations, 140 E. 45th Street, Attn: Host Country, New York, NY 10017. Serious incidents should be reported by telephone as soon as possible to the Communications Section of the U.S. Mission to the United Nations in New York.

g. REF: United Nations Personnel During Normal Business Hours: U.N. (New York) verification information is available during normal working hours from the Host Country Section of the U.S. Mission to the United Nations (open 24 hours/day): (212) 415-4444.

h. Tax Exemption, Auto Registration, License Plates and Driver's Licenses are not conclusive proof of Diplomatic Immunity. Again, these only indicate that the bearer may be entitled to some degree of immunity.

i. There are three types of identification cards--Diplomatic (blue border for diplomats); Official (green border for employees); and Consular (red border for consular personnel). The identification cards are 3 3/4" x 2 ½" and contain a photograph of the bearer. The bearer's name, title, mission, city and state, date of birth, identification number, expiration date, and a U.S. Department of State seal appears on the front of the card. A brief statement of the bearer's immunity is printed on the reverse side. Space is also provided for the bearer's signature.

While this form of identification is generally to be relied upon, law enforcement authorities are nonetheless urged immediately to seek verification as indicated above in connection with any serious incident or in any case where they have reason to doubt the validity of the card. Deputies should be alert to the fact that newly arrived members of diplomatic and consular staffs may not yet have these official identity documents and should be prepared to contact the Diplomatic Security Command Center, U.S. Department of State at either 571-345-3146 or toll free at 1-866-217-2089, for verification if confronted with such situations.

j. Even though individuals ultimately enjoy the protections afforded by diplomatic or consular privileges and immunities, as indicated above, it is for the benefit of the sending country that these protections are actually devised. This concept is well established in the international law and explains the fact that the individual concerned does not "own" the immunity; such immunity may always be waived, in whole or in part, by the country which employs such person. While waiver of immunity in the face of criminal charges is not common, it is routinely sought and occasionally granted. The Department's ability to secure such waiver may depend to a large degree on the strength (and documentation) of the case at issue. Similarly, it is of little avail for the Department to secure waiver of immunity in a particular case if the case has not been developed with sufficient care and completeness to permit a successful subsequent prosecution. Proper documentation and reporting by law enforcement authorities plays a critical role in both of these respects.

74.3.2 Execution of Criminal Arrest Warrants by Sworn Personnel Only

Arrests made by personnel of this Agency, both by criminal arrest warrant and on-scene type, will be made by sworn deputies only. No civilian, non-sworn personnel will arrest or detain anyone, either under authority of an arrest warrant or by probable cause, unless assisting a sworn deputy of this office in the performance of his/her duties.

74.3.3 Laws/Procedures for Arrest

A. Follow-Up Investigations Resulting in Probable Cause for Arrest

1. Adult Suspects

Whenever a deputy develops probable cause for the arrest of an adult and the decision is made to effect the arrest, the deputy will apply for a charging document.

B. Juvenile Suspects

a. When a deputy develops probable cause to believe a juvenile committed a crime, the deputy's authority to arrest the juvenile is limited by the laws of arrest (Maryland Code).

b. Currently, there is no warrant application process for juveniles. When a deputy develops probable cause to arrest a juvenile, but the deputy cannot effect a physical arrest for some reason (e.g. the juvenile cannot by located, or the crime is not the type for which a warrantless arrest can be made under Maryland law), the deputy must initiate charges, via the reporting process, as follows:

(1) Include the following in the incident report (the report starts the process by which a juvenile is charged with a crime):
(a) Detailed suspect information in the suspect blocks (must have DOB);
(b) Parent/guardian information (names, addresses, phone numbers--the Department of Juvenile Services will not accept reports without this information);
(c) A detailed summary of the probable cause;
(d) Date, time, and name of parent/guardian notified and name of person making notification.

c. Arrest reports will be used whenever a physical arrest is made.

C. Warrantless Arrests by Deputies or Commissioned Special Police Officers

1. The legislatures and courts have historically maintained a delicate balance between the interest of the community in protecting itself and the right of the citizen to be free from unjustified arrest. In striking the balance, the legislatures have strictly limited the authority to arrest without a criminal arrest warrant. The criteria apply equally to juveniles and adults affording all citizens equal protection.

2. NOTE: The term "arrest" in this order, when used with regard to juveniles, means "taking into custody".

3. In accordance with statutory authority and Maryland case law, a deputy or commissioned special police officer may arrest an individual without a warrant in the following instances:

a. When a felony or misdemeanor is committed or attempted in the deputy's presence or view.

b. When the deputy has probable cause to believe that a felony or misdemeanor is being committed or attempted in his/her presence or view and the deputy reasonably believes the individual committed the offense.

c. When the deputy has probable cause to believe that a felony has been committed or attempted and probable cause that a specific person committed or attempted the felony.

d. Under the authority of the Maryland Police Team Rule (when a deputy is advised via official police communications that there is lawful authority to make an arrest).

4. For those misdemeanors listed in the Annotated Code, a deputy can make a warrantless arrest, provided there is probable cause to believe that:
   a. The person has committed the offense, and
   b. Unless that person is immediately arrested:
      (1) He may not be apprehended, or
      (2) He may cause injury to the person or damage to the property of one or more other persons, or
      (3) He may tamper with, dispose of, or destroy evidence.

5. In domestic violence cases (see 41.2.6.III.D.), deputies may arrest a person without a warrant if both 1 and 2 below are true:
   a. The deputy has probable cause to believe that:
      (1) The person battered the person's spouse or other individual with whom the person resides
      (2) There is evidence of physical injury; and
      (3) Unless the person is immediately arrested, the person may
         (a) Not be apprehended
         (b) Cause injury to the person or damage the property of one or more other persons; or
         (c) Tamper with dispose of, or destroy evidence
   b. A report to the police was made within 48 hours of the alleged incident.
   c. If the deputy has probable cause to believe that mutual battery occurred and arrest is necessary under this section, the deputy shall consider whether one of the parties acted in self-defense when making the determination whether to arrest the person whom the officer believes to be the primary aggressor.
   d. An arrest shall be effected for a violation of a Peace Order or Protective Order.

6. Juveniles may be taken into custody under the guidelines above or under the authority set forth in the Courts and Judicial Proceedings Article, Section 3-814 (Taking a Child into Custody). These guidelines state that a juvenile may be taken into custody:
   a. Pursuant to an order of the court (juvenile warrant).
   b. By a law enforcement officer pursuant to the laws of arrest.
   c. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child is in immediate danger from his surroundings and that his removal is necessary for his protection.
   d. By a law enforcement officer or other person authorized by the court if he has reasonable grounds to believe that the child has run away from his parents, guardian, or legal custodian.

7. Deputies will be required to follow the procedures listed below when responding to warrantless arrests for felonies or misdemeanors (with the exception of those offenses enumerated in Section III, D) made by commissioned special police officers.
   a. Responding deputies will verify that the complainant is a commissioned special police officer.
   b. Obtain a signed statement of charges prepared by the commissioned special police officer. In the event the defendant is a juvenile, obtain a signed statement of probable cause for the arrest.
   c. Transport the defendant to Patrol for processing.
   d. Complete all the required office reports.

D. Warrantless Arrest on Accusation/Citizen's Arrest

1. Legal Authority

   a. Felony--In Maryland, a private person has authority to arrest without a warrant when a felony is being committed in his presence, or when a felony has in fact been committed, whether or not in his presence, and the arrester has probable cause to believe that the person he/she arrests has committed it.

   b. Misdemeanor--In Maryland, a private citizen has authority to arrest without a warrant when a misdemeanor is being committed in the presence or view of the arrester which amounts to a breach of the peace. There is a narrow exception to this in the common law: A person has the right to detain a person believed to have taken his/her property. This must be done to prevent theft or recapture property and not as punishment. It is false imprisonment if the person does not have the property.

      NOTE: All adult warrantless arrests will be charged via a statement of charges prepared by the arresting deputy or a commissioned special police officer who is empowered to execute the statement of charges. (Note the exception to this in Section III, D.) District Court commissioners will not issue post-arrest warrants when the defendant is in police custody.

2. Warrantless Citizen's (Non-Police) Felony Arrests

   Responding deputies will interview the complainant and determine if there is probable cause to believe that a felony was committed and the suspect committed it.

   a. If probable cause to arrest the suspect does NOT exist, deputies will:
      (1) NOT ARREST THE SUSPECT;
      (2) Inform the complainant that his/her arrest did not meet legal requirements;
      (3) Complete the appropriate police report.

   b. If probable cause to arrest the suspect does exist, deputies will:
      (1) Obtain a written, signed statement from the complainant;
      (2) Detain and transport the suspect to Patrol;
      (3) Complete a statement of charges for adult defendants based on information supplied by the complainant;
      (4) Process the defendant and complete the required written reports.

3. Warrantless Citizen's (Non-Police) Misdemeanor Arrests (For exceptions to this procedure, see Section III, D)
   a. Responding deputies will obtain identification from the suspect and if:
      (1) The suspect's identity is established to the deputy's satisfaction, and
      (2) The suspect is a Maryland resident, and
      (3) The suspect is not wanted as a result of the deputy's wanted check.
      DO NOT ARREST THE SUSPECT. Explain to the complainant that under Maryland law deputies may not arrest or transport the suspect.

   b. If the suspect is an ADULT:
      (1) Show the complainant the suspect's identification and advise the complainant to see the commissioner and apply for a charging document;
      (2) Write an incident report listing the suspect information and the date and time of the wanted check;
      (3) Give the incident report number to the complainant so that the complainant can show the commissioner and the district station personnel that an initial report was written;
      (4) Advise the complainant that if the commissioner issues a charging document, it will be served at a later date.

   c. If the suspect is a JUVENILE:

      Include the following in the incident report (the report starts the process by which a juvenile is charged with a crime):
      (1) Detailed suspect information in the suspect blocks;
      (2) Parent/guardian information (names, addresses, phone numbers--Department of Juvenile Services will not accept reports without this information);
      (3) A summary of any statement made by the juvenile;
      (4) Date, time, and name of parent/guardian notified and name of person making notification.

   d. If the suspect, adult or juvenile, was arrested by a citizen for a crime listed in MD Code, Criminal Procedure, § 2-202 and:
      (1) the deputy is unable to establish the suspect's identity to his/her satisfaction, or
      (2) the suspect is not a Maryland resident, or
      (3) the suspect is wanted,
      (4) ARREST THE SUSPECT AND TRANSPORT HIM/HER TO CENTRAL BOOKING.
      (5) Process the defendant and complete the required written reports.

E. Authority to Arrest Military Deserters

1. The Uniform Code of Military Justice sets forth, and the Federal Courts have affirmed, the authority of civil law enforcement officers to arrest a deserter from the armed forces and deliver him to those forces.

2. Contact with the Provost Marshal at Ft. Detrick will be made upon arrest for further disposition of the deserter.

F. Discretion

1. Deputies are vested with a broad range of discretion when deciding whether or not to make an arrest. This directive is not intended to deprive any deputy of this discretion provided it is exercised in accordance with Office rules and regulations and in furtherance of the police mission.

2. The proper exercise of discretion does not relieve the investigating deputy of his/her responsibility to conduct a thorough preliminary investigation of the event.

3. See General Order 1.2.2 and 1.2.3 for more specific delineation of discretion.

G. Apprehensions by Bail Bondsmen Prior to Internal Processing of a Failure to Appear (FTA) Warrant

1. When a defendant fails to appear in court, a FTA warrant is issued.

2. Sheriff's Office personnel will investigate and take appropriate action on criminal arrest warrants as prescribed by General Order 74.3.

3. Bail bondsmen often obtain a certified copy of the warrant, and may attempt to locate the defendant before the warrant is forwarded to the Sheriff's Office. If located, the defendant will be turned over to the Sheriff's Office, and processed as an outstanding criminal arrest warrant. This is the only circumstance in which a warrant will be served that has not been processed internally.

4. Bail bondsmen will not accompany deputies attempting warrant service and deputies shall not accompany bail bondsmen in their attempts. This does not preclude the Sheriff's Office from taking law enforcement action if the situation arises.

74.3.4 Open Warrant on Alternative Sentencing Participant

A. When an Alternative Sentencing caseworker becomes aware of an open warrant on a defendant assigned to them for community service hours, the caseworker shall

1. Provide the Commander of Judicial Operations with a copy of the warrant information.

2. Make arrangements with the defendant to come into the office on a workday between 8:00 a.m. and 4:00 p.m.; and advise the Commander of Judicial Operations of the specific date and time.

B. The Commander of Judicial Operations will meet the defendant outside of the Alternative Sentencing Program office to take the defendant into custody.

C. Periodically, the Alternative Sentencing Program Director will request random background checks for any open warrants on defendants currently in the program.

74.3.5 Prioritizing Warrant Service

A. It is the policy of the Frederick County Sheriff's Office to serve all outstanding criminal arrest warrants without delay.

B. The priority of criminal arrest warrant service is as follows:

1. Felony Warrants - because of the serious nature of felony offenses, all felony warrants should be served as expeditiously as possible.

2. Misdemeanor Warrants - in the absence of any servable felony warrants, misdemeanor warrants should be served beginning with the most serious misdemeanors.

3. Traffic Warrants/Capias - traffic warrants are generally of a less serious nature and may be served anytime there are less pressing warrants waiting to be served.

4. Body attachments - generally less serious in nature and may be served after more serious matters have been addressed.

5. Criminal Summons - although criminal in nature are less serious than criminal warrants and should be given a less urgent priority.

C. Prompt consideration should be given to serving failure to comply and failure to appear warrants, as there is a greater likelihood that those who willfully fail to appear may not remain in the area for long.

D. Quick action on the part of law enforcement agencies in serving outstanding arrest warrants can significantly increase the likelihood of apprehension.

74.3.6 Immigration Warrants

A. It is the policy of the Frederick County Sheriff’s Office Law Enforcement Bureau not to arrest or detain an individual based solely on an Immigration warrant for deportation. This includes Civil or Administrative warrants related to an individual’s citizenship in the United States.

B. The Sheriff’s Office will provide training in regards to NCIC records received from the U.S. Immigration and Customs Enforcement related to Civil and Administrative warrants.

74.4 LEGAL PROCESS: FINANCIAL MANAGEMENT

This General Order consists of the following sections:

74.4.1 Financial Management Process for District and Circuit Court Process

POLICY

The Sheriff's Office shall provide for the efficient management control and accounting of Writs, fees, and forms received from the Courts.

PROCEDURES

74.4.1 Financial Management Process for District and Circuit Court Process

A. Receipt of District Court Process

1. Upon receipt of material from District Court, the District Court Administrative Specialist totals the transmittal to coincide with the total on the transmittal sheet signed-off by District Court.

2. The District Court Administrative Specialist then removes and totals the checks to verify that the checks total equals the transmittal total.

3. The legal process is then checked against the transmittal to verify receipt of case number and type of process. This is done by highlighting or checking (✓) the type of process on the transmittal.

4. The transmittal is then signed and dated by the Administrative Specialist verifying accuracy. The white original copy is forwarded to District Court. The yellow copy is retained for the District Court Administrative Specialist's files.

5. A copy of each transmittal is filed in accordance to the ledger.

6. Using the yellow transmittal copy transpose date received, name of individual to be served, type of paper, case number, and amount received to the District Court Account Ledger.

B. Assignment

1. The personnel assigned for service responsibility is determined by the address area. Initials of that person is marked on the original legal process in ink.

2. Papers are then distributed to personnel for service according to the area assigned.

C. Service Returns

1. Served papers are returned to the Sheriff's Office District Court Administrative Specialist for processing.

2. Specialist tabulates on-going monthly stats for each person. (Served-unserved).

3. Upon receipt of the document, locate document in the ledger and enter the money amount received into the served column.

4. A copy of the return is retained and filed numerically. Three files are kept as proof of service for auditing purposes:
   a. Complaints
   b. Complaints MISC
   c. Out of County.

5. Original legal document is returned to District Court.

D. Non-Est Returns

1. Non-Refundable Process
   a. Forcible Entry Detainer (FED)
   b. Tenant Holding Over (THO)
   c. Landlord Complaint (LC)
   d. Warrant of Restitution (WOR)

2. No Charge for Process
   a. Rent Escrow
   b. Temporary Protective Order
   c. Emergency Petition
   d. Indigent (judge's decision)

3. Refund Process

   a. Unserved papers are returned to the Sheriff's Office District Court Administrative Specialist for processing.

   b. The District Court Administrative Specialist tabulates on-going monthly stats for each person (a list is provided to the District Court Administrative Specialist to indicate the reason for a paper not being served).

   c. Upon receipt of the document, locate document in the ledger and enter the money amount received in the unserved column.

   d. Remove copy of the original document. This provides the information as to who receives a refund. Files are kept as stated in Section III, D. These files provide proof of refunds for auditing purposes.

   e. Original legal document is returned to the District Court.

f. Refund checks are prepared monthly. The District Court Administrative Specialist enters and processes the voucher requests in the Peoplesoft Financial System; it is electronically approved by the Civil Process Unit's Sergeant and forwarded to Accounting for payment.

g. Checks are mailed to the appropriate plaintiff.

E. Out of County Process

Receipt procedures are in accordance with Section I.d except for:

1. The original transmittal and documents are mailed to the issuing Court/County.
2. Transmittals are filed separately for in-county.

F. Financial System Management

1. Deposits

a. Deposits are made weekly.

b. A deposit slip is prepared by recording the number of checks, and the total amount on the deposit slip. The adding machine tape is attached to the deposit slip.

c. The transmittals received for the period of deposit are then totaled to verify the deposit amount (adding machine tape is attached).

d. Checks and money orders are stamped with District Court Billing's account number "For Deposit Only."

2. Audit - an audit of all financial management records and procedures will be conducted annually by an independent authority.

G. Receipt of Circuit Court Process

1. Upon receipt of the paperwork from Circuit Court, the Circuit Court Administrative Specialist removes and forwards the paperwork to the Detention Center and to Patrol Operations. Warrants are stamped in, using automatic time and date machine.

2. Each paper process is checked to see that all the appropriate paperwork is attached and, where applicable, the proper fees are attached.

a. If a check, cash, or money order accompanies the paperwork, a receipt is created using the defendant's and plaintiff's name, case number, and fee amount. The receipt is given to the District Court Administrative Specialist for entry onto the Excel spreadsheet, located on the "R" drive in the Civil Process Unit folder, and used as documentation for deposits. The collected fees are placed in a moneybag and secured in the Office safe.

b. The Administrative Specialist then enters Civil Process papers into the in-house computer.

c. Once entry is made into the in-house computer system, the initials of the constable or deputy are placed on top left corner of the copy to be served.

d. The copy is then distributed to the indicated person for service of the paper.

81.1 COMMUNICATIONS: ADMINISTRATION

This General Order consists of the following sections:

81.1.1 Establish Sheriff's Office Communications Function
81.1.2 Sheriff's Office Communications Functions
81.1.3 Authority & Responsibilities of Personnel Assigned to the Communications Component
81.1.4 Compliance with F.C.C. Procedures & Requirements
81.1.5 Access to Local, State, & Federal CJIS

POLICY

The Sheriff's Office shall establish a communications function to provide the maximum amount of information to both the citizens of Frederick County and to the members of the Sheriff's Office.

PROCEDURES

81.1.1 Establish Sheriff's Office Communications Function

The Sheriff's Office communications are provided by the Frederick County Department of Emergency Communications.

81.1.2 Sheriff's Office Communication Functions

The Emergency Communications Center is responsible for the following activities:

1. Coordination of Sheriff's Office radio communications including reception, coordination and dispatching of all radio traffic.

2. Reception and disposition of all telephone calls received by the ECC for administrative and operational needs.

3. Training of ECC personnel.

4. Coordinating emergency and non-emergency notification to individuals.

5. Providing twenty four hour access to Maryland Criminal Justice Information System (CJIS) and NCIC for field deputies.

81.1.3 Authority & Responsibilities of Personnel Assigned to the Communications Component

A. Emergency Communications Specialist (ECS) duties include receiving incoming calls, obtaining essential data, evaluating the situation, initiating an appropriate call to another office, initiating the dispatch of a deputy, or taking other action that will result in the

satisfactory completion of the request for service. All calls will be handled in accordance with the National Academy of Emergency Police Dispatch protocols known as EPD (Emergency Police Dispatch).

1. The predefined response assignments in the Computer Aided Dispatch (CAD) system will be followed unless otherwise noted in this order.

2. This response criteria has been developed to include the following factors:
   a. Deputy Safety
   b. Emergency Nature
   c. Crime in Progress
   d. Citizen Safety

B. Dispatchers have the authority to dispatch available Patrol Operations personnel, based on CAD recommendation, to meet the primary objective of rapid delivery of meaningful service. Geographic boundaries such as beats are to be respected only to the extent that they do not interfere with the efficient delivery of essential service.

Patrol Supervisors may change any personnel assignments originally dispatched by Emergency Communications, if such change will improve operational efficiency.

C. Emergency Communications personnel will have immediate access to the following Sheriff's Office resources for operational effectiveness. This information may be accessed at the PIS desk. Employee information should be treated as sensitive information and should not be released to the public.
   1. Current duty roster of all personnel,
   2. Current home telephone number of all personnel, and
   3. Current pager numbers of all personnel assigned a pager.

81.1.4 Compliance with F.C.C. Procedures & Requirements

A. In order to function effectively, the following guidelines must be adhered to by all users of the Sheriff's Office radio channels:

B. Federal Communications Commission (FCC) Guidelines: False calls or false distress signals, superfluous or unidentified communications, obscene or profane language, or the transmission of unassigned radio unit numbers, are prohibited.

C. Radio Channel Discipline

1. Patrol deputies and other deputies engaged in a field assignment will maintain constant radio communications during their tour of duty. Unless directed otherwise, deputies will maintain their radio on Dispatch #1.

2. When switching to another authorized talkgroup, deputies should request permission through the Emergency Communications Center.

3. Off-duty members will maintain their radios on Dispatch #1 while in Sheriff's Office vehicles unless advised or authorized to switch to another channel.

4. Members will periodically check their radios throughout their tour of duty to ensure they are on the proper channel.

81.1.5 Access to Local, State, and Federal CJIS

The Emergency Communications Center will maintain a twenty-four hour computer link with all local, state and federal criminal justice information systems (CJIS & NCIC) as provided through I.I.T.

81.2 COMMUNICATION: OPERATIONS

This General Order consists of the following sections:

81.2.1 24-Hour, Toll Free Telephone Access
81.2.2 Emergency Telephone Number
81.2.3 Procedure to Perform Telephone, Radio, Teletype, & Automated Data Communications Functions
81.2.4 Emergency Contacts
81.2.5 Misdirected Emergency Calls
81.2.6 Special Attention to Hazardous Conditions: Collection and Dissemination of Information
81.2.7 Patrol Deputies Radio Communications
81.2.8 Radio Communications Procedures
81.2.9 Calls For Service
81.2.10 Assignment of Complaint Control Numbers
81.2.11 Calls For Service Information
81.2.12 Administrative Tasks
81.2.13 Record of Back-Up Deputies
81.2.14 Immediate Playback of Recorded Telephone & Radio Communications
81.2.15 Recording of Radio and Telephone Conversations
81.2.16 Criteria & Procedure for Review of Recorded Conversations
81.2.17 Accepting & Delivering Emergency Messages
81.2.18 Dissemination of Stolen Vehicle Information
81.2.19 "10-3" Broadcast Signal
81.2.20 Mobile Data Access

POLICY

The Department of Emergency Communications will operate and maintain a 24-hour radio and telephone Emergency Communications Center (ECC). This Emergency Communications Center will operate at the highest efficiency possible.

PROCEDURES

81.2.1 24- Hour, Toll-Free Telephone Access

A. The Frederick County Emergency Communications Center will operate 24 hours a day to provide continuous radio communications to on and off duty deputies.

B. Twenty four hour telephone contact with the Emergency Communications Center by the public is available. Telephone equipment is available to communicate with hearing impaired individuals through TDD/TTY services.

81.2.2 Emergency Telephone Number

A. The Sheriff's Office maintains a single phone number to facilitate easy and quick contact from all citizens within its jurisdiction. The Sheriff's Office number is 301- 600-1046.

B. The Sheriff's Office is also a party to the countywide 911 emergency phone system.

C. The Emergency Communication Center number for the Sheriff's Office is 301-600-2071 and will come into the ECC on a roll-down system so that if the primary line is busy, the call will automatically roll over to another available line. There will be a minimum of four lines on this system. More may be added if subsequent phone use surveys warrant.

D. The 911 phone number is prominently displayed in the telephone directory.

81.2.3 Procedure to Perform Telephone, Radio, Teletype & Automated Data Communications Functions

A. [Redacted]

B. [Redacted]

C. [Redacted]

D. [Redacted]

E. Use of Telephone

At all times when talking on the telephone, dispatchers shall conduct themselves in a professional, pleasant and businesslike manner.

1. Incoming calls

   a. Dispatchers shall endeavor to answer incoming calls within three (3) rings.

   b. The person answering the telephone shall answer "Frederick County Communications," their title or rank and then their ID number.

   c. Dispatchers shall be courteous to the public and tactful in the performance of their duties, obtaining as much information as possible from the complainants and attempting to convey to the public their desire to serve the public in whatever way possible. Dispatchers will assess the characteristics of the call and decide on the appropriate call type based on EPD protocols. Dispatch will advise the complainant of the Sheriff's Office's response to the call.

2. Transferring calls
   a. When transferring calls to other sections, the caller will be advised the call is being transferred, if appropriate to what section, and given the telephone extension in case they are disconnected during the transfer.

b. The transferring party shall remain online, give a brief description to the receiving party of the complaint, before terminating the transfer.

F. Use of CJIS

1. The ECC is equipped with a CJIS terminal giving the Office access to METERS, NCIC, and criminal history files. Secured CJIS terminals are also maintained at strategic locations throughout the Law Enforcement Center. Deputies are encouraged to utilize these terminals to retrieve CJIS information when appropriate.

2. A great deal of information is currently available via the CJIS terminal. A HELP screen is accessible to assist in obtaining this data.
   a. Hit Confirmation (Request/Respond)
   b. Message Switching
   c. NLETS
   d. NLETS Criminal History Records Information
   e. Motor Vehicle Administration
   f. Warrants
   g. Missing Persons
   h. Unidentified Persons
   i. NCIC Criminal History
   j. NCIC CCH/CCF Dissemination Log
   k. Vehicle
   l. Tag
   m. Stolen Articles
   n. Stolen Guns
   o. Stolen Securities
   p. Stolen Boat
   q. Division of Correction
   r. Identification Index
   s. MD Criminal History
   t. Parole and Probation/DDMP
   u. Parole Commission
   v. MD Handgun Registration/Permits
   w. METERS/NCIC/NLETS ORI
   x. Weather Information
   y. METERS System News

3. Only fully trained and certified CJIS operators are permitted to use and operate the CJIS terminal.

4. The CJIS terminal is to be used only in accordance with the guidelines established by CJIS, as outlined in the CJIS and NCIC manual. No member of the Office shall send any unprofessional or non-police related message via the CJIS terminal.

5. Dissemination of CJIS Information

   a. Information obtained from CJIS shall ONLY be disseminated to law enforcement or criminal justice personnel.

(1) Deputies/Sheriff's Office employees
(2) Agents of other law enforcement agencies
(3) Court employees - court use only
(4) States Attorney's Office - criminal justice use only
(5) Upon direction of the Sheriff

b. Information MAY NOT be disseminated to private individuals or private security police.

81.2.4 Emergency Contacts

A. The Communication Center will maintain a listing of all telephone numbers for emergency service agencies within Frederick County.

B. Frequently through providing for the safety and security of the county, services external to the Sheriff's Office are required.

C. Services that are used by the Sheriff's Office, as needed and as appropriate, without supervisory approval include:

1. Frederick County Fire/Rescue Services
   a. Emergency medical treatment and transport
   b. Fires
   c. Hazardous materials incidents
   d. Collisions with trapped victims
   e. Collisions involving the leakage of flammable substances
   f. Natural gas leaks
   g. Wires down or arcing
   h. Flooded basements
   i. Explosives

2. Tow Services from the County tow list as established and maintained in the ECC. (Refer to G.O. 66.1)

3. Utility Companies

4. Protective Services / Social Services (Information maintained at the PIS desk)
   a. Assistance with abuse cases (child, elderly)
   b. Abandoned or neglected children

5. Medical Examiner's Office
   a. Investigation of suspicious deaths
   b. Investigation of fatal collisions
   c. Notification of any death in which a physician is unavailable or declines to sign the death certificate.

81.2.5 Misdirected Emergency Calls

In the event there is a question of jurisdiction on a call for service, a Sheriff's Office unit shall be dispatched to verify the location. The on duty Patrol Supervisor will determine the

appropriate jurisdiction to handle the incident and render any assistance that may be needed. In such cases, the ECC shall also notify other appropriate agencies.

81.2.6 Special Attention and Hazardous Conditions: Collection and Dissemination of Information

A. A law enforcement hazard is any situation, person, property, or place that may create or contribute to an incident calling for some police or law enforcement action.

B. Information regarding current and ongoing hazards may be received by the Sheriff's Office from various sources. Prior to requesting an address/location be flagged as a hazard, a Sheriff's Office supervisor shall review the information provided and determine if that information is significant enough to be added into CAD. However received, should the information be considered of interest or value to patrol units in the field, it will generally be passed on to them over the radio or telephone contact, as appropriate. The information may also be posted on the patrol division bulletin board, and/or distributed to patrol personnel via the Rolling Roll Call Sheet.

C. Any address having previously been flagged, that no longer poses a threat to law enforcement through investigation, will be removed from CAD only after requested by a Sheriff's Office supervisor.

D. Severe weather warnings received by communications from the U.S. Weather Bureau will be broadcasted over the police radio to inform patrol units in the field. Patrol deputies may also be responsible for advising the Emergency Communications Center of severe road and weather related conditions which they encounter during patrol.

81.2.7 [Redacted]

81.2.8 Radio Communications Procedures

A. Members of the Sheriff's Office shall utilize the police radio system only for the proper transmission of law enforcement related messages and will strive to keep all messages as professional, concise, and complete as possible. At no time will members of the Sheriff's Office misuse or disrupt the radio system by transmitting unauthorized or personal messages.

B. Deputies assigned to patrol will be responsible for maintaining contact with the ECC at all times during their tour of duty, and they are required to carry their issued portable radios with them at all times when away from their vehicle, unless unusual circumstances exist or with the approval of a supervisor. Personnel will reply promptly when called by the ECC according to established policies and procedures.

C. Names of deputies should not be transmitted over the police radio system. They will be referred to by their assigned vehicle number.

D. Whenever a field unit is dispatched to a call for service, the exact location, nature of the call, and any other pertinent information will be transmitted to the unit which, when clear on the information, will acknowledge receipt of the information.

E. Upon arrival at the scene the responding unit shall transmit their unit number and the code 10-23 to inform the dispatcher. When clearing the scene the unit will advise the dispatcher accordingly by transmitting their unit number and the proper clearance code.

F. When making a stop of a vehicle or pedestrian, the unit will inform the dispatcher of the location and any other pertinent information, such as vehicle description, the vehicle's registration number. Upon clearing the stop, the unit shall inform the dispatcher the proper clearance code.

G. The ECC will maintain the status of Sheriff's Office personnel in CAD.

81.2.9 Calls for Service

Calls for service will be recorded in the computer aided dispatch (CAD) system. The information, to be recorded at the time of a request for service, will include:

1. Location of Call
2. Complainant's Name
3. Complainant's Address
4. Complainant's Phone Number
5. Call Type
6. Comments - any additional information available at the time - i.e. cautions, descriptions, direction of travel.

81.2.10 Assignment of Complaint Control Numbers

A. A unique number will be assigned to each call for service in the CAD system.

B. This number will begin with the year (i.e. C12-000000) and a following number.

C. The CAD systems provides the following information on a computer generated screen:

1. Control Number
2. Date and Time of the Request
3. Name and Address of Complainant or Caller
4. Location of incident
5. Type of incident
6. Deputy assigned to the call and any additional units
7. Time of Dispatch and arrival
8. Time of Return to Service
9. Disposition
10. Call details and comments

81.2.11 Calls For Service Information

A. The ECC will obtain as much information as possible on a call for service. The amount of information necessary will depend on the nature of the call. The ECC should gather sufficient information in consideration of officer safety and anticipating conditions to be encountered at the scene. This information is gathered using the Emergency Police Dispatch protocols (EPD).

B. Suspect information and other comments which will aid the deputy in responding to the call should be listed in the Supplemental field in the CAD system.

C. Communications personnel will be precise and to the point when disseminating information to the responding unit(s).

81.2.12 Administrative Tasks

When deputies conduct activity other than calls for service, the ECC will record that activity, using the same procedures as entering calls for service data. Included in these entries will be nature, location, disposition and times of the activity.

81.2.13 Record of Back-Up Deputies

A. Any time a deputy is dispatched or responds to assist the primary deputy on a call, that deputy will be assigned to the original call. The event number will be the same as the primary deputy uses.

B. Backup deputies will be dispatched to calls for service whenever additional manpower is required for the following reasons:
   1. To ensure the safety of the primary responding deputy.
   2. To adequately and effectively handle multiple tasks required at a scene.
   3. To control escalating situations.
   4. To assist with the apprehension of suspects.
   5. When the original deputy requests backup.

C. The originally assigned deputy may cancel the backup unit, but only after arriving on the scene and making careful appraisal of the situation.

D. When backup units are required or requested, backup units should be dispatched according to computer recommendation. Another deputy may acknowledge a closer location at which time the first backup unit may be canceled by the dispatcher.

E. The shift supervisor may alter these guidelines and assign additional backup as situations dictate.

81.2.14 Immediate Playback of Recorded Telephone & Radio Communications

A. The Communications Center will have the capability to immediately playback any conversation or transmission on selected talk groups or phone lines.

B. These playback recorders will serve to assist dispatchers in the event a message is missed or misunderstood and the dispatcher needs to listen to the conversation immediately to determine what was said.

81.2.15 Recording of Radio & Telephone Conversations

Selected telephone and radio transmissions will be recorded per ECC policy utilizing a geo-diverse system. The recording system will be maintained in the Communications Center. Recordings are automatically stored in electronic format on a secured server in the Law

Enforcement center. Simultaneously, they are recorded on a secure backup server located in the radio/maintenance building. The media will be retained in accordance with ECC policy.

81.2.16 Criteria & Procedure for Review of Recorded Conversation

A. Selected recorded telephone and radio transmissions are accessible to sworn personnel, law enforcement agencies, and other public agencies through the following procedures:

B. Any sworn member of this office may request a recording of the information transmitted over police radio or recorded telephone lines from the Communications Center. Requests will be honored in reference to the following:
   1. Administrative Review
   2. Investigation
   3. Court Use
   4. Training Purposes

C. Members will complete an ECC Recording Request Form explaining what information is needed.

D. Any written request must be approved by a Commander. It will then be forwarded to the ECC Records Custodian for disposition.

E. All requests should be received in Emergency Communications at least seven (7) days prior to the date needed.

81.2.17 Accepting & Delivering Emergency Messages

A. Emergency notification calls, either from citizens or other law enforcement agencies, will be handled as a call for service.

B. These calls will be judged by the call type as the priority they will receive.

C. In the event of a death notification, the shift supervisor will be notified. The shift supervisor may wish to personally deliver such a message, or assign the call to another deputy with instructions on delivery of the message. Such messages should be handled discreetly and tactfully, bearing in mind the feelings of the person receiving the message.

81.2.18 Dissemination of Stolen Vehicle Information

A. When information is received in the Communications Center, which would warrant dispatching a unit on an auto theft investigation, the primary dispatcher will broadcast a brief description of the reported stolen auto at the time of the dispatch. This broadcast should include the phrase "possible stolen" as well as the last known location or direction of travel of the vehicle if known.

B. Verified vehicle information will be broadcasted by the primary dispatcher as soon as such information is received from the assigned unit.

C. In addition to being entered into METERS/NCIC, information concerning stolen vehicles will be placed on the roll call board for dissemination to all deputies coming on duty.

81.2.19 [Redacted]

81.2.20 Mobile Data Access

A. A mobile data computer (MDC) is a communications device capable of receiving and transmitting data among units and the Emergency Communications Center (ECC). A MDC also provides direct user access to national, state and local computer databases and other users on the MDC system.

B. The MDC will be turned on and logged onto the system at the beginning of each deputy's shift, and will remain on at all times the deputy is on duty. The MDC will be logged off the system at the end of each deputy's shift.

C. The MDC will not be used while the vehicle is in motion, as the driver must focus attention on the safe operation of the vehicle.

D. Computer Aided Dispatch (CAD)

1. The MDC will be used in conjunction with radio communications and is not intended to be a replacement for voice dispatching.

2. The MDC may be used to reduce radio communications, enhance officer safety and provide a means of transmitting information and messages.

3. Communications personnel will continue to dispatch calls for service over the radio and provide updates over the radio.

4. The MDC should generally be used by both deputies and communications personnel to communicate non-urgent information, which would otherwise draw on radio time. If a deputy chooses to use the radio instead of the MDC, communications personnel will respond to the deputy on the radio.

E. NCIC, METERS, and MVA Databases

1. Information contained in the NCIC, METERS, and MVA databases is not public information and will be accessed for law enforcement purposes only. Dissemination of information obtained from these databases, for secondary employment purposes, is prohibited.

2. Warrant information received from NCIC or METERS will not be considered probable cause for an arrest. The information must be properly verified and confirmed with the originating agency before any police action is taken.

3. Deputies may only use the NCIC, METERS, and MVA databases after they have been properly trained and CJIS certified. Deputies will only use the databases in accordance with CJIS policy.

4. Deputies should use their MDC to conduct routine vehicle and/or person checks in order to relieve communications personnel workload and to reduce radio traffic.

5. Deputies will not use their MDC to access CJIS (METERS /NCIC) databases while that MDC is outside of the police vehicle.

6. Deputies will not access METERS/NCIC while working secondary employment for a private entity.

F. Mobile Computer Messaging Function

1. The MDC messaging function may be used to communicate with any other unit logged onto the system.

2. All messages are recorded and are not to be considered private or secure. The following guidelines will be observed when using the messaging function:
   a. Messaging will only be used for police related matters;
   b. Remarks detrimental to the image or reputation of the Agency or any of its divisions, departments or personnel is strictly prohibited;
   c. Derogatory remarks regarding race, sex, ethnic, religious or any other groups are strictly prohibited;
   d. Remarks containing degrading or unprofessional comments are strictly prohibited.

G. Mobile Computer Security

1. Information displayed on the MDC screen when NCIC, METERS or MVA is the active window is confidential. The utmost caution will be exercised to ensure unauthorized personnel do not view the information.

2. Vehicles equipped with an MDC will be locked when not in operation or when not occupied by an authorized user.

3. Issued MDC's and laptops will not be transferred to another user without approval of the Director of Technology.

4. No unauthorized software or data files are to be loaded on the MDC's or issued laptops.

5. Personnel will not manipulate, disable or alter any software running on agency-owned mobile or laptop computers, including the AVL feature in the I/MOBILE application.

81.3 COMMUNICATIONS FACILITIES AND EQUIPMENT

This General Order consists of the following sections:

81.3.1 Limited Access to Communications Center
81.3.2 Security for Communications Center
81.3.3 Alternative Source of Electrical Power
81.3.4 Detailed Maps of Sheriff's Office Service Area
81.3.5 Deputy Status Indicators
81.3.6 Telephone System
81.3.7 24-Hour Two-Way Radio
81.3.8 Radio System Output
81.3.9 Multi-Channel Radio System

POLICY

The Public Safety Director will maintain a state of the art Communications Center. The Center will be located so as to promote the highest security of the facility, personnel, and equipment. The Center will maintain all communications equipment and ensure emergency operation.

PROCEDURES

81.3.1 Limited Access to the Communications Center

Entry and movement of all non-Communications Center personnel must be visually monitored and controlled at all times due to the negative impact of noise, the importance of property control, and for the security of all CJIS and CAD information and documents. The location of the Communications Center will provide an added degree of physical security. Central Communications will maintain physical security of the radio towers, transmission lines, antennas and power sources through the use of physical barriers.

81.3.2 Security for Communications Center

A. The Emergency Communications Center is located in a secured area with no immediate access by the public. Access to Center equipment will be limited to Center personnel and contracted repair personnel.

B. The Director of Emergency Communication Center and Shift Supervisors will be responsible for maintaining security and upkeep of all Center equipment not immediately within the Center, such as; transmission lines, antennas, power sources, etc.

C. The Director of ECC will maintain a backup resource system to ensure the continuous operation of the Center in any emergency situation.

81.3.3 Alternative Source of Electrical Power

The Communications Center will maintain an alternate power source. This power source will be inspected and tested on a monthly basis by the Law Enforcement Center county maintenance personnel.

81.3.4 Detailed Maps of Sheriff's Office Service Area

The Communications Center will maintain a large map detailing the entire County, including area and beat designations. This map will be immediately accessible to the dispatcher to ensure immediate recognition of the caller's location and the appropriate patrol unit to dispatch.

81.3.5 Deputy Status Indicators

The Computer Aided Dispatch (CAD) System will indicate the status of all deputies in service at any given time. This information will be available to each dispatcher upon demand. The dispatcher will closely monitor the status of all deputies in service. They will routinely check the status of deputies involved in any dangerous situation.

81.3.6 Telephone System

A. The Communication Center telephone system will be designed to separate emergency from non-emergency calls. The system will consist of a sufficient number of telephone lines so that incoming emergency callers are able to get through.

B. Separate lines will be established for incoming administrative and outgoing calls to eliminate the possible busy signal on an emergency call.

81.3.7 24-Hour Two-Way Radio

The Communications Center will maintain a 24-hour, two-way radio system. The system will maintain constant contact between the Center and the deputies on the road.

81.3.8 Radio System Output

The Sheriff's Office radio system will be engineered to produce a twelve (12) decibel or greater SINAD ratio to radio receivers in ninety-five percent (95%) of the Office's service area.

81.3.9 Multichannel Radio System

The Sheriff's Office will maintain a multichannel mobile and portable radio system. This system will be capable of two-way operation on a joint public safety frequency or frequencies. The joint public safety frequency will be used in emergency situations to exchange information and coordinate the deployment of personnel.

82.1 RECORDS ADMINISTRATION

This General Order consists of the following sections:

82.1.1 Records Component
82.1.2 Records Section Function
82.1.3 Documentation of Police Actions
82.1.4 Specific Information for Documenting Police Action
82.1.5 Field Report Forms
82.1.6 Report Numbering
82.1.7 Supervisory Review of Reports
82.1.8 Distribution & Release of Reports
82.1.9 Status of Reports
82.1.10 Records Security and Privacy
82.1.11 Records Retention Schedule
82.1.12 Child Sexual Offender Registration
82.1.13 Records Administration Operational Accessibility
82.1.14 Computer Access Security
82.1.15 Computer Software Policy
82.1.16 Computer File Backup and Storage

POLICY

It shall be the policy of the Frederick County Sheriff's Office to utilize the following standards set forth in order to foster the accomplishment of the Office's mission in an accurate, efficient, and timely manner.

PROCEDURES

82.1.1 Records Component

The Records Section, a component of the Law Enforcement Bureau (Personnel Services), is responsible for the maintenance and security of the central records function of the Frederick County Sheriff's Office.

82.1.2 Records Section Function

The functional responsibilities assigned to the Records Section include report review, report control, records maintenance, records retrieval, and records security.

A. Report Review

The Records Section is the final reviewer of all non-collision (traffic) reports prior to being entered into the in-house computer system. Records personnel will ensure that all necessary

information is documented, that the report classification is correct and that all the proper paperwork has been turned into Records.

B. Report Control

The Records Section is responsible for controlling the availability, accessibility, security, distribution, and confidentiality of all reports and records.

C. Records Maintenance

The Records Section is responsible for the maintenance of all reports and records, to include the retention of reports, the integrity of the in-house computer system, separating reports into case files and identification files, separating adult and juvenile files, filing, updating the status of reports, tracking follow-up reports, and storage.

D. Records Retrieval

The Records Section is responsible for the retrieval of reports and records to include records checks, records inquiries, validations, expungements, making copies of case files for court, and retrieval of statistics.

82.1.3 Documentation of Police Actions

A. Official records will be prepared and maintained to document every reported police activity, whether originated by a citizen or an Office member, for the following categories of incidents, if they were alleged to have occurred in Frederick County, Maryland:

1. Citizen reports of crimes

2. Citizen complaints

3. Citizen requests for services of the Office when:
   a. A deputy is dispatched
   b. A deputy is assigned to investigate
   c. A deputy is assigned to take action at a later time

4. Criminal and non-criminal cases initiated by agency personnel

5. Incidents involving arrests, citations or summonses

B. This documentation of police activity may be in the form of a completed field report, citation, radio complaint card, or assist card.

C. If two or more persons report the same incident, only one case report is required to be taken.

D. If two or more deputies are assigned to the same incident, one deputy will be assigned to be the reporting deputy to document the incident. The other deputies will provide supplements referring to the reporting deputy's original case number to document their actions.

82.1.4 Specific Information for Documenting Police Action

A. All reports and records maintained to document police activity will contain, at a minimum, the following information:
   1. Date and time of initial reporting.
   2. Name of victim or complainant, or, if available, citizen requesting the service.
   3. Nature of the incident.
   4. Nature, date, and time of action taken, if any, by law enforcement personnel.

B. In situations where a request for service is made through Dispatch and the caller refuses to be identified, the radio complaint card should indicate under the complainant's name "refused" or "anonymous".

C. Refer to the dropdown help menus for specific information required in each form field.

82.1.5 Field Report Forms

A. Members of the Frederick County Sheriff's Office will use the appropriate report form(s) as indicated by the nature of the incident being reported. The importance of having a well written and complete report cannot be overemphasized. The police record system depends on the work product of the deputy in the field.

B. Forms generally used in field reporting include:
   1. Incident Report
   2. Supplemental/Follow-Up Report
   3. Arrest Report
   4. Frederick County Domestic Violence Report Supplemental Attachment
   5. Collision Report
   6. Missing Person Report
   7. Vehicle Storage Report
   8. Alcohol Influence Report
   9. Field Interrogation Report

C. Procedures to be followed in completing Field Reports

   1. Incident Report, FCSO Form 82-A

      a. All complaints of a criminal nature received by the Office which occur within Frederick County will be recorded on an incident report form in the I/LEADS Records Management System.

      b. Incident reports will be made on criminal acts which are brought to the attention of a deputy and occur within the county, even when the complainant does not wish to file charges or have a report made.

      c. Incident reports will be made when a person is arrested for any criminal act occurring within the county.

d. Fatal collisions will be recorded on an incident report only if a person is charged criminally with vehicular homicide or aggravated vehicular homicide. This will be done after a collision report and collision reconstruction have been completed and it has been determined that criminal charges will be filed.

e. Incident report forms will also be used for information of a noncriminal nature. Record all applicable information on the incident report and list all persons involved in the appropriate location on the form.

f. Noncriminal incidents that require an incident report are: suicides, attempted suicides and death investigations. Incident reports will be taken on these noncriminal matters when brought to the attention of a deputy, even when the complainant may not wish a report to be made.

g. The incident report will be completed by following the instructions provided by the I/LEADS Records Management System's drop-down help menus.

h. All incidents requiring a written report will be completed prior to the end of the member's shift. Exceptions may be granted on a case by case basis by the member's immediate supervisor. If an exception is granted, the preliminary report must be completed and submitted to the immediate supervisor prior to the end of the shift on the following day. Exceptions may not be granted when the member does not work the following day.

i. Deputies may include a case status recommendation at the end of every report.

2. Supplemental Report, FCSO Form 82-B

a. A supplemental report will be submitted by the investigating deputy only when it is necessary to explain, expand, or continue with information from the incident report, or to record important information not contained in the incident report.

b. A supplemental report will also be used for the narrative part of the noncriminal and criminal complaint. It is important that all elements of a complete report are present. The noncriminal complaint may have information that could be helpful in a future criminal investigation or in handling future calls at a particular location.

c. Supplemental reports will also be completed by assisting deputies when the assisting deputy has taken any action that is directly relevant to the incident or arrest.

d. Supplemental reports will be completed by any deputy who has additional information which may assist the investigating deputy.

e. The supplement report will be completed by following the instructions provided by the I/LEADS Records Management System's drop-down help menus.

3. Arrest/Intake Report

    a. An Arrest/Intake report is to be filed whenever any person is taken into physical custody by any Sheriff's deputy, and they are not processed through Central Booking. This includes persons arrested on warrants held by other agencies and immediately released to that agency.

    b. An Arrest/Intake Report will be used on all persons taken into custody at the order of a trial judge and on all persons served a criminal summons.

    c. The Arrest/Intake Report will be completed by following the instructions provided by the I/LEADS Records Management System's drop-down help menus.

4. Frederick County Domestic Violence Report, FCSO Form 41-K

    a. To facilitate the reporting process, deputies must complete a Frederick County Domestic Violence Report as directed in G.O. 41.2.6.III. This report is in addition to an Incident Report and submitted as an attachment.

    b. For reporting purposes, Domestic Violence is defined as an incident where an individual has received deliberate physical injury or is in fear of imminent deliberate physical injury from a current or former spouse or a current or former cohabitant to include homosexual relationships.

    c. In the event an arrest is made, the Frederick County Domestic Violence Report shall accompany the normal paperwork associated with the arrest.

5. State of Maryland Motor Vehicle Crash Report - to be completed by deputies conducting a collision investigation. Guidelines set forth in the Maryland Automated Crash Reporting System (ACRS) User Manual and Field Reference Guide will be used to complete this form.

6. Missing Person Report (MSP Form #79) - to be completed by deputies conducting a missing person investigation. Refer to the back of the first copy of the Missing Person Report form for specific instructions on completing the form.

7. Vehicle Storage Report (FCSO Form 84-C) - to be completed by a deputy when a vehicle is taken into the Sheriff's Office's custody for safe keeping, evidence, forfeiture, or is recovered after being stolen or abandoned. A Vehicle Storage Report must also be completed if the vehicle owner/operator is impaired, incapacitated, or not present when the vehicle is towed.

8. DUI/Field Sobriety Incident Report - to be completed by a deputy when there is a traffic arrest involving the use of alcohol. The DUI/Field Sobriety Incident Report will be completed using the DUI module and following the instructions provided by the I/LEADS Records Management System's drop-down help menus. This report is an additional part of the Incident Report (Form 82-A).

9. Field Interrogation Report (FCSO Form 41-B) - to be completed at the discretion of a deputy to document a deputy-citizen contact.

D. Detailed Reports

1. Detailed reports are letters that are typed, printed, or written for formal communication within the Frederick County Sheriff's Office.

2. All detailed reports are to be addressed to the Sheriff and are to be submitted up the normal chain of command unless directed otherwise by another general order.

3. Patrol deputies and civilian members will submit all detailed reports to their immediate supervisor, who will attach their comments and submit them up the chain of command. Each level of command will review the report and submit their comments and recommendations to their immediate superior.

4. When any superior officer in the chain of command initials a report, it will be assumed they are in concurrence with the contents of the report unless they attach an endorsement to the contrary. Under normal circumstances, special reports should not be delayed more than five days before reaching the Sheriff.

5. After reviewing the report and all attached comments and recommendations, the Sheriff will make a decision, if one is necessary, and send back down the same chain of command a written reply or convey information, decisions or instructions which, if appropriate, would be within thirty days after the date of receipt.

6. At no time will a supervisory, administrative, or executive officer stop a communication or detailed report from proceeding through the entire chain of command.

7. Any report of a confidential nature which concerns a member's superior officer will be addressed to the Sheriff and submitted directly to the proper command officer next in the chain of command above the supervisor of concern. The report will then follow the normal chain of command.

8. Detailed reports originating at the command level will proceed up the chain of command to the Sheriff in the same manner.

82.1.6 Report Numbering

A. All incidents of Sheriff's Office service will be documented by opening a card with Central Dispatch. A computer generated, unique incident number is automatically assigned to each incident by Central Dispatch. The numbering system is based on the current year and a consecutive numerical sequence. The CAD (Computer Aided Dispatch) computer does not allow incident numbers to be duplicated or omitted. Incidents of service include, but are not limited to, traffic collisions, criminal investigations, arrests, field interview reports, missing person investigations, domestic violence incidents, alcohol influence investigations, found property, and any other incident which requires written documentation.

B. All written reports, including pre-numbered citations, EROs, and traffic warnings, are required to have the assigned incident number from Central Dispatch noted on the report.

82.1.7 Supervisory Review of Reports

A. Every written report submitted by an employee will be reviewed for completeness and accuracy by the on duty supervisor of Patrol Operations or the respective Division supervisor to which the employee is assigned. This includes both initial and supplementary reports.

B. The supervisor will check the report completeness and accuracy. Reports not approved will be returned to the writer for necessary corrections.

C. Upon approval, indicated by the supervisor's name and I.D. number, the original report will be forwarded electronically to the CIS Supervisor.*

D. An additional review of the report will be made by the CIS Supervisor. Upon approval, the CIS Supervisor will make the following determinations and respective notations on the report:

1. On an original report, determine the incident offense classification, the respective incident type and offense code.

2. Determine the case disposition.

3. If the case disposition is an open investigation, determine whether to assign the case to an investigator or return it to the reporting deputy for follow up.

4. Determine the supplement due date, if any.

5. The CIS Supervisor will forward all approved reports to the Records Section for final approval, except the MSP Form #1 (Motor Vehicle Accident) that receives final approval at the supervisor’s level.

82.1.8 Distribution & Release of Reports

A. The Records Section is responsible for the distribution and release of all reports. The distribution of all reports must be well documented.

B. Upon receipt of incident reports approved by a Criminal Investigation Section supervisor, Records Section personnel will forward an electronic link to the appropriate function for follow-up.

C. Other State and County Agencies

1. Reports on every incident involving an adult arrest will be sent to the State's Attorney's Office via electronic link.

2. Department of Juvenile Services

    a. Hardcopies of all paperwork on each incident for any juvenile arrested will be sent to the Department of Juvenile Services.

    b. Hardcopies of all reports that have a juvenile referral attached will be forwarded to the Department of Juvenile Services.

3. Hardcopies of all traffic collision reports involving County property will be forwarded to the County Risk Manager. If a police vehicle is involved, a copy will also be sent in detailed report format up the chain of command ultimately to the Office of the Sheriff.

4. Hardcopies of the Missing Person's Report will be forwarded to the Maryland Center for Missing Children.

5. Hardcopies of all reports of alleged or verified incidents of child abuse or neglect will be forwarded to Child Protective Services.

6. If the reporting deputy requests a copy of the report be sent to another law enforcement related agency, a copy of the report will be sent to the appropriate agency.

D. Release of Records - Refer to Records Dissemination approved Standard Operating Procedures.

82.1.9 Status of Reports

A. Incident Reports

1. The CIS supervisor, as part of his/her review of a report, determines the status of the report.

2. Supervisors are responsible for ensuring that their respective personnel have completed follow-ups assigned to them on time.

3. The original of all statements, case documents, photographs, etc. will be retained by the Records Section or the Crime Scene Unit as appropriate.

B. Traffic Collisions

1. Traffic collision reports shall be reviewed and approved by a patrol supervisor.

2. Collision reports that require further investigation will have their report status checked at least every 10 days.

3. For collision reconstruction reports, the following procedures will be followed:

    a. All reports will be submitted to the senior reconstructionist (within the agency) who will act as the final reviewer and advisor in all reconstruction investigations.

b. Upon approval by the senior reconstructionist, the report will be forwarded to the Records Section for appropriate filing.

c. All collision reconstruction investigations will be due within 30 days from the date that the collision occurred. Any requests for due date extensions will be forwarded to the Patrol Operations Commander for approval prior to the original due date.

82.1.10 Records Security and Privacy

A. Access to records is limited to Records personnel. At those times when the records room is closed, access to records will be limited to the Police Information Specialist Supervisor and Command officers. Other personnel are permitted access under the supervision of the Records Section Supervisor.

B. Information and reports maintained within the Records Section shall not be disclosed to anyone unless disclosure of information is authorized by the Records Supervisor or Command staff.

C. Maintenance or service repair personnel performing cleaning or equipment repairs services shall be allowed in the Records Section under the direct supervision of Records Section or Command personnel, who shall remain present at all times.

D. When no Records or Command personnel are present, the Records Section shall be closed and locked at all times.

E. Release of information to outside agencies:

1. Under no circumstances, shall employees release criminal history records to insurance companies or private employees.

2. When a representative from a criminal justice agency requests information, the Records Section employee shall request an identification card issued by that agency and a copy of a signed release of information waiver prior to the release of the information. If the requesting person cannot display suitable identification and/or a signed waiver, then the request shall be denied. A copy of the signed waiver will be placed in the file or attached to the report anytime information is released.

3. When telephone requests are received from officers or agents from other criminal justice agencies, the Records Section employee shall request a fax be sent on the agency's letterhead. After the requesting person's identity is established, the information may be released.

F. The Records Section shall not routinely release information to the general public. Requests for information on incidents for which Press Releases have been prepared should be referred to the Police Information Specialist on duty. The Records Section supervisor may release the following information:

1. Confirmation that an incident did occur, unless it would compromise an ongoing investigation.

2. An adult arrestee's name when charges have been placed against them. This includes juveniles when charged as an adult.

G. All requests from attorneys for reports or report information that involve criminal matters that are pending trial shall be forwarded to the State's Attorney's Office. This includes serious traffic offenses, i.e., Driving While Intoxicated, Fleeing and Eluding, etc. Non-criminal report information such as collisions shall be handled as if the attorney were the complainant/victim. All such requests must be accompanied by a signed waiver from the attorney's client.

82.1.11 Records Retention Schedule

A. Records Retention Schedule

1. A schedule of retention and destruction for police records has been established. A copy of the schedule will be located in each section of the agency. No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule.

2. The Records Section Supervisor is the agency's records retention and destruction coordinator. Any questions regarding the retention, destruction or storage of records should be directed to the Records Section Supervisor.

B. Destruction of Records

1. Upon expiration of the required retention period outlined in the Records Retention Schedule, records under the control of the Sheriff's Office may be destroyed. Records may not be destroyed prior to that time.

2. Records will not be destroyed as long as, in the opinion of the Sheriff's Office, they pertain to any pending case, claim, or action.

3. Upon expiration of the required retention period, if a section supervisor/division commander wishes to destroy records under his/her control, the records to be destroyed will be inventoried and outlined on a report to the Sheriff requesting permission to destroy the records.

   a. This request to destroy records will be forwarded up the chain of command and over to the Records Section Supervisor.

   b. The Records Section Supervisor will review the records to determine if the requested destruction is in compliance with the retention schedule.

   c. The Records Section Supervisor will make a recommendation to the Sheriff, who will make the final decision on the request to destroy records.

4. Once approval is given by the Sheriff to destroy records, the records will be destroyed in accordance to accepted practice.

82.1.12 Child Sexual Offender Registration (Md. Code, Criminal Procedure, Sections 11-701 to 11-721)

A. Definitions for this section are as follows:

1. Child sexual offender - a person who

a. Has been convicted of child sexual abuse

b. Has been convicted of first degree rape, second degree rape, first degree sex offense, second degree offense, third degree sex offense for an offense involving an individual under the age of 15 years

c. Has been convicted of fourth degree sex offense for an offense involving an individual under the age of 15 years and has been ordered by the court to register under this section; or

d. Has been convicted in another state, federal, military, or Native American tribal court of an offense, that if committed in this State, would constitute one of the offenses listed.

e. Any violation/offense referenced in a. through c. above must have been committed on or after October 1, 1995 or before October 1, 1995 if in the custody or under the supervision of a supervising authority on October 1, 2001.

2. Supervising authority:

a. If the offender is in the custody of a facility operated by the Department of Public Safety and Correctional Services: the Secretary of Public Safety and Correctional Services;

b. If the offender is in the custody of a local or regional detention center, including an offender who is participating in a home detention program: the administrator of the facility;

c. If the offender is granted probation before judgment, probation after judgment, or a suspended sentence: the court that granted the probation or suspended sentence;

d. If the offender is in the custody of the Patuxent Institution: the Director of the Patuxent Institution;

e. If the offender is in the custody of a facility operated by the Department of Health and Mental Hygiene: the Secretary of Health and Mental Hygiene;

f. If the offender's sentence does not include a term of imprisonment: the court in which the offender was convicted;

g. If the registrant is in the State under the terms and conditions of the interstate compact agreements under Article 41, § 4-801 and 4-1201 through 4-1211 of the Code, the Secretary of Public Safety and Correctional Services;

h. If the registrant moves to this State and was convicted in another state of an offense that would require the individual to register if the offense was committed in this State, the Secretary of Public Safety and Correctional Services;

i. If the registrant moves to this State from another state where the individual was required to register, the Secretary of Public Safety and Correctional Services;

j. If the registrant is under the supervision of the Division of Parole and Probation, the Director of Parole and Probation.

3. Local law enforcement agency:

The law enforcement agency in a county that has been designated by resolution of the county governing body as the primary law enforcement unit in the county

4. Resident - person who lives in Frederick County at the time the person
   a. Is released
   b. Is granted Probation before judgment (PBJ)
   c. Is granted probation after judgment
   d. Is granted a suspended sentence; or
   e. Receives a sentence that does not include a term of imprisonment

5. Convicted:
   a. A probation before judgment after a finding of guilt for an offense if the court, as a condition of probation orders compliance with the requirements of this section; and
   b. A finding of not criminally responsible for an offense.
   c. Found guilty of a crime by a jury or judicial officer
   d. Enters a guilty plea or nolo contendere

6. Department - the Department of Public Safety and Correctional Services.

7. Offender - a person who is ordered by the court to register under this section and who:

   a. Has been convicted of violating child kidnapping, if the victim is under the age of 16 years;

   b. Has been convicted of violating kidnapping if the victim is under the age of 18 years;

   c. Has been convicted of the false imprisonment if the victim is under the age of 18 years and the offender is not the victim's parent;

   d. Has been convicted of violating fourth degree sex offense if the victim is under the age of 18 years;

   e. Has been convicted of soliciting a minor to engage in sexual conduct;

f. Has been convicted of violating child pornography;

g. Has been convicted of prostitution or related offense if the intended prostitute is under the age of 18 years;

h. Has been convicted of a crime that involves conduct that by its nature is a sexual offense against an individual under the age of 18 years;

i. Has been convicted of an attempt to commit a crime listed in items (a) through (h) of this paragraph; or

j. Has been convicted in another state of an offense that, if committed in this State, federal, military, or Native American tribal court, would constitute one of the offense listed in (a) through (i) of this paragraph that occurred on or after July 1, 1997 and ordered by the court to register.

8. Registrant - a person who is:
   a. A child sexual offender;
   b. An offender;
   c. A sexually violent offender;
   d. A sexually violent predator.
   e. A child sexual offender who, before moving into this State, was required to register in another state for an offense occurring before October 1, 1995; or
   f. An offender, a sexually violent offender, or a sexually violent predator who, before moving into this State, was required to register in another state for an offense occurring before July 1, 1997.

9. Release:
   a. Any type of release from custody of a supervising authority;
   b. Release on parole, mandatory supervision, work release, and any other type of temporary leave other than leave that is granted on an emergency basis.
   c. Release does not include escape, or because of administrative error.

10. Sexually violent offense - conviction in Maryland of:
    a. First degree rape, or an attempt, second degree rape or an attempt, first degree sex offense or an attempt, second degree sex offense or an attempt, third degree sex offense, or fourth degree sex offense ; or
    b. Assault with intent to commit rape in the first or second degree or a sexual offense in the first or second degree as prohibited on or before September 30, 1996.

11. Sexually violent offender - a person who:
    a. Has been convicted of a sexually violent offense;
    b. Has been convicted of an attempt to commit a sexually violent offense; or
    c. Has been convicted in another state, federal, military, or Native American tribal court of an offense that, if committed in this State, would constitute a sexually violent offense.

12. Sexually violent predator - a person who:
    a. Is convicted of a second or subsequent sexually violent offense;
    b. Has been determined in accordance with this section to be at risk of committing a subsequent sexually violent offense;
    c. Was required to register by another state, federal, military, or Native American tribal court every 90 days for life.

B. When a child sex offender who will reside in Frederick County is released, is granted PBJ, is granted probation after judgment, is granted a suspended sentence, or receives a sentence that does not include a term of imprisonment, the Sheriff's Office will receive written notice of the release from the supervising authority. (If the offender is released from the Frederick County Adult Detention Center, this notice will come from the Chief of the Corrections Bureau.)

1. This notice will include:
    a. The offender's full name and DOB
    b. The offender's address, if available
    c. The offender's social security number
    d. A recent photograph of the offender
    e. A brief description of the crime for which the offender was convicted, granted PBJ, or found not criminally responsible

2. The Sheriff's Office will receive the same notice described in B. above if an offender who resided in Frederick County before custody escapes from a facility or is recaptured after an escape.

C. Child sex offenders are required to register with the Sheriff's Office as follows:

1. If a resident, within seven (7) days after
    a. Being released
    b. Being granted PBJ
    c. Being granted probation after judgment
    d. Being granted a suspended sentence; or
    e. Receiving a sentence that does not include a term of imprisonment or otherwise directed by the court.

2. If not a resident, within seven (7) days after
    a. Establishing a temporary or permanent residence within Frederick County
    b. Applying for a Maryland driver's license with a Frederick County address

D. Offenders reporting to the Sheriff's Office to register shall be directed to the Sex Offender Registrar or designee, who will ensure that a Maryland Department of Public Safety and Correctional Services Child Sexual Offender Registration Statement, including photographs and fingerprints, is completed.

1. The Registration Statement shall be completed by the Sex Offender Registrar or designee and signed by the offender.

2. This documentation will be processed by the Sex Offender Registrar or designee who

   a. Shall send
      (1) A copy of the Registration Statement to the Department of Public Safety and Correctional Services (who will reimburse the Sheriff's Office for processing the statement) within three (3) days
      (2) Notice of the Registration Statement to the Board of Education Superintendent and all private schools within five (5) days
      (3) A copy of the Registration Statement within seven (7) days to anyone submitting a written request which includes:
         (a) The requester's name and address
         (b) The reason for the request
         (c) The Sex Offender Registrar shall keep records of all such written requests received.
      (4) A copy of the Registration Statement within seven (7) days to all law enforcement agencies within Frederick County including the Maryland State Police, Barrack B.

   b. May provide notice of a Registration Statement to the following organizations if determined necessary to protect public interest:
      (1) Community organizations
      (2) Religious organizations
      (3) Any organization relating to children or youth
      (4) This notice shall be sent within seven (7) days of determining the need.

3. Notices required in 2.a. and b. above shall consist of a statement that the offender has registered with the Sheriff's Office.

4. A Notice to Registrant form will be completed by the Sex Offender Registrar or designated representative and initialed/signed by the offender to whom a copy will be provided.

E. If an offender who has registered with the Sheriff's Office changes residences, the offender shall send written notice of the change to the Sheriff's Office within five (5) days after the change occurs. As soon as possible and in no event later than three (3) working days after receipt of the notice the Sex Offender Registrar or designee shall give notice of the change to:

   1. The Department of Public Safety and Correctional Services; and

   2. If the new residence is in a different jurisdiction, to the local law enforcement agency in whose jurisdiction the new residence is located.

F. An offender shall register with a local law enforcement agency annually for 10 years after:
   1. The last date of release
   2. The offender is granted PBJ, probation after judgment, or a suspended sentence; or
   3. Receives a sentence that does not include a term of imprisonment

G. An offender who knowingly fails to register as required by law is guilty of a misdemeanor punishable by not more than three years imprisonment and/or a fine of not more than $5000. For a second or subsequent offense, is guilty of a felony and upon conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000, or both.

H. Complete Child Sexual Offender Registration standard operating procedures are maintained by the Sex Offender Registrar.

82.1.13 Records Administration Operational Accessibility

Informational access to agency records can be obtained through the in-house computer system. This access is granted to all departmental personnel with assigned logins and passwords. Personnel needing physical access to records during non-business hours are required to contact the Records Section Supervisor or the Personnel Services Commander.

82.1.14 Computer Access Security

All agency personnel are assigned a login and password to in-house computer systems. Rights and permissions are assigned to each person depending on their specific job requirements. The Personnel Services Commander is responsible for determining the rights assigned to each position. The County's Interagency Information and Technology (IIT) Section is responsible for assigning and tracking all log-ins and passwords. Frederick County utilizes an automated server system for verifying passwords and access security. Passwords and rights are audited every time a user logs on to the system.

82.1.15 Computer Software Policy

All agency computers that are connected to the IIT network have predetermined software installed. No other software or data will be installed to these computers without the prior approval of the Director of Technology. Data storage devises may only be inserted into county owned computers for storage and retrieval of work data.

82.1.16 Computer File Backup and Storage

The agency's records management system (RMS) software is maintained by the county IIT Section and resides on a server located in the IIT Section. IIT conducts a nightly backup of all RMS files to data tapes. The backup tapes are reused in a rotational order and stored at the IIT Section’s secure off-site location. When backup tapes become unserviceable and/or are no longer needed, they are erased and destroyed in a manner that prevents retrieval of any information.

82.2 RECORDS OPERATIONS

This General Order consists of the following sections:

82.2.1 Accessibility of Records
82.2.2 Records Operations
82.2.3 Alphabetical Master Name Index
82.2.4 Names to be Included in the Master Name Index
82.2.5 Index of Incidents by Location
82.2.6 Index of Incidents by Type
82.2.7 Index of Stolen, Found, Recovered and Evidentiary Property
82.2.8 Arrest Files
82.2.9 Warrant and Wanted Persons File
82.2.10 Traffic Records
82.2.11 Recording Arrest Information
82.2.12 Arrest Identification Numbers
82.2.13 Records Maintained Outside of the Records Section
82.2.14 Separation of Juvenile and Adult Records
82.2.15 Uniform Crime Reporting Procedures

POLICY

It shall be the policy of the Frederick County Sheriff's Office to utilize the following standards set forth in order to foster the accomplishment of the Agency's mission in an accurate, efficient, and timely manner.

PROCEDURES

82.2.1 Accessibility of Records

A. Personnel assigned to the Records Section will control the accessibility of all reports, records, and other information stored in the Records Section or maintained in the computerized I/Leads Records Management System (RMS).

B. Personnel may generally access reports and attachments through the computerized RMS at any time.

C. Personnel requiring access to a hardcopy file may request it from the Records Section. The Records Section will then make a copy of the file available to the requesting person.

D. At those times when the Records Section is closed, physical access to records will be limited to command officers and the Police Information Specialist Supervisor. In an emergency situation, the Records Supervisor may be requested to respond at any time.

82.2.2 Records Operations

A. The Records Section maintains a repository of records which includes:
   1. Offense Reports
   2. Arrest Reports
   3. Traffic Collision Reports
   4. Ride-A-Long Forms
   5. Citations (Traffic, Civil, and Criminal)
   6. Missing Persons Reports
   7. Incident Photographs (non-evidentiary)
   8. Court Intakes
   9. Arrestee Identification Reports

B. All these reports are filed sequentially with like reports. Reports are numbered as outlined in G.O. 82.1, Section 82.1.6.

82.2.3 Alphabetical Master Name Index

The Data Processing Section maintains an alphabetical Master Name Index established in the in-house computer. This Master Name Index includes cross-referencing to all arrested persons using an alias.

82.2.4 Names to be Included in the Master Name Index

A. The Master Name Index consists of the names of the following individuals:
   1. Complainants
   2. Witnesses
   3. Persons Arrested
   4. Persons involved in Collisions
   5. Suspects
   6. Victims
   7. Field Interview Contacts (FIR)
   8. Persons issued Citations
   9. Wanted Persons
   10. Child Sexual Offenders

B. This information is available to all authorized personnel with the Agency through the in-house computer system or retrieval by Records personnel.

82.2.5 Index of Incidents by Location

Information on incidents by location is available through the in-house computer. Information can be brought up by Street name or by area using the Patrol area number or beat number.

82.2.6 Index of Incidents by Type

Information on incidents by type is available through the in-house computer. Information can be brought up by using the incident type code.

82.2.7 Index of Stolen, Found, Recovered and Evidentiary Property

A. The in-house computer maintains an index of all reported stolen, found/recovered property. All reported stolen property that lists the serial number or any other distinctive identifying number and meets METERS/NCIC guidelines will be entered into the METERS/NCIC stolen property file.

B. All evidentiary property, property held for safekeeping, and property to be destroyed will be entered into the evidence management system as outlined in G.O. 84.1.

C. Computerized Pawn Slips

1. Information received from local Pawn Shops on pawn slips are entered into the state-wide computer database.

2. This information is compared with the Agency's list of stolen property which has already been entered into the in-house computer.

82.2.8 Arrest Files

A. Juvenile Arrestee Identification Files

1. An Arrest Report is made on all juveniles arrested by the Frederick County Sheriff's Office. A copy of the Arrest Report and fingerprint card is maintained in an Arrestee's Identification File. Arrestee Identification Files are filed alphabetically by last name, separate from the Incident Reports. Arrestee Identification Files are maintained by the Records Section.

2. For more serious offenses, the Arrestee Identification File will consist of an Arrest Report, photographs (if taken), and fingerprint card.

3. Only one Arrestee Identification File will be maintained for each individual. The above information from each subsequent arrest will be added to that person's file.

B. Arrest Incident Files

1. All paperwork relating to an incident where an arrest or arrests were made will be filed in an Arrest Incident File. This file contains the following information:

a. An incident or alcohol influence report;

b. A copy of the arrest slip for each person arrested, either in the form of the FCSO Arrest/Intake Report or Central Booking Offender Information reports;

c. A copy of each arrested person's photograph, if available; and

d. Any other paperwork associated with that particular incident.

2. The Arrest Incident File will be filed numerically by the incident case number in a location separate from the Arrestee's Identification File.

82.2.9 Warrant and Wanted Persons File

A. The Warrant Section maintains a warrant and wanted persons file in the in-house computer. Every warrant and want received will be entered into the in-house computer. This includes original legal process received from the Frederick County Circuit and District Courts, and copies of legal process from other jurisdictions.

B. Hard copies of warrant and want files will be established by following the guidelines set forth in G.O. 74.1.

C. When a warrant originated in Frederick County, the Warrant Section will use the guidelines established by the Frederick County State's Attorney's Office to determine if a warrant's offense is extraditable. If an offense fits the criteria for an extraditable offense, the Warrant Section will verify with the State's Attorney's Office that they will extradite and the extradition boundaries. Whenever the State's Attorney's Office authorizes extradition, a notation will be made in both the actual and in-house warrant files stating the date, who authorized extradition and the extradition boundaries.

D. Procedures to maintain both the in-house computer warrant file and the actual hard copy warrant file are as follows:

1. Warrant files will be maintained and entered into the Criminal Justice Information System (CJIS) in accordance with the guidelines established in G.O. 74.1.

2. Information may be received from other jurisdictions addressing warrants and wanted persons over the telephone or through the METERS/NCIC terminal. As a general policy, telephone communications will be followed up by information over the METERS/NCIC terminal.

3. All active warrants are maintained at the Duty Desk in the active warrant cabinets. All active warrants will be filed alphabetically in these cabinets.

4. All information about the warrant will be verified through a CJIS background information retrieval before entering the warrant into the computer.

5. Information received from other jurisdictions will be verified either over the telephone or the METERS/NCIC terminal before an arrest is made of a suspect when the computer indicates an outstanding warrant from another jurisdiction.

6. As outlined in G.O. 74.1, the Warrant Supervisor coordinates the assignment and execution of warrants. Anytime a warrant has been canceled, the Warrant Supervisor will be notified.

7. After a warrant is served, the arresting deputy will notify the METERS/NCIC terminal operator immediately to remove the warrant from the METERS/NCIC computer.

8. The closed warrant file is forwarded to the Warrant Supervisor for removal from the in-house computer system.

82.2.10 Traffic Records

A. Accountability of Traffic Citations

1. Traffic citations are stored in a secured, locked area located in the Records Section. Records Section personnel are responsible maintaining traffic citations. Records Section personnel will be responsible for supplying a sufficient amount of citation books to the Police Information Specialist area for distribution to authorized Sheriff's Office employees. Records Section Personnel, Police Information Specialists, and Supervisors may issue a citation book. The Citation Book Ledger located in the Police Information Specialist area must be completed upon issuance of each citation book.

2. All citations are entered into the in-house computer record keeping system by the data entry clerk, to include voided citations. This will help ensure that all issued citations are accounted for by performing annual audits against the citation book ledger.

3. Deputies shall report lost or stolen citations to their supervisor immediately. A report shall then be generated through the chain of command indicating the circumstances of the theft or loss. The Records Supervisor shall then notify the Motor Vehicle Administration of the loss or theft.

4. Voided Traffic Citations

   a. When deputies need to void a citation, they shall submit all the copies (to include the deputy's pink copy) and the reason for voiding of the citation to their supervisor with the bottom portion of the citation completed to include the deputy's signature.

   b. The supervisor will date and sign the citation and forward it to the Records Section for processing.

5. The State's Attorney's Office will be contacted if charges against a violator need to be amended. Deputies will then be informed of the proper procedure for accomplishing this.

6. Audits of citation books will be accomplished by the Motor Vehicle Administration or at the direction of the Law Enforcement Bureau Chief.

B. Traffic Records

1. The Frederick County Sheriff's Office traffic records are maintained by the Records Section. Traffic statistical reports not specifically filed in the Records Section are maintained by the section generating the report.

2. The traffic records system contains the following records and/or data:

   a. Collision Reports

      (1) All traffic collision reports are entered into the in-house computer record keeping system. Data collected includes, but is not limited to, location, date, time, weather, and primary collision cause.

      (2) Original Collision Reconstruction reports are filed with the original collision report and maintained by the Records Section.

   b. Traffic Enforcement Reports

      (1) Citations/Warnings/Equipment Repair Orders
      All traffic citations, warnings and equipment repair orders are entered into the in-house computer record keeping system. Data collected includes, but is not limited to, location, date, time, and violation.

      (2) Arrests
      All traffic arrests are entered into the in-house computer record keeping system and filed in the Records Section. Data collected includes, but is not limited to, location, date, time, and violation.

   c. Roadway hazard incidents are reported immediately to the department responsible for their correction. Records of roadway hazards are captured in the Calls for Service module of the in-house computer.

   d. Traffic safety education reports are completed by the Maryland State Highway Administration and the Frederick County Highway Department.

   e. Traffic volume data is compiled by the State Highway Administration and the County Highway Department, and shared with the Patrol Operations Commander or his designate in their quarterly meetings. The State and County Highway Departments maintain the file on the data.

   f. Traffic volume and distribution reports are generated from the State and County Highway Departments. These reports are shared with the Patrol Operations Commander or his designate in their quarterly meetings.

   g. Traffic enforcement activity performed by uniformed road patrol deputies is entered into the in-house computer record keeping system. A statistical report is generated summarizing the total traffic enforcement activity for each month.

   h. The State of Maryland Department of Transportation provides statistical traffic collision analysis quarterly to the Sheriff's Office.

C. Traffic Report Review Process

1. All traffic reports (reports, citations, etc.) where no arrest is involved shall be submitted for supervisory review before the investigating deputy goes off duty. A patrol supervisor shall review the reports to ensure that they contain complete and accurate information.

2. All paperwork relating to the same incident shall be submitted together.

3. After supervisory review, all traffic reports that do not relate to a criminal case are forwarded to the Records Section. If the traffic report involves a Central Booking arrest, Records personnel will match up the Central Booking packet with the related paperwork. Records personnel shall review traffic reports, enter the information required into the in-house computer record keeping system and forward copies as necessary to appropriate agencies or county departments.

4. Arrests relating to criminal cases are to be forward to the Criminal Investigation Section for review. CIS will forward the paperwork to the Records Section after review and classification.

5. Reports not completed or needing further investigation will be assigned to the investigating deputy for follow-up and supplemental reports will be submitted.

D. Records Processing

1. Traffic Citations

   a. All traffic citations, including voided citations, are entered into Delta.

   b. The citation numbers, to include citations where there is only a yellow copy and voided citations, are listed numerically on a District Court transmittal, form DC/CR 95.

   c. A copy is made of the transmittal and sent to the Maryland Automated Traffic System (MATS).

   d. The original transmittal and the white Court copies of the citations, or in the case of the voided citation all the copies, are forwarded to the District Court.

2. Traffic Warnings

   All traffic warnings are entered into Delta and then destroyed.

3. Equipment Repair Orders

   All Equipment Repair Orders (ERO) are entered into the in-house computer record keeping system. After the ERO is entered into the computer, it is forwarded to the Maryland State Police, Automotive Safety Enforcement Division.

4. Collision Reports

   All traffic collision reports are entered into the in-house computer record keeping system. Then the following distribution is made:

   a. The Maryland State Police copy is forwarded to MSP, Central Records.

   b. A copy of all collision reports are forwarded to the County Bureau of Highways, Engineering.

   c. If the collision involves County property, a copy of the report will be sent to the County Risk Manager.

   d. If the collision involves a Frederick County Sheriff's Office vehicle, a copy of the report will be sent in detailed report format, through the chain of command to the Office of the Sheriff.

   e. Approved collision reports are uploaded to crashdocs.org.

5. Traffic Arrests

   The traffic arrest offense and any citations and collision reports relating to the traffic arrest are entered into the in-house computer record keeping system. Copies of all paperwork relating to the arrest are sent to the State's Attorney's Office via electronic link in I/LEADS. Copies of the citations and collision reports are distributed and filed as outlined above.

82.2.11 Recording Arrest Information

A. In accordance with G.O. 82.1, Section 82.1.5 and Section 82.2.8 of this order, an Arrest Report is to be filled out for every arrest, including physical arrests on traffic offenses. This report will be completed by either Central Booking or the arresting deputy and should be filled out as completely and accurately as possible.

B. Central Booking Arrests

1. All on-view adult arrests will be processed through Central Booking, to include traffic offenses (except those identified in G.O. 62.1.7) and warrant arrests where the warrant allows the subject to be taken before a District Court Commissioner.

2. Central Booking personnel will obtain all descriptive information on the subject to include name, date of birth, address, etc. All subjects processed through Central Booking are fingerprinted and photographed.

3. Automated fingerprinting is done and forwarded to the State immediately for identification. If the person was previously arrested, the State will respond with the person's name and established State Identification Number. If the person was never arrested before, the State will relate such and assign a State Identification Number to that person.

4. Fingerprints and photographs are retained in the Central Booking computer and are available for retrieval upon request.

5. A Central Booking packet with all descriptive information in the form of an Offender Arrest Information Report and Offender Booking Information Report plus a computer generated photograph are forwarded to the Sheriff's Office where it is matched with any other paperwork from the incident. The midnight patrol shift supervisor is responsible for making sure the Central Booking Packets are picked up every midnight shift from the detention center and relayed to the Sheriff Office Headquarters and placed in the records section box.

6. The arrest packet is forwarded to the Records Section for processing.

7. The information gathered through Central Booking is also available for statistical reports.

C. Arrests Not Processed Through Central Booking

Under the following circumstances an arrested person should not be processed through Central Booking. In these incidences, an Arrest/Intake Report, FCSO Form 82-C will be completed on each person arrested by the arresting deputy.

1. Circuit Court Warrant Arrests

   a. If a subject is arrested on a Circuit Court warrant and the Circuit Court will see them that day, the deputy will not take the person through Central Booking.

   b. If a subject is arrested on a Circuit Court warrant and the court is not in session, the deputy will check the warrant to determine if the subject can be processed through Central Booking.
      (1) If the warrant is not marked that the person can be taken before a Judicial Officer of the District Court, the person will not be taken through Central Booking.
      (2) If the warrant is marked that the person can be taken before a Judicial Officer of the District Court, the person will be processed through Central Booking.

2. Juvenile Arrests or Referrals

   No juvenile will be taken through Central Booking with the exception of those juveniles charged as an adult for crimes allowed under Maryland law. Those arrests will then be handled the same as an adult arrest.

3. Fingerprinting and Photographing

   When a person is not taken through Central Booking, fingerprints and photographs will be taken on:

   a. Circuit Court original indictments

   b. Juvenile Arrests following guidelines set forth in General Order 44.2.14

D. Records Processing

1. Computer Data Entry

   All adult arrests, juvenile arrests, and juvenile referrals are entered into the in-house computer record keeping system as follows:

   a. The incident will be entered into the offense module.

   b. If the person arrested is an adult or juvenile, the person's information will be entered into the Arrest module from the person's arrest report(s).

2. Processing Fingerprint Cards

   a. If fingerprint cards were taken by a deputy, in lieu of electronic scan, they will be completely filled out by Records personnel.

   b. On juvenile arrests, any fingerprint cards will be retained in the juvenile's Arrestee Identification File.

3. Processing Photographs

   a. Arrestees who are being processed and released from the Law Enforcement Center shall have their arrest (mug) photos taken in the designated temporary detention area.

   b. The personnel taking these photos shall use the supplied digital camera and shall take one quality frontal photo of the subject.

   c. The photo shall be in focus.

   d. The camera shall be used with the camera flash in the “on” position

   e. The arrestee’s image shall be centered, with the name placard at the arrestee’s chest level.

   f. The neutral gray background on the cellblock wall shall be used.

   g. The name placard shall be used with the arrestee’s name, date of birth, and applicable case number documented, and visible, in the image.

   h. The photographer shall ensure that the arrestee’s eyes are open and that the arrestee does not alter their facial features by manipulating their lips, eyes, or other feature.

   i. The Crime Scene Unit (CSU) Supervisor shall retrieve the flashcard from the arrest (mug) photo camera on the first available day of the month.

   j. The CSU Supervisor shall forward any MSP arrest photos to the MSP-B D/Sgt for their files.

k. The CSU Supervisor shall import the arrest photos to the appropriate location in ILEADS. The appropriate location is in the "Names" module under that arrestee's name.

l. Once all images are imported or forwarded, that flashcard shall be formatted and returned to the camera.

82.2.12 Arrest Identification Numbers

A. Each person arrested and taken into custody will be assigned an identification number.

B. Juvenile arrestees are given a Name Identification number that is I/LEADS generated, based upon the individual's name and date of birth. The juvenile's identification is always verified before placing the criminal history information in the subject's file.

C. Adult arrestees are given a Name Identification number and a State Identification Number (SID). These are single identification numbers assigned by the Maryland Criminal Justice Information System (CJIS).

82.2.13 Records Maintained Outside of the Records Section

A. Most reports generated by the Frederick County Sheriff's Office are maintained in the Records Section. Some records, usually of either a confidential nature or containing such information which renders them more appropriately stored in a specific unit or section, are maintained outside the Records Section.

B. Other reports and records, both official and unofficial, which are maintained by the various components with the Sheriff's Office include but are not limited to the following:

1. Commanding Officers - Personnel records, correspondence files.

2. Criminal Investigations - Intelligence files, active case files and statistics.

3. Patrol Operations - Patrol/Premise Check Log; Vehicle Storage Log; Press Releases; METERS Message Log.

4. Office of Policy and Compliance – internal investigation files.

5. Frederick County Narcotics Task Force – confidential investigations.

82.2.14 Separation of Juvenile and Adult Records

A. The Records Section maintains a separate identification file for juvenile and adult arrest records, even in cases where the same person has both a juvenile and adult record.

B. A juvenile is defined as anyone under the age of 18. When a juvenile reaches the age 18, any additional arrest records will be maintained in the computerized RMS system. The subject's juvenile records will be maintained in a separate location even after the subject reaches the age of 18.

C. Arrestee Identification Files

1. As each juvenile Arrestee Identification File is established, it is marked that it is a juvenile file. Guidelines set forth in Section 82.2.8 of this General Order will be followed in establishing an Arrestee Identification File.

2. Adult and juvenile Arrestee Identification Files are filed alphabetically in separate locations.

82.2.15 Uniform Crime Reporting Procedures

A. All incident and arrest report data is entered into the in-house computer record keeping system. The offense classification code from each report is entered into the computer. The offense codes are then automatically assigned a Uniform Crime Reporting (UCR) code by the computer.

B. At the end of each month, Records personnel will run the computer generated UCR Report and forward it, along with any manually generated supplements, to the Maryland State Police in Pikesville.

83.1 CRIME SCENE UNIT

This General Order consists of the following sections:

83.1.1 Evidence Technicians
83.1.2 Collection of Known Standards

POLICY

The Frederick County Sheriff's Office will provide trained personnel for the investigation of and processing of crime scenes within Frederick County.

PROCEDURES

83.1.1 Evidence Technicians

A. The Frederick County Sheriff's Office has qualified Crime Scene Evidence Technicians. Sworn law enforcement officers may apply for specialized training in crime scene investigation. After successfully completing aMPCTC approved (minimum 40 hours) training program, personnel are qualified as a Crime Scene Evidence Technician.

B. Each Patrol Team or shift has trained and equipped Crime Scene Evidence Technicians assigned to it. This will provide 24-hour Crime Scene Unit coverage. Should an Evidence Technician be on leave or not available, or should the on duty technician need assistance, the callout list will be used to contact a technician, or contact will be made with the Crime Scene Unit for further instructions. Collision Reconstructionist notification should be conducted as outlined in General Order 63.1.6.

83.1.2 Collection of Known Standards

A. Where possible, samples from a known origin will be collected and packaged in separate containers and submitted to the evidence laboratory for comparison to evidence of an unknown origin. All evidence collected will be packaged and preserved in accordance to procedures established and published by the Maryland State Police Crime Laboratory.

B. When known samples are collected, the collecting deputy will document the exact location and under what conditions the sample was collected, and if practical will photograph the location of the sample prior to collection.

83.2 CRIME SCENE OPERATIONS

This General Order Consists of the Following Sections:

83.2.1 Crime Scene Protocol
83.2.2 Crime Scene Photography
83.2.3 Latent Fingerprints
83.2.4 Crime Scene Unit Equipment
83.2.5 Computer Equipment
83.2.6 Crime Scene Reports

POLICY

The Frederick County Sheriff's Office will thoroughly process crime scenes, collision scenes, and the scenes of incidents in which the collection, documentation, and preservation of physical evidence is necessary.

PROCEDURES

83.2.1 Crime Scene Protocol

A. The primary responsibility of the first deputy on the scene of any crime, motor vehicle collision, or other incident, is to make the scene safe for other deputies, and/or fire rescue personnel responding to the scene. This may include stopping vehicle and pedestrian traffic in the area, securing possible weapons, and locating and securing possible suspects/witnesses.

B. After determining the scene is safe, deputies will then assist any injured person and report the number and type of injuries to dispatch for relay to fire rescue personnel. No attempt will be made to rescue or move obviously deceased persons.

C. After assisting any injured person, the deputy will then secure the scene and prevent the loss or contamination of possible evidence. This will include separating possible witnesses and suspects, establishing a perimeter, removing unnecessary personnel from inside the perimeter, establishing a security sign-in log, and denying access to unauthorized personnel.

D. When the scene is secure, the first deputy on the scene will determine the seriousness of the incident and obtain the necessary information for the report. The deputy will then advise the on-duty patrol supervisor of the incident and request criminal investigators, additional Crime Scene Unit personnel, etc., as necessary.

E. The patrol deputy or criminal investigator is responsible for all evidence he/she collects, stores (secured away from main scene), or develops through processing. The deputy will ensure that all evidence he/she is responsible for is properly packaged and labeled, and that items are properly entered into the evidence management system.

F. The Evidence Technician assigned to a crime scene is responsible for all evidence not previously collected or stored at the crime scene, and for processing the scene for additional evidence. Processing includes, but is not limited to, photographing, videography, sketching, developing fingerprints, and locating and collecting physical evidence. The evidence technician will ensure that all evidence he/she collects or develops is packaged and tagged, and that all appropriate property held reports are completed.

G. Sheriff's Office personnel assigned to process a crime scene, whether a patrol deputy, criminal investigator, or evidence technician, will conduct a primary search of the scene to obtain an overview of the situation and determine the extent of the scene and what equipment is needed. The evidence tech assigned to process the scene will determine if the scene needs to be photographed and/or sketched. If photographs or sketches are necessary, they should be done first. After primary photographs and measurements have been taken, the assigned deputy will collect items of physical evidence going from smallest known item to the largest known item (when practical) in each room or area of the scene. After known physical evidence has been collected, the scene will be processed for fingerprints. Before clearing the scene the assigned deputy will conduct a final search of the scene and a search of the area just outside the secured area.

H. The processing deputy will prepare a written report containing a detailed list of any items collected as evidence and the collection procedures.

I. All evidence collected will be packaged, sealed, and preserved in accordance to procedures established and published by the Maryland State Police Crime Laboratory. A copy of these procedures is available in the Evidence Section office.

J. All items submitted as evidence will be sealed in an appropriate container. The incident number will be written on the container. At no time will a deputy place a mark or in any way deface any item taken into Sheriff's Office custody as evidence.

83.2.2 Crime Scene Photography

A. Crime scene photographs will be taken as follows:

1. The first exposure or image of each case will capture the case number.

2. Show the perimeter of the scene to establish location, an overview of the scene from each of the four basic geographic angles (example: north, east, south, and west)

3. Close up photographs of items of specific evidence

4. Incident scenes that will be photographed include:
   a. All felony crimes against persons,
   b. Domestic violence cases,
   c. Racial, religious, ethnic and hate crimes,
   d. Death investigations (regardless of manner),
   e. Fatal and near fatal motor vehicle collisions,
   f. Motor vehicle collisions involving government vehicles,
   g. Any other incident at the discretion of the investigating deputy

B. Primary photographs will be made with the scene "as is", or as the deputy found it. The primary photographs will not contain any scales or other objects foreign to the scene. Deputies on the scene will not in any way or for any reason replace or reconstruct any evidence or scene for any purpose. After primary photographs have been made, secondary photographs may be made with scales or identification items.

C. The deputy photographing any crime scene will complete a Crime Scene Unit Photo Report (Form 83-A). The Photo Report includes the following information:
    a. General location, weather and lighting conditions when the photograph was taken.
    b. Make and model of camera.
    c. Expected view or subject of the exposure

D. Where possible, incidents involving any death that will result in an autopsy being conducted at the Office of the Chief Medical Examiner for the State of Maryland will be photographed utilizing digital photographs. Pictures will be transported to the Office of the Chief Medical Examiner with the body. The photographs will show the position of the body prior to removal (if possible), the conditions of the area where the body was found, and any mechanism of injury.

E. Digital photography procedures:

    1. A Digital Photograph Report (Form 83-C) will be completed for each scene photographed.

    2. Photos will be downloaded to the current digital imagery management system by the photographer. Instructions are located at each the current digital imagery management system work station and on the “R” drive in the Crime scene Unit folder.

    3. Download stations are located in the patrol Deputy’s Room, the CIS office, the FCNTF office, and the Photo Lab.

    4. Memory cards will be automatically cleared of any images during the download process.

F. When any member of this agency videotapes any crime scene under active investigation, whether on or off duty, or using departmental or personal video equipment, the equipment will have its audio recording device disconnected or disrupted. This paragraph does not affect or prevent the use of audio and video recording of suspected intoxicated or impaired motor vehicle drivers, or interviews of witnesses or suspects. The member making the videotape will submit a supplemental report detailing the nature of the video and the nomenclature of the equipment used.

83.2.3 Latent Fingerprints

A. Processing and development of latent fingerprints may employ various techniques and supplies including but not limited to regular colored powders, bichromatic or magnetic powders, cyanoacrylate fuming, iodine fuming, ninhydrin, silver nitrate, physical developer, and use of the forensic light source.

B. Any deputy or evidence technician developing latent fingerprints from a crime scene will fill in the following information on the back of each latent print lift card:
   1. Incident Number
   2. Date print developed
   3. Deputy developing the print
   4. Location print was developed

C. When developed prints are not able to be lifted onto latent print lift cards, the prints may be photographed with scale for submission and analysis.

D. Any deputy developing latent prints will submit them to the Evidence Section with a completed M.S.P. Form 67. The developed prints will be submitted to the M.S.P. Latent Print Unit in an approved envelope. Latent fingerprints will remain on file with the State Police and should be entered into the evidence management system. Deputies will submit known suspect information and elimination prints of known victims with the latent lift cards.

E. Deputies submitting items of evidence for processing of evidence will submit the item to the Evidence Section with a copy of the Property Report and completed MSP Form 67. The Forensic Services Unit will determine if the item can be processed "in house" or be sent to another laboratory for processing.

83.2.4 Crime Scene Unit Equipment

A. The Frederick County Sheriff's Office will maintain a utility vehicle for the purpose of crime scene and collision scene investigation. The vehicle will be equipped with powders, chemicals, and related equipment for development of fingerprints and for obtaining elimination fingerprints, 35 mm, Polaroid, digital camera, and 1:1 photographic equipment, casting powders and putty, body fluid location and collection equipment, hospital evidence collection equipment, metal detectors, measurement and sketching equipment, and collision reconstruction equipment. The vehicle will also have bio-hazard protection/safety equipment, and will be equipped with a portable generator or power inverter, lighting, and tools. The Crime Scene Unit vehicle will have an overhead emergency light bar, regular Sheriff's Office radio and equipment. The Crime Scene Unit vehicle will not be assigned to a single deputy, but assigned to the unit with all Crime Scene Unit and collision reconstruction personnel having access to and permission to use the vehicle.

B. Deputies assigned to the Crime Scene Evidence Unit will also have routine fingerprinting, collection, and photography supplies in their regular assigned patrol vehicles.

83.2.5 Computer Equipment

A. Whenever computer related equipment is being collected as part of an investigation, the evidence technician or criminal investigator should contact the laboratory where the computer evidence will be submitted for analysis for instruction. If notified ahead of time, a representative from the laboratory can respond with deputies for collection, documentation, and submission of computer equipment.

B. Computer related items collected by Crime Scene or Criminal Investigations personnel should be submitted into evidence along with a Property Report and the items marked appropriately for lab analysis, if required.

83.2.6 Crime Scene Reports

A. Sheriff's Office personnel assigned to process a crime scene, whether a patrol deputy, criminal investigator, or evidence technician, will prepare a written report using the incident number assigned the original call. In the report the deputy will describe the premises in detail, and will describe what actions he/she took to process the scene in accordance with procedures set forth in 83.2.1. The report will also contain a detailed list of any items collected as evidence.

B. If the deputy decided not to follow the established crime scene procedures, he/she will be required to explain what actions he/she did take and why the procedures were not followed. This is not to discourage deputies from using their own judgment on how to process a scene, only to document how the scene was processed.

C. If the scene was not processed at all, the reporting deputy will be required to indicate why in his/her incident report.

D. Crime Scene Unit personnel processing scenes for other agencies are also required to complete an initial incident report titled "Incident Report/Assist other agency".

83.3 EVIDENCE HANDLING PROCEDURES

This General Order consists of the following sections:

83.3.1 Evidence Management Software Program
83.3.2 Submission of Evidence to Crime Labs

PROCEDURES

83.3.1 Evidence Management Software Program

Each deputy collecting an item of evidence will follow the evidence submission guidelines as established in General Order 84.1 to include where the item was received and the chain of custody of the item. All items submitted to the Evidence Section will be entered into the current evidence management system.

83.3.2 Submission of Evidence to Crime Labs

A. The deputy, investigator, or evidence technician who recovered a particular item of evidence is responsible for that item until it is submitted to the Evidence Section with all documentation as described in General Order 84.1.

B. All evidence collected will be packaged and preserved in accordance with procedures established by General Order 84.1. The Evidence Custodian as described in General Order 84.1 will transport or arrange transport of all items to and from the laboratory, maintain records as to the status, location, and chain of custody of the item.

C. All items of physical evidence requiring examination or processing by a laboratory will be submitted to the Evidence Section with a Property Report and a M.S.P. form 67, form 67A, or letter of transmittal, as appropriate. The lead investigator for the incident is responsible for directing which items of evidence are to be transmitted to a laboratory for examination.

D. All items of evidence requiring examination by any laboratory other than those operated by the Maryland State Police will be packaged at the direction of the receiving lab, and the deputy requesting the examination will complete whatever forms, letters of transmittal, etc. as necessary.

E. The Evidence/Property Unit as described in General Order 84.1 will maintain records identifying the physical location of each item of evidence. M.S.P. form 67's and 67 A's showing acceptance by the laboratory of an individual item of evidence are maintained by the Records Section.

F. All laboratories receiving evidence from the Frederick County Sheriff's Office must agree to submit a written report as to the findings of their examinations. The original copies of each report will be entered into the main case file in the Records Section.

84.1 EVIDENCE / PROPERTY CONTROL

This General Order consists of the following sections:

84.1.1 Evidence/Property Control
84.1.2 Evidence/Property Storage Areas
84.1.3 24-Hour Submission of Evidence/Property
84.1.4 Access to Evidence/Property Storage Areas/Rooms
84.1.5 Property Records
84.1.6 Inspections
84.1.7 Final Disposition of Evidence/Property
84.1.8 Submission of Controlled Dangerous Substances
84.1.9 Drug Drop Boxes
84.1.10 Hazardous Materials

POLICY

Sheriff's Office personnel are responsible for safeguarding the property of others, as well as any evidence that may come under their control as a result of exercising their authority. It shall be the policy of the Frederick County Sheriff's Office that all evidence and/or property seized or found, shall be handled according to policies and procedures outlined in this General Order.

PROCEDURES

84.1.1 Evidence/Property Control

A. It is the responsibility of the Frederick County Sheriff's Office to manage and control all evidence and property directed to this Office for safekeeping. As part of this responsibility, accurate records shall be maintained. Evidence and property will be stored, released, and disposed of according to policies and procedures outlined in this General Order.

B. The Frederick County Sheriff's Office will make every effort to return items of evidence/property (that is legal to possess) to its rightful owner, or if the owner is deceased, incarcerated, or otherwise incapacitated, to the family of the owner. Other property will be disposed of in a manner which best serves the interest of the public.

C. It is the responsibility of the Evidence Custodian to manage and control all citizens' property in custody for evidentiary, recovered, found, or safekeeping purposes.

D. The deputy taking custody of the item will enter it into the evidence management system.

E. The deputy taking custody of an item will deposit the item with a copy of the Property Report in an Evidence Section temporary locker as soon as possible, and no later than the end of their shift. No evidence or property may be retained in a deputy's vehicle, desk, or office or any other location other than approved evidence storage areas or lockers, past the end of the

deputy's shift. The Evidence Custodian will remove items from the Evidence Section lockers in a timely manner and secure them in the one of the property storage areas. The Evidence Custodian will also log the item into the evidence management system. The Evidence Custodian has the right of refusal for any item not packaged properly or not entered into the evidence management system.

F. In the case of found or recovered property where no other Sheriff's Office incident report exists, the employee taking custody of the item will submit a written incident report detailing the circumstances by which the property came into Sheriff's Office custody and a detailed description of each item seized or recovered. All attempts to contact the owner of the property will be documented in the incident report.

G. All property taken into the Sheriff's Office custody for those purposes will be sealed in an approved envelope, bag or other container and will be marked with the incident number, deputy's name, date seized and offense.

1. CDS items requiring laboratory analysis will be sealed in a heat seal bag of a type and size approved by the Maryland State Police Crime Laboratory. The bag will be heat sealed and an identifying label affixed to the upper left corner next to the heat seal. Oversized items not requiring laboratory analysis may be sealed in a paper bag of a type approved and provided by the Evidence Section.

2. Non CDS or Firearm related items may be sealed in either a paper bag, box, or paper envelope of a type approved and provided by the Evidence Section. The bag, box, or envelope will be sealed and marked with the incident numbers. If the item is of evidentiary value, it will also be sealed with tamper proof "Evidence" tape, initialed, and dated by the submitting deputy.

H. Items entered into evidence or property having high monetary value i.e., precious metals or minerals, controlled dangerous substances, or firearms, or cash will be stored in segregated areas under added security.

I. All money submitted to the property room will be sealed an approved currency envelope. The tag must identify the amount of money and bear the signature of the submitting employee and supervisor verifying count.

1. Money not properly packaged or tagged will not be accepted into the custody of the Evidence Section. A Patrol or Criminal Investigations Supervisor will be notified to correct any problems with packaging or labeling of money.

2. Money submitted into property after the Evidence Custodian is off duty will be properly secured in a locker located outside the property holding room. The Evidence Custodian, Forensic Services Technician, and Crime Scene Unit Supervisor have access to these lockers.

3. The Evidence Custodian will not open the sealed package to verify the contents or amount.

4. Money submitted to the property room, once logged in, will be stored inside a designated safe in the property room.

J. Sheriff's Office employees taking possession of another persons' property will immediately enter the item(s) into the evidence management system and then make a reasonable attempt to notify the owner of the status of his/her property within three days of taking custody of the item.

K. Items of Evidence or Property will only be released to deputies on their summoned court date, or for the purpose of identifying and returning the item to its rightful owner. Each item will be logged out of the evidence management system. If the item is to be released the Property Report will be given to the deputy. All property not released to its owner will be returned to the Evidence Section immediately, along with the Property Report.

L. If Evidence items are held in the custody of the State's Attorney's Office or the Clerk of the Court, it will be so noted on the Chain of Custody. The deputy who signed the item out of evidence/property will notify the Evidence Custodian so the location of the item can be recorded in the evidence management system.

84.1.2 Evidence/Property Storage Areas

A. All property stored at the Frederick County Sheriff's Office will be within a designated Evidence/Property Storage Area. All Evidence/Property Storage Areas/rooms will be double locked. CDS, Firearms, and items of high monetary value will be double locked in a special area within an already double locked storage area. No unauthorized persons are allowed in any Evidence/Property Storage Area without either the Evidence Custodian, Forensic Services Technician or Crime Scene Unit Supervisor being physically present in the area/room.

B. The Evidence Section will maintain refrigerated storage for perishable items. It will be located in one of the evidence storage areas/rooms and will be used only for perishable evidence. All items must be sealed to prevent contaminations of or by other items of evidence. The refrigerator will maintain a constant temperature between 35 and 38 degrees Fahrenheit.

C. A secure storage lot for vehicles and items too large for the property/evidence room is maintained and secured. Access to this area is limited to the Evidence Custodian, Forensic Services Technician, Crime Scene Unit Supervisor and other supervisors and evidence technicians when a vehicle is to be released to an owner. Another secure satellite storage facility is also maintained by the Evidence Custodian for large items of evidence/property that need to be stored out of the weather, but are too large for the property/evidence room.

84.1.3 24-Hour Submission of Evidence/Property

Deputies submitting evidence or property to the Evidence Section will enter the item(s) into the evidence management system and deposit the items in one of the Evidence Unit Lockers along with a copy of the Property Report. The lockers are available at all times. If the item is too large for the lockers, or the lockers are full, the duty officer will contact the Evidence Custodian, or in his/her absence, the Forensic Services Technician or Crime Scene Unit Supervisor. The Evidence Custodian will make arrangements for the transport and storage of the items.

84.1.4 Access to Evidence/Property Storage Areas/Rooms

A. The Evidence Custodian, Forensic Services Technician, or Crime Scene Unit Supervisor will be the only personnel authorized to have keys to the Evidence/Property Storage Areas.

B. The Evidence Custodian, Forensic Services Technician, or Crime Scene Unit Supervisor will be the only Frederick County Sheriff's Office personnel authorized to escort non-office and unauthorized office person(s) into these secured areas after prior approval by either the Criminal Investigations Commander, Administrative Services Division Commander, or at the Sheriff's request.

C. Person(s) permitted access must be accompanied and observed at all times by the Evidence Custodian.

D. All Evidence/Property Storage Areas/Rooms will be locked when not attended by the Evidence Custodian, Forensic Services Technician, or Crime Scene Unit Supervisor.

E. The Evidence Custodian, Forensic Services Technician, or Crime Scene Unit Supervisor will be the only personnel with access to keys to the lockers.

F. The Evidence Custodian, Forensic Services Technician, or Crime Scene Unit Supervisor will be the only personnel with access to the combination safes. The safes will be secured at all times.

84.1.5 Property Records

A. Items of evidence and property under the control of the Evidence Section will be logged into the evidence management system.

B. A copy of the Property Report will be scanned into I/LEADS after the Evidence Custodian has logged in the item(s).

C. When an item is released or destroyed, the status will be updated in the evidence management system and the Property Report will be removed from the open inventory file. A copy will be sent to Records to be scanned into I/LEADS. The original Property Report will be filed in the closed file.

D. The Evidence Custodian, or any deputy who has signed out an item may release the item to its rightful owner, or if the owner is deceased, incarcerated, or otherwise incapacitated, to the family of the owner, if the item is legal to possess and is of no further evidentiary value.

E. The owner or person to whom the item is being released will provide proof of ownership, and/or have on file a police report identifying the item as stolen from them. The person accepting the property will provide a photo identification, and will sign the Property Report next to each item released to them. The signed Property Report will be returned to the Evidence Custodian so the item can be closed out in the evidence management system.

84.1.6 Inspections

A. The Crime Scene Unit supervisor will make a routine inspection of all Evidence/Property Storage Areas on a semi-annual basis to ensure that all locking devices are in good repair, the storage areas are maintained in a clean and orderly manner, that all files and records are up to date and accurate, and all office procedures and policies are being followed. These inspections will be documented using an Inspection Check-Off List.

B. Whenever a new Evidence Custodian is appointed, an audit will be conducted. This audit will be performed jointly by the newly appointed evidence custodian and a supervisory designee of the Law Enforcement Bureau Chief.

1. The Law Enforcement Bureau Chief will appoint a deputy of supervisory rank who has not been associated with the evidence control function for at least two years, to assist with the audit.

2. The audit will include a sampling of high risk (money, precious metals, jewelry, firearms, and CDS) and other property and evidence items held. The sample size will be consistent with CALEA requirements.

3. An Inspection Form will be completed and signed by both parties conducting the inspection and forwarded to the Law Enforcement Bureau Chief through the chain of command for his review.

4. If any problems or discrepancies are found, action will be taken to correct the problem immediately and the inspection Check-Off List will be forwarded to the Sheriff through the chain of command

C. An annual audit of property and evidence held by the Sheriff's Office will be conducted during the month of May.

1. A supervisor not directly connected to the evidence function will conduct the audit. The supervisor to conduct the audit will be appointed by the Law Enforcement Bureau Chief.

2. The audit will include a sampling of high risk and other property and evidence held in conformance with CALEA requirements.

3. The results of the audit will be reported on an Inspection Check-Off List and forwarded to the Law Enforcement Bureau Chief through the chain of command.

D. At least twice each year, the Law Enforcement Bureau Chief will make an unannounced inspection of the Evidence/Property Storage Areas/Impound Lot and records, and document same utilizing an Inspection Check-Off List.

E. A copy of all audits and inspections will be maintained on file with the Criminal Investigation Commander, the Accreditation Coordinator, and the Evidence Custodian.

84.1.7 Final Disposition of Evidence/Property

The Frederick County Sheriff's Office will make every effort to return items of evidence/property (that is legal to possess) to its rightful owner, or if the owner is deceased, incarcerated, or otherwise incapacitated, to the family of the owner. Other property will be disposed of in a manner which best serves the interest of the public.

A. Sheriff's Office employees coming into possession of other person's property will immediately enter the item into the evidence management system and, within three (3) days, make reasonable efforts to notify the owner of the status of his/her property.

Non-evidentiary property will be packaged separately from items of evidence and entered into the evidence management system.

1. Items having no evidentiary value will be returned to the owner, or owner's family as appropriate.

2. If a non-evidentiary item is held for ninety days without contact from the owner, the last known owner will be notified by Certified Letter and advised to pick up the item within 31 calendar days. If no owner is known, the citizen who delivered the item to the office will be notified, and may take possession of the item (if legal to possess and not a firearm.)

3. After attempts to notify the owner or related citizens have failed, the items will be converted to government use, sold, destroyed or otherwise disposed of.

4. The sale of the property will conform to the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 2-311, with the approval of the Sheriff or his designee.

B. Property held for evidentiary purposes, that is legal to possess and the proper owner can be identified, may be released to the owner prior to trial after the item is photographed. The photograph will be scanned into the main case file.

C. After a case has been adjudicated, related evidence will be held for a period of twelve months to allow for appeal. Unless the office has been advised in writing by the State's Attorney's Office that the case has been appealed, the items will then be disposed of after the initial twelve month holding period. Items of evidence which have not been adjudicated but where no active investigation is underway will be disposed of after being held based on the statute of limitations for charges.

D. Items of evidence or property that are legal to possess (other than firearms), and whose owners cannot be contacted or who have not responded to contact, may be disposed of at a public auction. Items sold at auction will be inventoried by original incident number, and Property Report control number. Proceeds from items that were received as a result of a drug investigation will be forwarded to the Law Enforcement Aid Fund.

E. CDS or other items that are at face value illegal to possess and are not of use to the Sheriff's Office, will be destroyed by incineration, shredding, or other appropriate means. Some

samples of CDS or other items may be retained for training and demonstration purposes after proper documentation.

F. Firearms and other deadly weapons, that are legal to possess, will be returned to its rightful owner or owner's family, if appropriate, after adjudication unless the weapon is needed for appeal. The Request for Return of Firearm form must be submitted prior to the release of any firearms or deadly weapons.

1. Firearms will only be released after an investigation has been conducted to verify that the requestor is the owner or has legal claim to the firearm and that the requestor can legally possess firearms. See General Order 41.2.6 III.H for the return of firearm process.

2. If a firearm cannot be released to the owner and other disposition options are not met, the firearm will be disposed of in accordance with Maryland law.

3. Handguns and ammunition carried in violation of Maryland law will be automatically forfeited to the Sheriff's Office unless investigation reveals that the rightful owner had no knowledge that the weapon was carried in violation of the law.

   a. Owners of handguns forfeited under this section will be notified in writing (after final court adjudication) as to the disposition of the item.

   b. The Owner of the weapon may petition the Sheriff directly or through the District Court for release of the handgun within 30 days after receipt of his written notification.

4. Firearms forfeited or abandoned to the Office, that are legal to possess, may be either sold to a federally and state licensed firearms dealer or retained by the Office for internal use, or transferred to an allied law enforcement agency for law enforcement purposes, or destroyed.

   a. All weapons that become property of the Sheriff's Office either by means of being unclaimed in accordance with Office policy or by court-ordered forfeiture will be immediately transferred to the Armory Officer.

   b. The Armory Officer will make a determination of the suitability of the weapon for Office use. If the Armory Officer determines the weapon is:
      (1) Appropriate for use:
         (a) Fiscal Services will be notified in writing and the weapon will be placed in inventory
         (b) The Evidence Custodian will be notified in writing of the weapon’s identification and provided a copy of the forfeiture order, if applicable
      (2) Unsuitable for Sheriff's Office inventory:
         (a) The weapon will be held in the Armory pending sale or disposal
         (b) The Evidence Custodian will be notified in writing

5. Firearms that are not legal to possess, or of no value to this office, and any ammunition or fireworks, will be disposed of according to Maryland Law.

G. Items for destruction

1. Items to be destroyed will remain sealed and marked with its incident number. The preferred method of destruction is incineration or shredding. All items destroyed will be logged on a Destruction of Inventory Report.

2. The destruction will be witnessed by the Criminal Investigations Commander (or other member of the command staff). The Criminal Investigations Commander (or command staff member witnessing the destruction) and Evidence Custodian will initial the Destruction of Inventory Report by each item as it is destroyed. They will then complete and sign the report. A copy of the report will be forwarded through the Operations Division Commander to the Sheriff and the original filed with the Evidence Unit.

H. Items may be removed from the regular property inventory after adjudication and entered into the agency's Permanent Collection.

1. This collection contains items of public or office interest, and/or items relating to cases with indefinite appeals (death penalty, life or near life incarceration, etc.).

2. The Permanent Collection will be secured within the Evidence/Property storage areas or in specially constructed display cases.

I. At no time will any member of the Office convert any item of evidence or property to their personal use, or have any ownership claim.

84.1.8 Submission of Controlled Dangerous Substances

Controlled Dangerous Substances (CDS) include all legal and illegal drugs, narcotics, paraphernalia, and non-commercially manufactured alcohol. Legal tobacco and commercial alcoholic beverages (bottled wines, beer, and liquor) are not considered a CDS for this section.

A. Items of CDS will be entered into the evidence management system and packaged in separate containers from non-CDS related items.

B. CDS will be weighed and (if pills or capsules) counted prior to being packaged and sealed (preferably in clear plastic, heat sealed envelopes) with the weight and count verified by the on-duty supervisor. After the item has been sealed it will not be opened except by laboratory analysts.

1. The method of sealing and marking the envelope will be determined by the receiving laboratory.

2. Should it be discovered that a seal or container is broken, the Evidence Custodian will notify the Criminal Investigations Commander and the item will be inspected, weighed, counted, re-packaged, and sealed. This will be noted on the chain of custody. The Operations Division Commander will be advised. If any items are discovered missing, the Commander of the Operations Division will institute an investigation and a full report forwarded to the Sheriff through the chain of command.

3. Items of CDS requiring laboratory analysis will be sealed in separate containers from items not requiring laboratory analysis.

84.1.9 Drug Drop Boxes

A. The Frederick County Health Department has multiple unused/unwanted medication drop boxes throughout Frederick County for citizens to place unused / unwanted medications. Multiple Law Enforcement Agencies participate in the program in Frederick County and empty the contents of the locked drop boxes as needed. The Sheriff's Office is responsible for locations where the Sheriff's Office is the primary Law Enforcement Agency.

B. Keys for the county drop boxes will be given to deputies assigned to the community deputy program. The community deputy supervisor will be responsible for distributing the keys and maintaining a log of deputies assigned keys. The commander of the Community Deputy Program will conduct an audit of the keys annually to account for all the keys.

C. Two deputies will be assigned when emptying the contents of a drop box.

D. Deputies will be cautious and use personnel protection equipment when emptying the contents of the drop boxes to avoid an accidental exposure to medications. Some medications can be absorbed through the skin.

E. The contents of the drop boxes will be placed in a card board evidence box and sealed in the presence of both deputies.

F. The contents of the drop boxes do not need to be inventoried and should be placed into the evidence management system marked for destruction.

G. An incident report (Drug Drop Box) will be completed that includes both deputies that were present during the collection and sealing of the contents.

84.1.10 Hazardous Materials

A. With the exception of small quantities of biologically contaminated materials needed for evidentiary purposes, the Evidence Unit will not accept any biologically or chemically hazardous or contaminated material.

B. Should a deputy encounter such material, it must be disposed of in a manner consistent with O.S.H.A. and Maryland Department of the Environment guidelines. If a deputy is not trained or equipped to handle such material, the Frederick County Division of Fire and Rescue and the Maryland Department of the Environment should be contacted immediately.

C. Small items of biologically hazardous or contaminated material may be collected and submitted for evidentiary purposes. All items containing biologically hazardous materials must be packaged according to Maryland State Police Crime Laboratory Guidelines and clearly marked "BIOHAZARD".

D. At no time will explosives, fireworks, or large quantities of ammunition be transported by a deputy or submitted to the Evidence Unit.