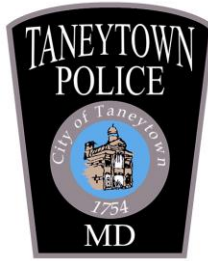


TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Authorized Firearms & Weapons	GO 2023-02	09/20/2023

Policy: It is policy to issue officers quality firearms and ammunition. Officers will be provided with professional training in their use, to ensure that proficiency is acquired and maintained. When on duty, all officers and firearm-authorized members of the Taneytown Police Department shall be armed with an agency issued firearm and carry their badge and credentials unless otherwise directed. When armed off-duty, all officers shall carry their badge and credentials.

Purpose: To establish procedures for the approval, issuance and care of authorized firearms.

Contents:

- I. Approval of Firearms
- II. Issued and Authorized Firearms
- III. Ammunition
- IV. Holsters
- V. Weapon Mounted Flashlight
- VI. Deputies Responsibilities
- VII. Firearms Training
- VIII. Inspection of Firearms
- IX. Less Lethal Weapons
- X. Cancellation

I. Approval of Firearms

Before being authorized to carry any firearm, it must be approved by the department in accordance with COMAR standard 12.04.02.03, and this directive.

II. Issued and Authorized Firearms

Before being issued or authorized to carry any firearm, officers must complete all required training and demonstrate proficiency in the use of the firearm. Officers are responsible for the safety and security of any firearm issued or authorized by the Taneytown Police Department. Only the following firearms are authorized for on and off

duty:

A. Glock Semi-Automatic Pistol

- Models:
 - Glock 47, 9mm, semi-automatic pistol
 - Glock 45, 9mm, semi-automatic pistol.
- Only one firearm may be carried at any time during standard assignments.
- Magazines - extended magazines are not permitted.
- Magazines will be standard factory issue and specified for that firearm.
- While on duty, officers are authorized to carry two (2) spare magazines in addition to the one (1) in the handgun.

B. Alternate Firearms

Officers may request authorization to carry a personally owned alternate firearm while off-duty by submitting a Secondary Off-Duty Firearm Request Form to the Training Coordinator at least four weeks prior to their scheduled qualification training date. Only one personally owned alternate firearm may be requested and approved per officer. The firearm must be inspected and approved by an agency firearms instructor, and the officer must successfully complete all required qualifications with the weapon prior to authorization being granted. Qualification scores will be documented on the Secondary Off-Duty Firearm Request Form, which must be signed by the firearms instructor conducting the qualifications and approved by the Training Coordinator and Chief. Qualification on the approved personally owned alternate firearm occurs annually, and qualification scores are maintained by the Training Coordinator.

- The firearm must be a semiautomatic pistol in one of the following calibers: 380, 9mm, 357 SIG, 40S&W, or 45ACP;
 - Approved Manufacturers: Beretta, Browning, Canik, Colt, Glock, H & K, Kahr, Kimber, Ruger, Sig Sauer, Smith & Wesson, Springfield Armory, Staccato, Taurus, and Walther.
 - Officers on initial probationary status must complete field training before requesting to carry a personally owned firearm.
 - Any modifications to a currently authorized personally owned

alternate firearm must be approved by the Training Coordinator and may not alter the operation of the weapon in any way (for example, a modification that changes the trigger pull), and are made at the officer's expense.

- The officer is responsible for maintenance of the weapon.
- All Taneytown Police Department policies apply to both issued and personally owned alternate firearms. Upon receiving authorization to carry an alternate firearm, officers may carry the weapon in lieu of the issued firearm while off-duty. Officers are permitted to store an alternate firearm in a personal patrol vehicle while on duty provided that the firearm has been field stripped and is not in plain sight.
- Officers scheduled for a uniformed work assignment will carry only the issued firearm on their person.
- Officers authorized to carry a firearm during non-uniformed secondary employment may carry either the issued or authorized alternate firearm.
- The Training Coordinator will maintain a record of all authorized weapons, authorized secondary weapon request forms, and all qualification scores for the officer. Any failure to conform with these procedures, or to qualify with the weapon, will result in the revocation of the authorization to carry the personally owned alternate firearm until a passing score can be obtained.
- Authorization to carry an Alternate Firearm will be immediately revoked upon any suspension of law enforcement powers. The handgun will remain in the owner's possession. Reinstatement of authorization to carry the Alternate Firearm will follow the same procedures as the on-duty weapon.

C. Remington Model 870, 12 gauge shotgun.

- The use of the shotgun is restricted to those officers who have successfully completed the required training and annual qualification.
- Whenever a shotgun is transported in a vehicle equipped with a shotgun rack, it must be locked in the rack. If a vehicle is not equipped with a shotgun rack, the officer may transport the shotgun, properly bagged, in the trunk or vault area of the officer's assigned vehicle.
- While transporting the shotgun, the chamber must be empty, the magazine

must be loaded with four (4) rounds and the safety must be **OFF**.

- After exiting the vehicle, a round will then be chambered.

D. Patrol Rifle – AR15/M4/M16 Platform.

- Only Taneytown Police Department issued rifles may be carried while on-duty.
- Only Taneytown Police Department issued ammunition may be carried or used during the deployment of a rifle.
- Anytime a rifle is transported in a vehicle, it shall be kept in car carry condition with an empty chamber, bolt closed, and a loaded magazine inserted. The rifle shall be kept in a Taneytown issued or approved case in the trunk or vault area of the officers assigned vehicle.
- All officers who carry a rifle shall be issued and carry two (2) additional magazines.
- Regardless of magazine capacity, officers will load each magazine with two less rounds than the total magazine capacity (i.e. 28 rounds in a 30 round magazine).
- When carrying a patrol rifle in a personal patrol vehicle, officers shall not leave the vehicle unlocked or unattended with the keys in the ignition.
- Officers may carry both a Remington Model 870 shotgun and patrol rifle, however an officer shall only deploy one long gun at a time.
- Operational procedures for patrol rifles are covered under OP403 “Patrol Rifle Program”.

III. Ammunition (1.3.9.b)

Reloaded ammunition is prohibited. Only the following issued or authorized factory ammunition is approved for use - specific information on the manufacturer and type of ammunition issued is available from the Training Coordinator:

- A.** Lugar GFL 9mm weight 124-147 for issued handguns;
- B.** 1 oz. Slug is authorized for issued shotguns;
- C. Alternate Firearms while off-duty** – Only ammunition which is issued or

approved by the Taneytown Police Department Training Coordinator is authorized for carry in any Alternate Firearm authorized under Section II, Paragraph B of this policy. The deputy is responsible for purchasing all ammunition for the Alternate Firearm.

IV. Holsters

Only issued or authorized holsters are authorized for on-duty or off-duty.

A. On-Duty – Uniformed officers will use only the issued duty holster while on duty.

- An officer working a plain clothes assignment may wear a personally owned holster, provided it is approved for use in that assignment by the agencies Training Coordinator and Chief or designee and meets the standards outlined in Section IV, Subsection B of this policy.
- Ankle and shoulder holsters are not authorized for on-duty use.

B. Off-Duty – While off-duty, all firearms will be carried in a properly fitting holster designed to securely carry that particular firearm. The holster must have a covered trigger guard, have at least one retention feature, and be adequately concealable from public view. Off-duty holsters must be inspected and approved by the agency's training coordinator. Officers shall be responsible for providing all ammunition for an authorized off-duty firearm for both wear/carry and qualification(s).

- Retention features are defined as anything requiring a specific action to be completed for the firearm to dislodge from the holster (for example: an external snap enclosure, or an internal retention device).
- Firearms may be carried in a purse, backpack, fanny pack or similar soft carrying case as long as the firearm is secured in the proper holster.

V. Weapon Mounted Flashlight

The Taneytown Police Department issues a Weapon Mounted Flashlight to assist in low light conditions when the use or display of a firearm is reasonable. Under no circumstances may the Weapon Mounted Flashlight be used for general illumination unless there is justification to have the weapon un-holstered. Only members who are trained and successfully pass firearms qualification using the Weapon Mounted Flashlight will carry the light, subject to the following restrictions:

A. Officers will only carry the firearm with the Weapon Mounted Flashlight attached

in the issued holster. The Weapon Mounted Flashlight will not be carried separately from the firearm while on duty. Officers carrying a firearm with an attached Weapon Mounted Flashlight must also carry an alternate flashlight on their duty belt, in a pocket, or otherwise on their person, for regular use.

- The requirement to carry an alternate flashlight along with the Weapon Mounted Flashlight applies to both uniformed and non-uniformed deputies.
 - A flashlight may be carried in an officer's car for use as conditions dictate.
- B.** The Weapon Mounted Flashlight will not be added to or detached from the handgun unless the weapon is first rendered safe (Magazine removed, slide locked back, empty chamber).
- C.** The Weapon Mounted Flashlight is equipped with a toggle switch for on/off operation. Officers shall not make any modification to the issued Weapons Mounted flashlight, which includes but is not limited to, pressure switches or lasers.
- D.** The Weapon Mounted Flashlight will be maintained in working order by the officer to whom it was issued. Officers will follow maintenance and testing procedures as detailed in training.

VI. Officer's Responsibilities

- A.** Issued firearms are for law enforcement purposes and other related activities such as approved secondary employment, range practice, and approved firearm competition.
- B.** Issued firearms are not authorized for hunting or any activity other than those listed in subsection A of this section.
- C.** All issued firearms shall be maintained in good working condition, clean and free of rust.
- D.** On-duty officers are armed with the issued handgun, and it should be displayed as part of the uniform. Plainclothes officers must conceal their firearms from view except when inside a Taneytown City facility.
- E.** Officers are prohibited from making any modifications, repairs, or adding any accessories to any authorized issued firearm.
- No person, other than an armorer certified to armor a firearm is authorized to repair agency issued firearms. When an authorized issued firearm is in

need of repair, the officer must take the firearm to the Training Coordinator and/or an authorized armorer. If the firearm cannot be repaired immediately, it must be replaced with an identical firearm. Officers must qualify with a replacement firearm before they are authorized to carry or use it.

VII. Firearms Training

Prior to being issued or authorized to carry any firearm, officers must complete all required training and demonstrate a minimum proficiency score of 70% or better in the use of that firearm. The following scores shall be the policy of the Department for authorization of badges.

- 70% to 79% is rated a Marksman.
 - 80% to 89% is rated as Sharpshooter.
 - 90% to 100% is rated as Expert.
-
- A. In addition, deputies must have received and become familiar with the written directive OP401: “Use of Force.”
 - B. Annually, in-service training includes a review of OP401: “Use of Force” and officers shall demonstrate knowledge and qualifying proficiency with any issued or authorized lethal firearm, and biennially demonstrate knowledge and qualifying proficiency with any issued less lethal weapon.
 - C. The Training Coordinator shall maintain a record on each firearm authorized for use to include the type, description, identifying model, and serial number of each firearm, as well as the name, ID number, and date of issue for the officer assigned.
 - D. Only instructors certified by the Maryland Police Training Commission will conduct training for each issued and/or authorized firearm and administer an approved qualification proficiency test.
 - E. Following the participation in the training for each authorized firearm, a record of attendance and proficiency scores shall be documented and maintained by the Training Coordinator to include the type of training, description of firearm, identifying model and serial number.
 - The record will include the instructor, the date of the approval, the course fired, and all scores used to qualify the officer on the demonstration of proficiency.

- Officers who miss qualifications with any firearm due to non-duty status, must qualify immediately upon returning to full duty.
- The Training Coordinator shall record all firearms and proficiency test scores in the Skills Manager program and report same to the Maryland Police Training Commission annually, as required.

F. If an officer is unable to pass the proficiency qualification test or fails to meet minimum standards or achieve a passing score on any drill or exercise with the issued authorized firearm (Handgun or Shotgun), the officer will be allowed to attempt the qualification course a second time.

- If the officer is unable to successfully qualify on that day, the firearms instructor shall immediately submit a report to the Training Coordinator and Deputy Chief. The Training Coordinator will develop a remedial training plan for the officer. The officer will not be allowed perform any law enforcement functions until successful qualification scores are achieved.

In consultation with the Chief, the Deputy Chief shall:

- Reassign the officer to non-enforcement duty in civilian attire;
- Suspend (with pay) the officer's law enforcement powers;
- The Training Coordinator will schedule the officer for remedial firearms training and retesting, to be conducted within five (5) working days of the employee's last testing date.
- Prohibit the officer from wearing or utilizing the firearm for which he/she failed to qualify;
- The officer will be permitted to use the firearm for remedial training but **only** while under the supervision of a firearm instructor;
- At the conclusion of this remedial training, the officer will be given the approved qualification proficiency test.
- If, following remedial training, the officer passes the approved qualification proficiency test; no further training will be required for that period and the officer may return to full duty.
- If the officer fails to qualify following remedial training, the Training Coordinator will provide a written recommendation to the Deputy Chief, that based upon their observations of the officer at the remedial training session:
 - The officer should receive additional remedial training dates due to demonstrated improvement; or
 - The officer is not able to meet the required standards for certification by the Maryland Police and Correctional Training

Commission.

- G.** An officer's failure to qualify and/or poor performance with any issued or authorized firearm will be documented by the firearms instructor who will provide the report to the Training Coordinator and Deputy Chief.
- Once the officer successfully completes the remedial training, the firearm instructor will indicate the results on the original report and immediately forward the original to the Training Coordinator.
 - The Training Coordinator will forward the original report to the Deputy Chief for review and notification to the officer's supervisor.
 - A copy of the report will be forwarded to the officer's supervisor for placement in the officer's supervisory file.
- H.** An officer's failure to successfully complete all required qualifications with an optional Off-Duty firearm will result in the immediate revocation of the authorization to carry that weapon. The officer, with permission of the Training Coordinator, may attend another scheduled range date in order to attempt to successfully complete the qualification. All qualification attempts will be recorded, and an officer who shows poor or unsafe performance on any Off-Duty weapon a second time will be restricted from carrying that weapon under the blanket of the Taneytown Police Department.

VIII. Inspection of Firearms

The Training Coordinator shall ensure that an armorer conducts an annual inspection of all firearms carried on duty by Taneytown Police Department Officers. This inspection shall be documented by the Training Coordinator and kept on file. The armorer must remove any unsafe firearm from service until repairs can be made and shall advise the Training Coordinator of any deficiencies in appearance or working condition. The Training Coordinator is responsible for ensuring any noted deficiencies are repaired prior to the firearm being reissued.

IX. Less Lethal Weapons

Members authorized to carry Less Lethal Weapons will successfully complete all required training with the weapon prior to carry or use. Continuing refresher training will occur biennially. Both initial and refresher training includes observed performance evaluations, written examinations, and review of OP401: "Use of Force". Members who fail to successfully complete refresher training on any less lethal weapon will be restricted from carrying the weapon until successful re-training occurs. Procedures for the Less Lethal Shotgun are separate from this policy and are found in OP404: "Less Lethal Munitions".

A. OC – Oleoresin Capsicum (Pepper Spray)

- **Specifications:** OC is an organically based less lethal aerosol designed to neutralize aggression and incapacitate an attacker instantaneously and may be used as a protective force option in accordance with OP401: "Use of Force".
- **Effects:** OC causes a burning sensation and inflammation of the skin. While effective against the majority of people and animals, members deploying OC

must be prepared to use other options if the weapon fails or the person is not affected.

- **Member Responsibility:** Only the issued and approved OC dispersal system will be carried and used. When any amount of OC is dispersed from the issued container, the member will notify a supervisor as soon as practical, and arrangements will be made to obtain a replacement. Additionally, any use of OC will require the appropriate Incident Report and Use of Force Form as indicated in OP401: “Use of Force”.
- **Decontamination:** Members deploying OC on any person will provide first aid as soon as practical. Treatment may consist of:
 - Fresh air
 - Large amounts of cool water
 - Soap and water, if available
 - If water is not readily available, or if the individual is having any apparent adverse or unusual effects from the OC, Carroll County Emergency Medical Services will be contacted to assist with decontamination.
- **Storage:** Members will not store OC products in a vehicle when temperatures may exceed 110 degrees F. OC canisters may explode due to pressure from extreme temperatures.

B. Collapsible Straight Baton

- **Specifications:** The Collapsible Straight Baton (CSB) is a protective instrument that may be used in accordance with OP401: “Use of Force” and departmental training.
 - Only the baton issued by the Taneytown Police Department is authorized for carry by members.
 - When authorized, the CSB is carried on the duty belt in the issued scabbard.
- **Maintenance:** The member who is issued a CSB is responsible for the care of the weapon. Proper maintenance will include:
 - Insuring the end cap is tightly screwed onto the handle;
 - Periodically checking the o-ring for wear, and lubricated if needed;
 - Checking each section of the CSB for any loose parts or fractures;
 - Cleaning the CSB with a dry, soft cloth – no lubricants will be used on the shaft of the baton;

- Note: problems opening or closing the CSB can often be solved by adjusting the retaining clip;
- Problems with the CSB noted during inspection shall be brought to the attention of the Training Coordinator, who will arrange the appropriate solution.
- **Member Responsibility:** If a member uses the CSB on a person, regardless of the area struck, the member, when safe, will provide first aid for any injury incurred, and Carroll County Emergency Medical Services will be requested if appropriate. The member will complete the appropriate Incident Report and Use of Force Form prior to the end of their shift.

X. Cancellation

This written directive cancels and replaces prior Authorized Weapon and Firearm policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:



A/Chief Robert Mitchell

9/20/23

September 20, 2023

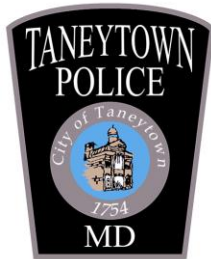
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Firearm Training
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TANEYTOWN POLICE DEPARTMENT

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OPERATIONAL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Body Worn Camera (BWC) /In Car Video Recording Systems (ICVRS)	GO-2024-01	02/07/2024

Policy: The Taneytown Police Department (TPD) policy and practice is to utilize Body Worn Cameras (BWCs) and In Car Video Recording Systems (ICVRS) for the purpose of strengthening police accountability; promoting de-escalation by both law enforcement officers and those they encounter; enhancing the ability to resolve officer-involved incidents and complaints; improving transparency; identifying and correcting internal agency training, policy and other issues; strengthening officer performance and safety; and increasing community safety. They shall be used to enhance police services by accurately documenting events, actions, conditions, and statements made during citizen contacts, traffic stops, arrests, and other incidents.

Purpose: The purpose of this policy is to provide members with guidelines for use, management, storage, and retrieval of the audio-visual media recorded by the Body Worn Camera and In Car Video Recording System equipment within the parameters of this policy and consistent with Maryland law.

Contents:

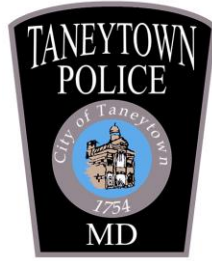
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- XI. Uploading and Accountability of BWC/ICVRS Content
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- XIII. Security and Disclosure
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I. Definitions

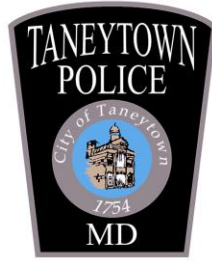
- A. **Accidental Activation**– A recording or portion of a recording that would jeopardize individual dignity, modesty, or contains sensitive personnel matters and did not involve a scenario where the activation of the BWC was required by the employee.
- B. **Activate** – The initiation of a recording of both audio and video or any combination thereof, made by switching the device from Pre-Event Buffering Mode to Event Mode for either the BWC or ICVRS.
- C. **Advisement** – A statement made by a TPD member at the outset of using a BWC to record communication, conversation, or interaction with a citizen. This statement is made for the specific purpose of informing the involved parties that the communication or conversation is being recorded.
- D. **Body Worn Camera (BWC)** – Device designed to be worn by the member to capture digital multimedia evidence both audibly and visually to be worn on the chest of the officer as close to center as applicable based on officers' uniform, or attire depending on assignment.
- E. **Body Worn Camera Coordinator** – Personnel assigned by the department to oversee BWC duties.
- F. **Deactivation** – To stop actively recording an event and return the device to Pre-Event Buffering Mode.
- G. **Event Mode** – Actively recording video and/or audio on the BWC or ICVRS.
- H. **Event Tag** – Tag or label to identify saved events. Events are tagged by the officer. Examples include but are not limited to: Test, Traffic Stop, Criminal Arrest, Emergency response, Citizen contact, etc.

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- I. **Forward Facing Front Camera** – Primary camera used for capturing ICVRS data. This camera is mounted inside the vehicle and oriented to record events occurring in front of the equipped vehicle.
- J. **In Car Video Recording System (ICVRS)** – Devices installed in TPD vehicles in a manner intended to capture digital multimedia evidence of the exterior and interior of the vehicle depending on vehicle equipment and assignment.
- K. **Interior Camera** – A camera mounted inside the vehicle oriented to record portions of the equipped vehicle's passenger compartment used during various types of transport. This camera captures audio and video when activated.
- L. **Pre-Event Buffering Mode (PEBM)** – A continuous 60 second video-only recording which is captured as a part of the full recording once the device is placed in Event Mode (activated).

II. Legal Considerations

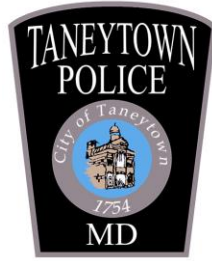
Officers who are issued a BWC or an ICVRS shall wear and/or activate either system in accordance with this policy during the performance of his or her official duties. The use of the BWC and ICVRS shall follow this policy and all local, state, and federal laws. This policy does not govern the use of surreptitious recording devices used during covert operations. The use of a non-issued BWC/ICVRS device is strictly prohibited. Violations of this policy may result in disciplinary action. The Maryland Annotated Code, Courts & Judicial Proceedings § 10-402, makes it lawful for a law enforcement officer, during the officer's regular duty, to intercept an oral communication with a body worn digital recording device capable of recording video and oral communication if:

- A. The law enforcement officer is in uniform or prominently displaying the officer's badge or other insignia; and
- B. The law enforcement officer is making reasonable efforts to conform to standards in accordance with § 3-511 of the Public Safety Article for the use of body worn digital recording devices; and
- C. The law enforcement officer is a party to the oral communication; and
- D. The law enforcement officer notifies, as soon as is practicable, that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

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- E. The oral interception is being made as part of a videotape or digital recording.
- In addition, officers, when in uniform, or prominently displaying the officer's badge or other insignia, may intercept an oral communication where the officer is party to the communication and all parties to the communication have given consent to the recording.
- F. The U.S. Supreme Court has held regarding "plain view", that if an officer has the legal right to be present, then the officer has the right to observe what he or she can see. So, it follows, if an officer has the right to observe, then he or she has the right to photograph and/or videotape. The recording is made with "one party consent".
- G. Maryland law makes it unlawful, with some exceptions, for any person to intercept/endeavor to intercept, disclose/endeavor to disclose, use/endeavor to use any audio communication unless all parties to the communication have given prior consent to having the audio recording made. Md. Code. Ann., Courts & Judicial Proceedings § 10-402 (2002).
- Except as otherwise exempted by law, officers will notify individuals that they are being recorded as soon as practicable, unless it is unsafe or impossible to do so. This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided to the initial party. Therefore, officers will not utilize the BWC or ICVRS to make audio recordings unless consent is obtained, or the audio recording is made pursuant to the exceptions outlined below.
- H. In the event a citizen has requested an officer to stop recording, they have no obligation to stop recording in response to a citizen's request if the recording is pursuant to traffic stops, an investigation, arrest, lawful search, service of a search warrant, or the circumstances clearly dictate that continued recording is necessary. However, officers should evaluate the situation and when appropriate, honor the citizen's request. Any deactivation of the device will follow the BWC/ICVRS deactivation procedures outlined below.

III. Body Worn Camera / In Car Video Recording System Program – General Principles

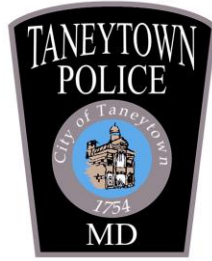
- A. The body worn camera system is a point-of-view style recording system designed to approximate the vantage point of the recording officer. The BWC system has limitations.

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For example, BWC systems do not necessarily capture everything that is occurring during an incident (e.g., slight movements or indicators of resistance by a subject, things that cannot be seen or heard by the officer or the BWC system, statements that were not recorded due to policies, etc.). Conversely, in some cases, a BWC system may record images or audio that were not or could not be seen, heard, or perceived by the officer at the time of the encounter. BWC systems do not record or analyze physiological or biometric data of the officer wearing the camera and cannot determine an officer's or any other individual's state of mind. BWC system video and audio alone cannot determine the officer's situational awareness and perception of what is taking place during an incident or interaction.

- B. The TPD recognizes that it may not always be practical to activate the Body Worn Camera or In Car Video Recording systems. Officers will not allow the operation of BWC / ICVRS to interfere with their own personal safety, the personal safety of others, or the safe operation of the patrol vehicle.
- C. All members who are assigned a BWC and/or who are likely to drive a TPD vehicle equipped with ICVRS will receive training in its use, data management, and legal considerations. Supervisors and Body Worn Camera Coordinators will receive additional training commensurate with their responsibilities and permissions within the system.

IV. **Body Worn Camera Operating Procedures**

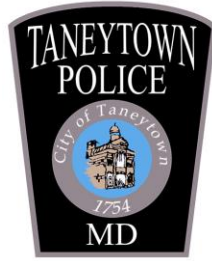
This policy is not intended to describe every possible circumstance wherein a BWC is or can be activated. It is understood that not all situations will clearly begin as necessitating documentation by the BWC. When in doubt, record the interaction.

- A. BWCs will only be used for official purposes and will conform to all applicable laws.
- B. Only officers trained in the proper use of the BWCs will use them.
- C. Prior to the beginning of each shift, each officer shall perform a function test of their BWC, in accordance with the manufacturer's recommendations. A "test" recording will be initiated, tagged as a "test" event, and uploaded to ensure equipment is operating correctly.
- D. Upon discovering a BWC malfunction, the officer shall immediately report the malfunction to the Body Worn Camera Coordinator. The Body Worn Camera Coordinator shall issue a replacement BWC, if available. If the Body Worn Camera

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Coordinator is unavailable, a supervisor shall issue the officer a replacement BWC and notify the Body Worn Camera Coordinator.

- E. When a member is in an on-duty status, or otherwise required to use a BWC as part of this directive, the BWC shall remain in a ready state in the Pre-Event Buffering Mode ready to be activated.
- F. Officers in plain clothes or business attire will not be required to wear a BWC during the normal course of their duties, unless they are wearing an outer vest carrier or participating in law enforcement activity, and prominently displaying a badge or other insignia identifying them as a law-enforcement officer. These law enforcement activities include, but are not limited to, an area canvas for investigations, search warrant executions, interviews, and traffic stops. The Chief, Deputy Chief (Major), and Lieutenant shall not be required to wear a BWC unless they are participating in law enforcement activity. Normal daily administrative office duties (such as desk duty) do not require the wearing of a BWC, even if the member may have to interact with the public.
- G. If any portion of the BWC becomes damaged during an already in progress incident, it will be documented as part of the incident report. If generally, the incident would not require the writing of an incident report and there is a BWC malfunction or the unit becomes damaged, the officer shall write an incident report documenting the malfunction or damage to the unit.
- H. Officers who are approved to work secondary employment or working a special event and are in uniform are required to wear the BWC while acting as a member of the TPD. Members working approved secondary employment and not in uniform are not required to wear the BWC.

V. **Activation of the Body Worn Camera**

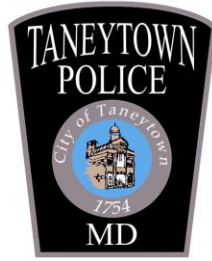
- A. It is the officers responsibility to ensure the BWC is fully charged prior to beginning their tour of duty. BWCs should be activated prior to an officer exiting their cruiser to ensure as much of an incident as possible is captured. If there is immediate danger to the member or others, the BWC should be activated once the danger has been addressed and it has been deemed safe, practical, and possible to activate the device. The officer will articulate in their incident report any delay of activation when applicable.
- B. The BWC shall be activated under the following circumstances:

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- At the initiation of a call for service, or other activity or encounter with a citizen that is investigative, or enforcement related in nature. Members will make every attempt to activate the device as soon as possible unless it is unsafe, impractical, or impossible.
- Traffic stops. Officers should make all reasonable attempts to ensure evidence of violations or impairment are recorded by the ICVRS/BWC.
- During vehicle searches and inventories.
- Any confrontational contact with a person, including all acts of hostility and violence.
- Any other incident the officer feels may become an issue of some importance at a later date.
- When not otherwise prohibited by law or agency policy, officers may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.
- When a BWC is available, and the member is operating a non ICVRS equipped vehicle under emergency driving conditions.
- Custodial transports of suspects in TPD member's custody if the vehicle is not equipped with a rear facing camera, the BWC will remain active during the transport.
- When conducting a search other than a strip search.
- When conducting interviews, interrogations, and mental health interventions.

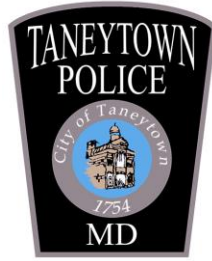
C. A member shall not activate the BWC during:

- Routine administrative activities;
- Non-work-related personal activities.
- BWC Activation is not required for routine traffic direction, but may be activated

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if it would be beneficial or useful to capture data based on the circumstance. If, during traffic direction, an officer begins to take law enforcement action, the BWC should be activated.

- If a vehicle is equipped with ICVRS, recordings may be initiated due to system settings when emergency equipment is activated.
- Generally, BWC's should not be used:
 - In locker rooms, dressing rooms, or restrooms.
 - In private areas of a medical facility and during medical treatment.
 - During interactions with undercover officers or confidential informants.
 - Within 500 feet of an explosive device.
 - In the courthouse, except with the permission of the Local

Administrative or a presiding Judge.

D. Notification of BWC Recording – Unless it is unsafe, impractical, or impossible to do so, and except as otherwise exempted by law, the officer will notify individuals as soon as practical, that he or she is being recorded by stating their name, agency, and that a recording is being made.

- Example: "I am Officer _____, ID #____, of the Taneytown Police Department. I am advising you that our interaction is being audio and visually recorded."
- Every effort should be made to provide language assistance to citizens who are limited or non-English proficient to understand that they are being recorded.
- This notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

VI. Body Worn Camera Deactivation

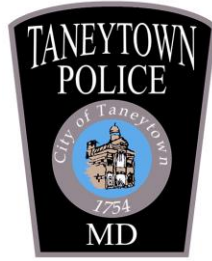
In certain situations, officers may deactivate or mute a BWC. If an officer disables the recording function of the BWC, they shall state orally into the BWC, the reason for disabling the device. An officer may consider disabling or muting their BWC in the following situations:

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- A. When a victim, witness, or other person wishes to make a statement or share information during a voluntary interaction with law enforcement, but refuses to do so while being recorded, or requests that the camera be turned off, officers are authorized to deactivate the device. Additionally, officers should reactivate the BWC at the completion of the interview/statement if the incident being investigated is ongoing.
- B. When entering a constitutionally protected area such as a private residence or home where there is an expectation of privacy, **and** a party declines to be video and/or audio recorded, the officer may turn the camera off.
- C. When interviewing a victim of a sexual assault or other incident involving sensitive circumstances, officers will use discretion in turning off the BWC. The officer should make every effort to record the interaction provided the involved parties have been given notice and consent to the interview being recorded. If consent is not given, officers shall consider alternatives including, but not limited to: audio only recording and/or having the victim provide a written statement.
- D. When entering a law enforcement facility for purposes other than those not related to direct law enforcement duties or when not engaged with the public.
- E. When inside a medical facility, including hospitals and ambulances, officers shall be aware of patients' rights to privacy. Officers shall avoid recording patients during medical or psychological evaluations or treatments and avoid recording medical or psychological treatment or evaluations by medical professionals unless related to the call for service, i.e., blood draws for DUI purposes, combative persons. Officers shall be careful to avoid recording persons other than the person of interest or recording medical documents.
- F. For tactical, operational, or policy-related questions from one officer to another or a supervisor. This policy will allow the officer to mute the audio for these administrative reasons, but only after orally stating the reason into the BWC prior to muting the device.

VII. In Car Video Recording System Operating Procedures

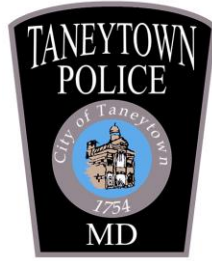
- A. TPD patrol vehicles will be equipped with the in-car video recording system devices.
- B. ICVRS will only be used for official purposes and will conform to all applicable laws.
- C. Only officers trained in the proper use of the ICVRS will use it.

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- D. Officers will use only their credentials on the ICVRS and will ensure they are properly logged into the vehicles' installed equipment.
- E. Prior to the beginning of each shift, each officer shall perform a function test of his/her ICVRS, in accordance with the manufacturer's recommendations. A "test" recording will be initiated, tagged as a "test" event, and uploaded to ensure equipment is operating correctly. This can be completed congruently with the BWC.
- F. When a member is in an on-duty status, or otherwise required to use the ICVRS as part of this directive, the ICVRS shall remain in a ready state in the Pre-Event Buffering Mode ready to be activated.
- G. If any portion of the ICVRS becomes damaged or malfunctions, the Body Worn Camera Coordinator shall be notified immediately. In his or her absence, a supervisor shall be notified. If the damage or malfunction occurred during an already in progress incident, it will be documented in an incident report.
- H. Officers are required to use the ICVRS when working secondary employment approved by the agency and acting as a member of the agency while operating an equipped TPD vehicle.

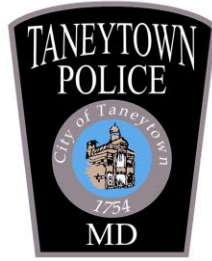
VIII. Activation of the In Car Video Recording System

- A. The ICVRS can be activated in one of three (3) ways:
 - Manually: by pressing the "Record" button;
 - Automatically: by activating the vehicle's emergency lights or siren if activated by the video system;
 - Automatically: when the vehicle is involved in a collision if activated by the video system;
- B. ICVRS will be activated for all traffic stops and/or any time a vehicle is being driven under emergency conditions.
- C. Once recording of an incident has been initiated, if applicable, the recording of both audio and video will continue until termination of the incident.

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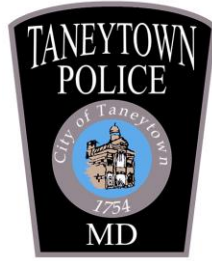
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- D.** When an officer is making a traffic stop, the recording should capture the entire encounter, starting when the decision is made to initiate a traffic stop.
- E.** Officers should make all reasonable attempts to ensure critical evidence of violations or impairment are recorded by the ICVRS.
- F.** If extenuating circumstances exist and the officer is unable to activate the ICVRS, the officer will document these circumstances in the narrative portion of an Incident Report and/or in the notes section of the ETix/Delta system, if applicable.
- G.** If an event recording is interrupted for any reason during an incident, the event mode will be reactivated as soon as possible, and the officer will document these circumstances in the narrative portion of an Incident Report and/or in the notes section of the Etix/Delta system, if applicable.
- H.** If the driver or any occupant of the vehicle involved in a traffic stop objects to the audio recording, they will be courteously informed that the Maryland law allows audio recording for law enforcement deputies conducting traffic stops and the recording **will not** be terminated.
- I.** If a traffic stop becomes a criminal detention/arrest, the officer may continue to make both a visual and audio recording without obtaining consent provided notification has previously been made.
- J.** Events to be recorded include, but are not limited to:
- Emergency responses;
 - Traffic stops (beginning to end);
 - Vehicle pursuits;
 - Observation of DWI suspects prior to stop, during performance of field sobriety tests and during transport if arrested;
 - Transport of any detained persons. (Prisoners, custodial transports, etc.)
 - Vehicle searches and inventories;

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- Any confrontational contact with a citizen/violator, including all acts of hostility and violence; and
- Any other incident the officer feels may become an issue of some importance at a later date.

K. Notification of ICVRS recording – Unless it is unsafe, impractical, or impossible to do so, and except as otherwise exempted by law, the officer will notify individuals as soon as practical, that he or she is being recorded by stating their name, agency, and that a recording is being made.

- Example: "I am Officer _____, ID #____, of the Taneytown Police Department. I am advising you that our interaction is being audio and visually recorded."
- Every effort should be made to provide language assistance to citizens who are limited- or non-English proficient to understand that they are being recorded.
- This notification only needs to be made once and covers both the ICVRS and BWC recording system if the officer is equipped with both.

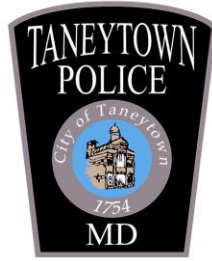
IX. Ending a Body Worn Camera / In Car Video Recording System Recording

- A.** Once recording with a BWC/ICVRS has been initiated, officers shall not deactivate or mute the recording until or unless:
- The event or encounter has fully concluded;
 - The officer leaves the scene and anticipates no further involvement in the event;
 - A supervisor has authorized that a recording may cease because the officer is no longer engaged in related enforcement or investigative activity;

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- A heightened expectation of privacy exists, and deactivation is necessary in order to preserve the dignity of the civilian public (e.g., locker rooms, restrooms, etc.);
- An accidental activation has occurred;
- A victim, witness, or other individual wishes to make a statement or share information, but requests not to be recorded or refuses to be recorded; or
- Meets the deactivation/mute criteria detailed under BWC deactivation.

B. When an event recording is stopped, the officer will be responsible for selecting an “event tag”. The Event tag used should best describe the preceding event that was captured. Example: Traffic, Accident, Criminal arrest, Citizen contact. Process service, Etc.

X. Accidental Activation

In the event of an accidental activation of the BWC/ICVRS in which the resulting recording has no investigative or evidentiary value, the officer shall submit a memorandum to their supervisor requesting that the video footage be deleted. The memorandum shall include at a minimum the date and time of the accidental recording, the circumstances surrounding the accidental activation, and if the recording is known to include nudity or other compromising sexual situations, or bathroom/locker room/dressing room footage. The supervisor shall review the footage to confirm it has no investigative or evidentiary value. In instances where the recording contains nudity, sexual situations, or bathroom/locker room/dressing room footage, a same sex officer/supervisor shall review the footage. Once the supervisor has confirmed that the recording has no investigative/evidentiary value, they will forward the memorandum along with an endorsement for deletion to the Body Worn Camera Coordinator, who will purge the recording.

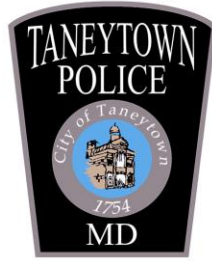
XI. Uploading and Accountability of Body Worn Camera / In Car Video Recording System Content

- A.** BWC/ICVRS footage will be uploaded consistent with manufacturer's specifications via the uploading capabilities of the BWC/ICVRS.
- B.** Officers will be responsible for monitoring events on both BWC and ICVRS during their normal course of duties and monitor to ensure data is being uploaded.

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- C. Officers will ensure that all BWC/ICVRS footage is uploaded prior to the end of their shift unless authorized under special circumstance by the officer's supervisor.
- D. If an officer is involved in an officer involved shooting, or an incident where a suspect has suffered death or serious physical injury, the officers supervisor will collect the BWC and ensure the device has been properly connected and events have been uploaded. Once the upload is complete, the BWC will be shut down and packaged as evidence.
- E. The Body Worn Camera Coordinator shall select and review two events per month, per officer to ensure the BWC/ICVRS is being used properly and to ensure policy compliance. These events should be two different event types that do not include "test". The Body Worn Camera Coordinator shall keep a log of all events audited. Any policy or procedural violations shall be reported to the members' immediate supervisor.
- F. Intentional policy and procedural violations shall be handled in accordance with AP201, Internal Complaint Process.

XII. Exceptions to Wearing a Body Worn Camera/Operating a Vehicle with an ICVRS

Members are exempt from wearing body worn cameras on a routine basis when the below criteria are met.

- A. Lieutenant (when acting in an administrative capacity), Deputy Chief (Major), and Chief are not required to wear the body worn camera or have their vehicles equipped with an ICVRS.
- B. Members assigned to administrative duties due to injury, suspension, or other circumstances.
- C. Wearing Class A uniforms, performing a ceremony for the public, or performing duties that do not involve interacting with the public in a law enforcement manner.
- D. During training or conferences.

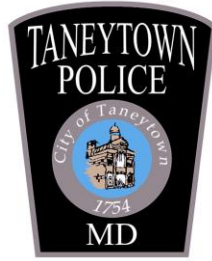
XIII. Security and Disclosure

- A. Officers are strictly prohibited from sharing any BWC/ICVRS log-in information or passwords.
- B. Access to any BWC/ICVRS data will be done only by means of an officer's own

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credentials and only by means of the authorized software.

- C. Accessing, copying, or disseminating files for non-law enforcement purposes is strictly prohibited unless authorized by the Chief or his/her designee.

XIV. BWC/ICVRS Data Review

A. BWC/ICVRS data may be accessed by:

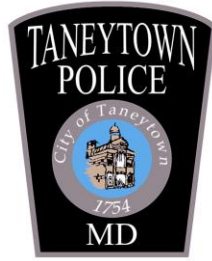
- Supervisory personnel reviewing the performance of a subordinate or other officer for the purpose of:
 - Conducting an internal investigation.
 - Monitoring a subordinate's professional conduct/performance.
 - Training.
 - Complaint resolution
 - As part of a formal performance improvement plan
 - When an officer is injured in the line of duty
 - As part of a formal incident critique
 - For positions with designated authority, to pull and review footage for evidence discovery purposes, to fulfill proper records requests, conduct audits, and to complete other BWC program administrative functions.
- Any deputy provided it is for a legitimate law enforcement purpose, and provided the data is accessed by means of the authorized viewing software using the member's own credentials.
- Members may review their own recordings and recordings shared by other officers for the following purposes:
 - To ensure the system is working correctly.
 - Charging document and incident report preparation.
 - Court preparation.
 - Review of prosecution evidence.
 - Review of victim/suspect/witness statements.
 - Crime scene observations.
 - To clarify observations from a scene.

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- B.** BWC data may be reviewed by the following non-members upon proper request, submitted to and approved by the Chief or their designee:
- Members of the State's Attorney's Office or U.S. Attorney's Office, or Attorney General's Office.
 - LGIT members with approval of the Mayor, City Manager, or Chief.
 - By any legitimate judicial process, such as subpoena duces tecum.
 - By any member of the public or media through proper legal authority or Maryland Public Information Act request.
 - Prior to any BWC or ICVRS data being released to the public, it shall be reviewed and redacted as necessary to protect the legal interests and privacy rights. BWC/ICVRS recordings may be redacted to:
 - Comply with federal, state, or local laws governing disclosure records or existing department policies.
 - Confidential sources and witnesses.
 - Protect a person's right to a fair trial.
 - Protect the identity of victims of sex crimes, domestic violence, and juveniles.
 - Protect the privacy, life, or safety of any persons, and/or
 - Avoid undue trauma due to explicit or graphic content.
- C.** If the reviewing of a BWC recording, as determined by the Attorney General or local State's Attorney does not impact the integrity of an investigation or negatively impact a criminal investigation, the recording may be reviewed by medical or mental health professionals consulted by the TPD or City of Taneytown for the limited purposes of addressing an officers medical or mental health needs resulting from a critical incident. This includes CISM team members.
- D.** Unauthorized dissemination of BWC/ICVRS recordings may result in disciplinary action.

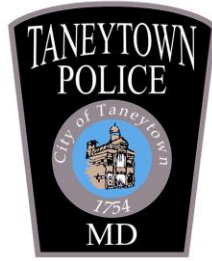
XV. Prohibited uses of BWC/ICVRS data

- A.** The following are prohibited uses of BWC/ICVRS data:

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- A BWC/ICVRS recording of a constitutionally protected activity may not be used to identify persons present at the activity who are not suspected of being engaged in illegal activity or in need of assistance.
 - Stored BWC/ICVRS data shall not be used to create a database or pool of mug shots.
 - Stored BWC/ICVRS data shall not be used as fillers in photo arrays.
 - Stored BWC/ICVRS data shall not be used to search using facial recognition software.
- B.** This subsection does not prohibit the TPD from using recognition software to analyze the recording of an incident when a supervisory member has reason to believe that a specific suspect or person in need of assistance may be the subject of a recording.
- C.** BWC/ICVRS recordings shall not be systematically viewed by TPD Supervisors, the Body Worn Camera Coordinator or any other officer or member of the department or City of Taneytown for the sole purpose of searching for arbitrary policy violations which may have been captured on the recordings, or searching without cause for actions that could lead to member discipline.
- D.** Supervisors may review BWC recordings to evaluate probationary officers' performance and ensure compliance with departmental training and policy.

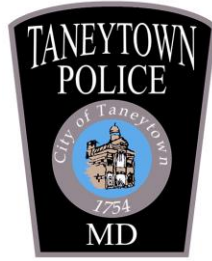
XVI. Retention and Reporting Requirements

- A.** Files will be securely stored in accordance with State records retention laws and no longer than useful for purposes of training or for use in an investigation or prosecution. The TPD will archive BWC/ICVRS recordings according to the following schedule:
- **Criminal Arrest Recordings** – Upon disposition of prosecution or expiration of sentence.
 - **Other Evidentiary Recordings** – Upon disposition of prosecution or expiration of the sentence, or one year, whichever is greater.
 - **Non-Evidentiary Recordings** – 6 months from the date of the recording
 - **Recordings involving any Use of Force/Vehicle Pursuit** - Indefinite

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XVII. Cancellation

This written directive cancels and replaces prior BWC/ICVRS policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:

Chief A. Baker

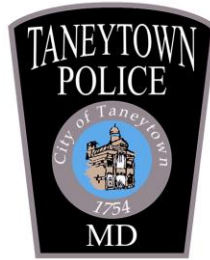
February 07, 2024

Index as:

Body Worn Camera
Emergency Vehicle Operation
In Car Video Recording System
Retention and Reporting
Use of Force
Vehicle Pursuit

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<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Conducted Energy Weapon	GO 2023-05	9/20/2023

Policy: The Taneytown Police Department issues a Conducted Energy Weapon (CEW) to trained officers for the purpose of providing additional less-lethal options for gaining compliance with resistant or aggressive individuals during enforcement activities. The CEW will only be used in accordance with the guidelines and procedures set forth in this directive, the "Use of Force" policy, and training.

Purpose: A Conducted Energy Weapon (CEW) is a less lethal weapon system that provides law enforcement personnel with an additional method of controlling subjects who may be dangerous or violent to themselves or others. The CEW will be used to enable the officer to carry out their duties in a safe and professional manner with minimal injuries to officers and citizens. The Taneytown Police Department (TPD) currently issues the Axon Taser 7 to designated qualified members of the Department as an alternative tool for appropriate use of force situations. It is the policy of the TPD that its members will use a CEW only in accordance with this policy, the "Use of Force" policy, and the manufacturer's guidelines and recommendations. In addition, no member will be issued or permitted to carry or use a CEW until they have been trained in its use and demonstrated proficiency with it. The provisions of this Order apply to personnel both while on and off duty.

Contents:

- I. Definitions
- II. Training
- III. Remedial Training
- IV. CEW Carry and Maintenance
- V. CEW Operation
- VI. Medical Care
- VII. Investigation and Reporting
- VIII. Prohibited Uses of a CEW
- IX. Supervisory Responsibilities

X. Cancellation

I. Definitions

- A. **Conducted Energy Weapon (CEW)** – a less-lethal device that emits an electronic energy charge which causes electro-muscular disruption which affects the sensory motor functions of the central nervous system.
- The CEWs issued by the Taneytown Police Department is the TASER 7.
 - Only the issued CEW is authorized for use by Taneytown Police Department Personnel.
- B. **Probe Deployment** – Utilizing a compressed gas charge to propel two (2) probes attached to the end of wires stored in a cartridge already inserted into the weapon. The CEW sends an electrical signal to the probes, via the wires, which can disrupt the body's ability and usually causes neuro-muscular incapacitation.
- C. **Drive Stun Mode** – a type of CEW discharge, the device is applied directly onto the body as a pain compliance technique.
- D. **CEW Cartridges** – A removable plastic cartridge containing two probes, wires, and a compressed gas charge.
- 12 Degree Close Quarters (CQ) cartridge is identifiable by smooth surface below the probe chambers. Black front, black body, serial number, cartridge degree, 2D bar code and expiration date printed on the top. The CQ cartridge is optimized for engagements from 4-10 feet.
 - 3.5 Degree Stand-Off (SO) cartridge is identifiable by ridged surface below the probe chambers. Black front, grey body, serial number, cartridge degree, 2D bar code and expiration date printed on the top. The SO cartridge is optimized for engagements from 12-22 feet.
- E. **Less-Lethal Force** – Force that is not intended, nor reasonably likely to result in death or serious bodily injury.
- F. **CEW Display** – the un-holstering of the CEW without pointing the device at a person.
- G. **CEW Deployment** – the activation of the CEW device, or the pointing of the CEW at a target, which may include the display of the laser sight or sparking the device.
- H. **CEW Discharge** – the firing of the device with the intent to deliver an electrical energy charge via the probes or a drive stun.
- I. **PASSIVE RESISTANCE** -Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect and do not pose a threat to the officer's safety.

Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

- J. ACTIVE RESISTANCE-** Physical actions which actively and/or dynamically oppose an officer's attempt to control a suspect, or actions that a reasonable officer would believe pose a threat to his/her safety.
- K. PROBES-** Small metallic pins with a barbed point. Probes are used to transmit an electrical pulse into the target's body.
- L. ARC SWITCH-** An ambidextrous switch located forward of the trigger used to activate the Taser 7 without deploying a cartridge.
- M. MPCTC Certified CEW Instructor-** An officer who is authorized by the Taneytown Police Department to carry and/or use a specific CEW, has successfully met Maryland Police and Correctional Training Commissions (MPCTC) general instructor requirements, and has successfully completed an MPCTC approved training course for the specific manufacturer's model of a CEW for which the officer will be providing training.

II. Training

- A.** Only officers who have received the required training and certification are authorized to carry or use the CEW. The CEW will be used in accordance with this policy, the "Use of Force" policy, and the training received.
- B.** Responsibility for the management of the TPD CEW Program is assigned to the Training Supervisor, who shall be certified as a CEW Instructor.
- C.** Recertification will occur annually, as scheduled by the Training Supervisor. An officer who is unable to fulfill the training requirements will not be authorized to carry the device.
- D.** Both initial and recertification training shall include situational awareness considerations specific to the CEW as detailed in this policy.
- E.** Training will also include awareness of physical conditions of the suspect which could increase the likelihood of injury to the individual if the CEW is discharged. Examples include but are not limited to:
 - elderly individuals;
 - children or subjects under 80 pounds;
 - frail individuals;
 - pregnant individuals;
 - mentally disturbed individuals;
 - persons in water, mud, or a marsh environment
 - individuals under the influence of drugs
 - Individuals who could fall on a sharp object and cause further injury.

F. Training will also include a review of the following:

- Nomenclature
- Characteristics
- Capabilities
- Limitations
- Maintenance
- Safety
- Principles and Technology
- Review of policy “Conducted Energy Weapon”
- Review of policy “Use of Force”
- Escalation and De-Escalation of Force
- Judgement/Decision Making
- Legal Considerations
- Physiological and Psychological Effects
- Target Zones
- Defensive Measures
- Potential for Collateral Occurrences
- First Aid and Side Effects

G. Both initial and recertification training will include individual demonstration of successfully loading, unloading, deploying, and discharging the CEW through firing of the probes. CEW exposure is not required for certification/recertification. Any voluntary exposure will be monitored by a certified CEW instructor and follow the manufacture’s guidelines and recommendations.

H. To be issued and authorized to utilize a CEW, officers must demonstrate proficiency in its use. Officers must attain a score of at least ninety (90%) percent on a written test covering the training topics. Additionally, they must be able to successfully demonstrate skills in the safe handling and deployment of a CEW.

III. Remedial Training

A. Any failure of an officer to successfully complete either initial or recertification training for the CEW, or any careless, negligent, or reckless violation of this policy or CEW training, will result in the immediate suspension of the authorization to carry the CEW pending the successful completion of remedial training. Violations may include, but are not limited to:

- Unintentional discharge of the CEW
- Reckless pointing or aiming of the CEW at another officer/civilian
- Failure to properly store and secure a CEW
- Covering or otherwise disabling the CEW’s camera
- Any violation of OP405 “Conducted Energy Weapon”, procedures, or training

- B.** Reinstatement – An officer whose authorization to carry the CEW has been suspended will be scheduled for an 8-hour refresher training by the Training Supervisor.
- Remedial training will include individual demonstration of successfully loading, unloading, deploying, and discharging the CEW through firing of the probes.
 - Under no circumstances will an officer be provided a CEW until remedial training has been successfully completed.

IV. CEW Carry and Maintenance

- A.** Authorized officers shall carry the CEW in the agency issued CEW holster on the side of the duty belt opposite the firearm. When not worn by the authorized officer, the issued CEW may be kept in the secured passenger compartment of a police vehicle.
- When stored at the officers residence, the cartridges shall be removed from the CEW and secured such that it is not accessible to children or other individuals.
- B.** The TASER 7 is equipped with two cartridge bays:
- Cartridge bay one should be loaded with a Close Quarters (CQ) Cartridge – 12-degree angle. This cartridge is identifiable by a smooth surface below the probe chambers. It has a black front and a black body. The serial number, cartridge degree, 2D bar code and expiration date are printed on the top.
 - Cartridge bay two should be loaded with a Stand Off (SO) cartridge – 3.5-degree angle. This cartridge is identifiable by a ridged surface below the probe chambers. It has a black front and gray body. The serial number, cartridge degree, 2D bar code and expiration date are printed on the top.
 - The “Tilt” feature of the TASER 7 should be enabled on all devices. This feature allows the officer to toggle between cartridge bays at their discretion by quickly turning the Taser 7 device 90 degrees to the right or left.
- C.** Officers who have been issued a CEW will inspect their weapon and conduct a “Spark Test” in functional test mode prior to each tour of duty. Officers who have been issued a CEW will routinely inspect their weapon and cartridges for serviceability. CEW’s and cartridges will be inspected for damage monthly by the member’s supervisor with any damaged weapons or cartridges being removed and reported to the Training Supervisor as soon as possible.
- D.** Officers shall dock the rechargeable battery pack once every 30 days and anytime the weapon indicates 20% or less power remaining. Officers will also sync/download their CEW’s after each deployment and whenever firmware updates are issued by AXON.
- Officers shall also sync their CEW’s during time changes (e.g., Daylight Savings).

- E. No modifications to the CEW or holster will be made without the authorization of the Training Supervisor.
- F. The CEW shall not be stored, used, displayed, or handled in a careless fashion.

V. **CEW Operation**

The CEW may be considered for display, deployment, or discharge when the officer is confronted with an actively aggressive or resisting individual(s) whose actions impose or create an immediate safety risk, based on the details known to the officer at the time of the incident. The CEW will not be utilized with non-threatening, passively resisting suspects where no safety risk is present. The officer must be able to articulate why the CEW was an appropriate tool based upon the Use of Force policy, in conjunction with the demeanor and physical condition of the suspect, the severity of the offense, any special considerations as defined in this policy and/or training, facts and circumstance surrounding the incident, and the threat of harm to the officer, suspect, or others. Officers shall not draw their firearm and taser simultaneously.

- A. **Probe Deployment** – the most frequently utilized mode of the CEW, Probe Deployment is designed for incapacitation of an individual prior to physical contact by the officer.
 - **Verbal Warning** – whenever possible, officers will loudly announce “Taser, Taser, Taser” prior to discharging the CEW. This both provides a final warning to the suspect and warns other officers and bystanders that the device is about to be discharged.
 - **Targeting** – Recommended primary targeting areas for the CEW are lower center mass for front shots (below the chest, splitting the belt line when possible), and below the neck area for back shots. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferred to front shots when practicable. Officers should avoid intentionally targeting sensitive areas such as the suspect’s neck, face, eyes, throat, hands, feet, upper chest (heart area), breast, genitals, groin, known pre-existing injury areas, or anywhere on the head.
 - Officers may use the laser sight to encourage a suspect’s compliance with orders but should use caution not to intentionally point the laser into an individual’s eyes.
 - **Discharge of the TASER 7** – When feasible, officers will give a verbal warning that the CEW is about to be used and give verbal commands and directions for compliance during CEW uses. Consistent with CEW training, when an officer causes the “probe deployment”, they will release the trigger to allow the automatic “5-second” deployment to activate. Holding the trigger down for any undetermined amount of time is prohibited. Offices shall use the shortest duration of CEW exposure to reasonably accomplish compliance from the suspect. Following the initial discharge, the officer shall reassess the situation and evaluate whether additional pulses are necessary, ensuring that only a necessary and proportional

amount of force is used to gain compliance of the individual.

- Only one officer shall deploy and discharge a CEW at a time.
- If the initial discharge is ineffective, the second cartridge of the TASER 7 may be fired at the same subject. If there are multiple suspects, only one subject may be engaged with a single TASER 7 unit.
- Assisting law enforcement officers will use care not to disrupt the probes or break the wires when apprehending the suspect in case additional discharges are necessary.
- CEW discharges will be in conformance with policy and training.
- Replacement cartridges may be obtained from the Training Supervisor.

B. Drive Stun Mode – an option employed when the officer is in physical contact with the individual and may be considered when the Probe Deployment discharge is not practical. The Drive Stun Mode is designed as a pain compliance technique, and does not disrupt the central nervous system, which may make it less effective than the Probe Deployment. Multiple discharges in Drive Stun Mode are discouraged.

- Drive Stun mode should only be used consistent with current training and manufacturer's guidelines. Drive stun mode should not be used if pain is unlikely to gain compliance due to mind-body disconnect (psychotic episode) or increased pain tolerance (drugs/alcohol).

C. CEW's may be used against an animal that is a hazard, threatening or attacking a person or another animal.

D. In deadly force situations, when multiple officers are on-scene of an incident, an officer capable of deploying deadly force will always be designated as a cover officer to the officer potentially deploying a CEW. This officer will be in a cover position, ready to deploy deadly force, if appropriate.

VI. Medical Care

A CEW may cause injury as a result of the probe or electrical discharge. The nature and severity of injuries depends on numerous factors. An individual exposed to a CEW, once taken into custody and secured will be monitored. Typically, once the CEW Discharge cycle has been completed, no further effects will be experienced by the individual. Officers will ensure that the individual is secured in a position that does not limit or disrupt their breathing (recovery position). Officers will monitor the individual for any signs of distress and initiate immediate medical care if needed.

A. Probes – The CEW Probes consist of “darts” which may pierce the individual's skin, and may become more imbedded by a post exposure fall. Probes will not be removed in the

field, but rather by a doctor or approved medical staff at the hospital.

- B. Transportation** – All suspects to whom a CEW has been used will be transported to the closest hospital. If the individual is compliant and not experiencing a medical emergency following the discharge of the CEW, the arresting officer may transport the individual to a hospital.
- If a medical emergency exists, regardless of the cause, an ambulance will be contacted to conduct the transport. Members will continue to provide care until the arrival of emergency medical personnel on scene.
 - Officers should attempt to photograph any probe impact sites/drive stun marks following the use of a CEW. If the impact sites/marks are in a private area, the officer will have a same sex officer or medical personnel photograph the impacted area(s) at the medical facility where the individual is treated.
- C. Post-Evaluation** – Following the evaluation at a hospital, if the individual will be transported to Carroll County Central Booking, intake staff should be made aware of the use of the CEW so that the individual will continue to be monitored for distress.
- D. Special circumstances** – During training, medial treatment will be obtained only when appropriate or requested by the member to whom the CEW was used on. Probes may be removed under the supervision of a CEW instructor following the proper removal protocol gained in training.

VII. Investigation and Reporting

- A. Deployment** – whenever the CEW unit is activated (device is on, laser dot is active, camera is on), an Incident Report and Use of Force Report will be completed by the activating officer.
- B. Discharge** – In addition to the Offense Report and Use of Force Report, cartridges and AFIDS (Anti Felon Identification Defense System) tags will be recovered and treated as biohazards. They will be submitted to the property room as evidence following agency evidence collection procedures.
- Cartridges will be collected and submitted anytime they are fired outside of training, regardless of whether they hit or miss the intended target.
 - The Cartridges and AFIDS will be stored as evidence until the conclusion of any criminal proceedings. These items will not be destroyed without first consulting with the State's Attorney's Office.
 - Every time the CEW is discharged outside of training, the device will be collected and submitted to the Training Supervisor.
 - The devices incident data will be downloaded from the CEW by the

Training Supervisor to Axon Evidence.com and stored for review. The downloaded data will be printed and attached to the Use of Force Report.

- If the CEW is equipped with a built-in camera, the Training Supervisor will download the video captured by the CEW camera, and the video will be secured as evidence.
- The Training Supervisor will review all Incident and Use of Force Reports related to a CEW discharge. They will make a recommendation to the Deputy Chief (Major) as to the appropriateness of the CEW discharge.
- Following the probe deployment of a CEW, the CEW cartridge and probes will be placed in property as evidence per agency protocol. The probes will be treated as biohazard sharps. The officer collecting the cartridge and probes will wear latex gloves when handling them. The wires will be wound around the cartridge. The probes will be inverted into the portals from which they were fired. This will prevent the sharp ends from penetrating the evidence bag. Tape will be placed over the portals to secure the probes into the cartridge.

C. Display only – no activation or discharge

Circumstances may exist where removing the CEW from the holster, without activating the device or targeting a person, would serve to de-escalate an incident. This use is defined as display only, and in the absence of any further crime or reportable incident, does not in itself require the completion of a report.

D. CEW Unintentional Discharge

- Any time cartridges are discharged unintentionally from the CEW, an internal memorandum will be generated. This memorandum will capture the circumstances of the discharge and will be forwarded to the officer's supervisor who will determine if a violation of policy occurred. A copy of the findings will be provided to the Training Supervisor, who will evaluate the circumstances to determine the need for any remedial training.

VIII. Prohibited Uses of a CEW

A. CEW's will not be used under the following circumstances:

- In a punitive or unnecessarily threatening manner.
- As a prod or escort device.
- Simultaneously with other CEW's.
- On an individual whose resistance is solely passive.
- Outside of the scope of officers training.
- In close proximity of known flammable liquids or gases, or explosive materials.
- When potential incapacitation of the subject would expose the subject to serious

bodily injury or death (e.g., fall from a high place or in water, when a subject is handcuffed and running, when a subject is running across a hard surface and likely to strike their head during a fall), except in a situation when deadly force would be justified.

- When an individual is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, skateboard, rollerblades), or machinery.
- When a police canine has been deployed for a suspect apprehension or handler protection, except if the canine has become ineffective for the purpose deployed.
- In violation of this or the “Use of Force” policies.

IX. Supervisor Responsibilities

- A.** When on duty, supervisors will respond to any CEW deployment. Supervisors will respond to the scene and ensure the proper Use of Force investigation is completed. Supervisors are responsible for ensuring all proper steps are completed to include, but not limited to, photographing probe impact sites and any injuries to the suspect, ensuring proper medical care is administered, and evidence is properly collected.
- B.** Anytime a CEW is deployed or discharged as described under Section VII of this directive, the responding supervisor or senior officer (if a supervisor is unavailable) shall complete the Axon “Supervisory Taser CEW Use Report”. This report does not replace the agency “Use of Force Report”, which must still be completed by the officer who used the force on a suspect.
- C.** In the event of a serious physical injury or death after a CEW discharge, the Chief or designee, the Mayor, and City Manager must be notified immediately. In addition, the on-duty supervisor or senior deputy shall complete the Axon “Critical Event CEW Checklist/Analysis and Evidence Collection Checklist”. Death or Serious Physical Injury to a suspect will be handled in accordance with Section IX of the “Use of Force” policy.

X. Cancellation

This written directive cancels and replaces prior Conducted Energy Weapon policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:

A handwritten signature in black ink, appearing to read "Robert Mitchell", followed by the number "0079".

A/Chief Robert Mitchell

9/20/23

September 20, 2023

Index As:

Axon Supervisor Taser CEW Report
Conducted Energy Weapon
Electronic Control Device
Probe Mode
Drive Stun Mode
Use of Force Report

TANEYTOWN POLICE DEPARTMENT

GENERAL ORDER 2022-01

LESS-LETHAL IMPACT MUNITIONS 36-6 (NEW POLICY, 02-09-22)

I. PURPOSE:

An impact munition weapon is a less-lethal weapon system that provides law enforcement personnel with an additional method of controlling subjects who may be dangerous or violent to themselves or others. Impact munition weapons will be used to enable the officer to carry out his duties in a safe and professional manner with minimal injuries to officers and citizens. The Taneytown Police Department (TPD) currently issues less-lethal shotguns to designated qualified members of the Department as an alternative tool for appropriate use of force situations. It is the policy of the TPD that its members will use less-lethal shotguns only in accordance with the use of force policy guidelines and the manufacturer's guidelines and recommendations. In addition, no member will be issued or permitted to carry or use an impact munition weapon until he has been trained in its use and demonstrated proficiency with it on an annual basis

II. DEFINITIONS:

1. **LESS-LETHAL SHOTGUN:** A weapon system which can be used to deliver less-lethal projectiles against an individual who is dangerous or violent towards themselves or others. The TPD will issue dedicated less-lethal 12-gauge shotguns for the sole purpose of discharging less-lethal impact projectiles. All less-lethal shotguns will be distinctively marked with an orange stock and orange fore-end which is equipped with a light and sling.
2. **LESS-LETHAL SHOTGUN AMMUNITION:** The TPD currently authorizes and issues CTS 2581 Super Sock 2 $\frac{3}{4}$ inch 12-gauge ammunition cartridges. The cartridge contains a Kevlar-Cotton tube less-lethal projectile filled with 40 grams of #9 shot. Consistent with the manufacturer's recommendations, CTS 2581 ammunition does not have a minimum safe stand-off distance however, the optimal engagement range is 15 – 60 feet.
3. **PASSIVE RESISTANCE:** Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect and do not pose a threat to the officer's safety. Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.

- 4. ACTIVE RESISTANCE:** Physical actions which actively and/or dynamically oppose an officer's attempt to control a suspect, or actions that a reasonable officer would believe pose a threat to his/her safety.
- 5. CERTIFIED INSTRUCTOR:** An officer who is authorized by this agency to carry and/or use a specific impact munition weapon system and has successfully met Maryland Police and Correctional Training Commissions (MPCTC) general instructor requirements and has successfully completed an approved instructor training course for the specific manufacturer's model of an impact weapon system for which the officer will be providing training.

III. TRAINING AND SAFETY

- 1.** Only officers who have successfully completed the Department's approved course of instruction on the less-lethal shotgun are authorized to carry and to use the weapon. Designated officers will receive an initial course of instruction on the use of less-lethal shotguns from certified instructors following strict guidelines and recommendations from the manufacturer and MPCTC regulations. Additionally, designated officers will receive annual in-service training in accordance with the manufacturer's recommendations, guidelines, and MPCTC regulations.
- 2.** Training will be developed and conducted by certified instructors. Initial and annual in-service training curriculums for less-lethal shotguns will include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of impact munition weapons, use of force, escalation, and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, potential for collateral occurrences, after care measures, side effects.
- 3.** Only sworn officers demonstrating proficiency in the use of a less-lethal shotgun during initial and annual in-service training may carry or utilize a less-lethal shotgun. "Demonstrating proficiency" means attaining a score of at least 80% on a written test covering the training topics and successfully demonstrating, to a Certified Instructor, skills in the safe handling and deployment of a less-lethal shotgun. In addition, during initial and annual in-service, officers must successfully complete a live fire course and obtain a minimum score of 80%. Failure to maintain current certification will result in the officer being removed as a less-lethal shotgun operator until such time that the certification is current. During initial training, and before being issued a less-lethal shotgun, all designated officers will be issued copies of, and instructed in, all the Department's General Orders concerning use of force and less-lethal shotgun use. The Training Coordinator will document the issuance of, and instruction in these General Orders. Receipt of policy will be tracked in PowerDMS.

4. Deploying less-lethal munition weapons and ammunition in an off-duty capacity is strictly prohibited. Store less-lethal shotgun, ammunition, and accessories in secure locations inaccessible to children and other unauthorized persons to prevent inappropriate access or use.
5. Officers who carry a less-lethal shotgun are prohibited from carrying another shotgun or lethal shotgun ammunition.

IV. TRANSPORT OF LESS-LETHAL SHOTGUN

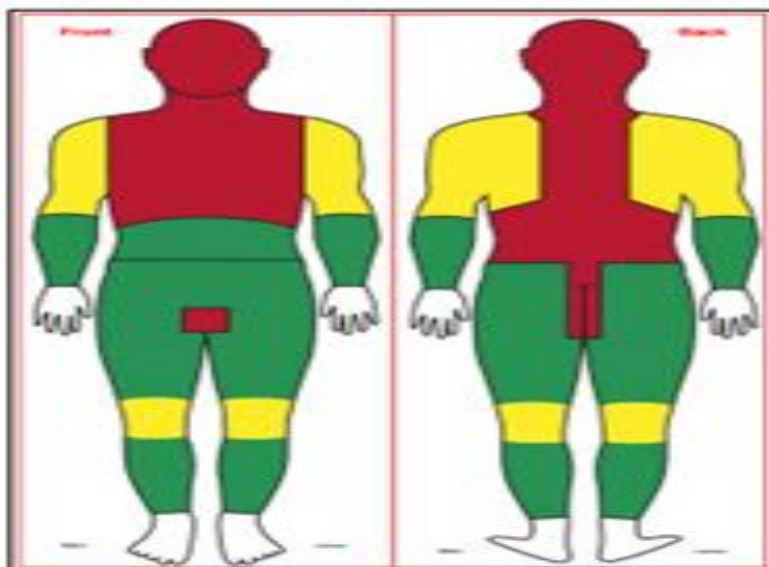
1. Less-Lethal Shotgun Operators are required to have the weapon system readily available for deployment while on-duty. The less-lethal shotgun will be issued with a case, sling, and 10 rounds of less-lethal impact ammunition. NO CONVENTIONAL AMMUNITION (buckshot, slug, etc.) will be issued to Less-Lethal Shotgun Operators, placed in, or carried with the less-lethal shotgun. While in the case, the less-lethal shotgun will be carried in SAFE STORAGE condition. SAFE STORAGE condition is:
 - A. Action CLOSED on EMPTY Chamber
 - B. Hammer DOWN (Trigger Pulled)
 - C. Cross-bolt safety ON
 - D. Magazine tube EMPTY
2. The less-lethal shotgun ammunition will be carried in the manufactures box or in a Mesa Tactical shell carrier mounted to the shotgun.
3. When feasible, two officers will be present when the less lethal shotgun is being loaded. One officer will load while the other officer observes the loading process to ensure no lethal ammunition is introduced into the weapon system.

V. DEPLOYMENT AND USE (WEAPON DISCHARGE)

1. Use a less-lethal shotgun only for its intended purpose, in legally justifiable situations. Any use of a less-lethal shotgun must be in accordance with the current law, use of force policy, and manufacturer's guidelines. Officers are required to have probable cause to arrest prior to using their less-Lethal shotgun during criminal investigations. This does not prohibit the officer from utilizing the less-lethal shotgun if objectively reasonable when necessary to accomplish a legally permitted law enforcement activity such as the service of an emergency petition. Less-Lethal Shotguns may be deployed (consistent with training) in circumstances including, but not limited to, the following: Persons posing an imminent threat of physical injury to themselves or others, Suicidal subject (Where a weapon is displayed), Violent Subject armed with a knife or other weapon (not

firearm), Subject violently resisting arrest where the use of other defensive weapons or tactics would place officers at risk by being in contact range of the suspect.

2. Officers shall not interpret this policy to mean that a less-lethal shotgun replaces the use of deadly force when deadly force is justified. A less-lethal shotgun, like any weapon or force option, does not always function as intended and is not effective on every subject. As with any use of force, if a particular option is not effective, consider using other force options, disengaging, or using other alternatives per agency guidelines. Always have a backup plan. Prior to the deployment of a less-lethal weapon, lethal cover must be provided for the less-lethal weapon operator.
3. Prior to discharging a less-lethal shotgun, the operator will identify himself/herself and state their intention to shoot, when feasible. The operator will also announce his/her intent to discharge the weapon by stating "bean bag," to warn other officers. Once the operator has stopped firing the weapon, the operator should announce that he/she has ceased firing, by stating "all clear." This will allow other officers to effect an arrest, when practical.
4. Targeting Zones: To reduce the risk of severe injury or death, use preferred target areas below in Green Zones. Intentionally targeting Red Zones on the subject should only be done if deadly force is authorized to include the Head, Neck, Upper Chest area (center mass), Kidney Area (back). Impacts to Yellow Zones can cause more permanent injuries and should be avoided if practical. The CTS 2581 impact ammunition does not have a minimum safe range however the optimal effective range is 15 – 60 feet. Consistent with training, Officers should select targeting zones based on range to target.



5. Less-Lethal Shotguns may be deployed against hostile or aggressive animals where the discharge of a firearm would be inappropriate

VI. PROHIBITED USES OF IMPACT MUNITIONS:

1. An impact munitions weapon system will not be used under the following circumstances:
 - A. In a punitive or unnecessarily threatening manner.
 - B. On an individual whose resistance is solely passive.
 - C. On an individual who is only attempting to destroy evidence.
 - D. Inconsistent with training procedures and manufacturer's guidelines.
 - E. When potential incapacitation of the subject would expose the subject to serious bodily injury or death (e.g., a fall from a high place or in water; when the subject is handcuffed and running; when the subject is running across a hard surface where he is likely to strike his head during a fall), except in a scenario where deadly force is justified.
 - F. In violation of use of force policy.

VII. POST DEPLOYMENT MEDICAL ATTENTION

1. A less-lethal shotgun application may cause injury as a result. The nature and severity of these injuries depends on numerous factors including the area of the body impacted, individual susceptibility, and other circumstances.
2. Following the use of a less-lethal shotgun, the officer utilizing the weapon will ensure that appropriate steps are taken to determine if the use of the less-lethal shotgun caused injury to the suspect or any other person. All persons will be provided with appropriate medical aid. An officer utilizing a less-lethal shotgun on an individual will immediately have EMS activated to provide medical aid. *(Where feasible or when time permits officers and supervisors should pre-stage EMS)*
3. As soon as it is safe to do so, officers will place the suspect / arrestee in a recovery position that is less likely to impair respiration. (e.g., seated or on his side versus prone). An officer will monitor the suspect for medical complications prior to the arrival of EMS. Officers will photograph the impact sites following the use of a less-lethal shotgun. If the impact sites/marks are in a private area, the officer will ask permission of the subject to have a same sex officer or medical personnel photograph the impact site/marks at the medical facility where the subject is treated. All persons who have been struck with an impact projectile will be transported to the closest hospital for treatment and precaution. Officers, with Supervisor approval may transport to the hospital,

provided that it appears, the persons injuries are superficial. If a suspect refuses treatment at the hospital, the arresting officer will copy paperwork documenting this refusal, and will provide a copy of this paperwork to Central Booking personnel, as well as submitting a copy of this paperwork with the arrest file.

VIII. REPORTING LESS-LETHAL SHOTGUN USE

1. Intentional uses as well as accidental discharges of the less-lethal shotgun will be reported to the officer's immediate supervisor as soon as possible. Anytime the less-lethal shotgun is deployed the officer deploying the weapon shall submit an incident report. Deployment means: removing the weapon from the officer's vehicle during a critical incident, displaying the weapon, aiming and/or pointing the weapon at a subject, discharging and/or otherwise using the weapon against a subject.
2. The Chief of Police or Chief's Designee shall be notified as soon as feasible after a less-lethal shotgun discharge or deployment. Officers will complete appropriate incident reports documenting the subject's threats behaviors and actions, each application of force, each weapon discharge, and each injury or alleged injury. A Use of Force Report along with any other incident and supplement reports will be completed following all deployment and discharges of impact munition weapons except during training. Reports will be completed prior to the officer's end of tour. If the officer is unavailable to complete the report, the officer's supervisor will complete the report.
3. Use of Force Reports involving the deployment of a less-lethal shotgun will only be reviewed and approved by supervisors and commanders who have received the annual less-lethal shotgun training in-service training or who have completed less-lethal shotgun operator certification training.

IX. SUPERVISOR RESPONSIBILITIES

1. Respond immediately to all incidents of less-lethal shotgun weapon deployment.
2. Ensure proper medical attention is requested.
3. Photograph any injury site on suspect
4. Collect spent less-lethal projectiles and empty cartridges for safekeeping and/or evidentiary purposes
5. Ensure deployment reports are completed
6. Inspect the less-lethal shotgun monthly to ensure for proper function.

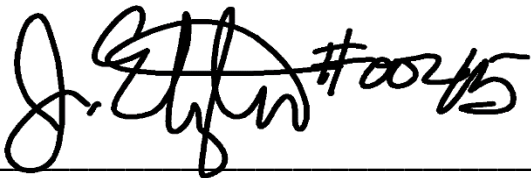
If the less-lethal shotgun use results in serious physical injury or death the incident will be investigated by the Maryland State Police and the Maryland State Attorney General's Office Independent Investigation Division

X. VIOLATIONS

1. Officers found in violation of this policy may be subject to removal from the less-lethal shotgun program and/or disciplinary action to include termination of employment.

THIS ORDER SUPERSEDES ALL OTHER ORDERS OR MEMORANDA IN CONFLICT WITH THIS ORDER.

APPROVED:



Jason S. Etzler, Chief of Police

02-09-2022

DATE

CITY OF TANEYTOWN
POLICE DEPARTMENT
POLICIES AND PROCEDURES MANUAL
DECEMBER 11, 2000

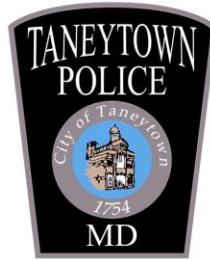
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TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Internal Complaint Process – Law Enforcement	GO 2023-08	09/20/2023

Policy: The policy of the Taneytown Police Department provides a thorough, fair, and expeditious disposition of complaints regarding the conduct of TPD Officers. Further, policy invites citizens to bring to the attention of the Department and City of Taneytown complaints about the conduct of its officers whenever that citizen believes the officer acted improperly. Complaints will be received courteously, and the Taneytown Police Department and City of Taneytown will make every effort to ensure that no adverse consequences occur to any person as a result of having brought what they believe to be a legitimate complaint or information to our attention. All complaints, including those submitted anonymously, will be investigated in accordance with the procedures described herein. The complaint disposition will be consistent with the obligation of providing equitable process for all parties involved. These procedures apply to allegations of misconduct against Taneytown Police Department sworn officers, both on-duty and off-duty.

Purpose: A relationship of trust and confidence between the Taneytown Police Department and the City of Taneytown, and the community is essential to effective law enforcement. Officers must be free to exercise their own judgment and take enforcement action in a reasonable, lawful, and impartial manner without fear of reprisal. Therefore, it is important to establish a disciplinary process that enables the Taneytown Police Department and City of Taneytown to initiate positive, corrective action for improper conduct while at the same time protecting officers from unwarranted criticism for properly acting in accordance with the law enforcement powers granted to them.

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- VI. Cancellation

I. Emergency Suspensions

This section is specific to Emergency Suspensions related to disciplinary matters as outlined in Md. Code, PS § 3-107.

- A. Emergency Suspensions – Pending an investigatory, Administrative Charging Committee, and Trial Board process, the Chief or designee may impose an emergency suspension, with or without pay, if he/she determines that such a suspension is in the best interest of the public (Md. Code, PS § 3-107, “Emergency suspensions”).
 - Emergency suspensions without pay may not exceed 30 days.
 - An officer suspended without pay under this paragraph is entitled to receive back pay if the Administrative Charging Committee determines not to administratively charge the officer in connection with the matter on which the suspension is based.
- B. The Chief or designee, may suspend a law enforcement officer without pay and suspend the law enforcement officers police powers on an emergency basis if the officer is charged with a disqualifying crime, as defined in Annotated Code of Maryland, Public Safety Article, §5-101, a misdemeanor committed in the performance of duties as a law enforcement officer, or a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
 - A law enforcement officer who has been suspended without pay in response to criminal charges is entitled to receive back pay if the criminal charge or charges against the officer result in a finding of not guilty, an acquittal, a dismissal, or a nolle prosequi.
- C. The Chief or designee shall terminate the employment of an officer who is convicted of a felony.
 - An officer’s employment may be terminated if they:
 - Receive a probation before judgement for a felony;
 - Are convicted of a misdemeanor committed in the performance of duties as a law enforcement officer; or

- Are convicted of a misdemeanor involving dishonesty, fraud, theft, or misrepresentation.

II. **Definitions**

- A. Allegations of Police Misconduct – Complaints involving a pattern, a practice, or conduct by an officer of the Taneytown Police Department that includes depriving persons of rights protected by the constitution or laws of the State or the United States, a violation of a criminal statute, and a violation of Taneytown Police or City standards and practices.
- B. Brutality - The unlawful use of excessive or unjustified physical force.
- C. Supervisor Counseling – Counseling of a subordinate by a supervisor which is considered a non-disciplinary corrective action (e.g., maintaining an unkept uniform).
- D. Non-Punitive Transfer - The Chief or designee has the authority to regulate the competent and efficient operation and management of the department by any reasonable means including, but not limited to, transfer and reassignment where that action is not punitive in nature and where the Chief or designee determines that action to be in the best interest of the member, department, and/or City.
- E. Non-Sustained - The investigation failed to disclose sufficient evidence to prove or disprove the allegation.
- F. Sustained - The investigation disclosed sufficient evidence to prove the allegations of misconduct.
- G. Chief – The Chief or designee of the Taneytown Police Department.
- H. Mayor – The Mayor of the City of Taneytown
- I. Common Council – The council and its members of the City of Taneytown
- J. IA – Internal Affairs Investigation directed by the Chief.
- K. Carroll County Police Accountability Board (PAB) – A five (5) member board, appointed by the Carroll County Commissioners for the purpose of receiving and tracking complaints of police misconduct filed by members of the public.
- L. Carroll County Administrative Charging Committee (ACC) – A committee responsible for the review of police misconduct investigations and forwarding a written opinion of same to the Chief and Mayor, the involved officer, and the complainant, describing the findings, determinations, and recommendations. The membership of the Carroll County Administrative Charging Committee is comprised of:

- The Chair of the PAB, or another member of the PAB designated by the Chair.
 - Two civilian members selected by the PAB, and
 - Two civilian members selected by the Board of Carroll County Commissioners.
- M. Carroll County Administrative Charging Committee matter – An allegation of police misconduct from a citizen or internally derived, which includes an encounter with a citizen.
- N. Non-Carroll County Administrative Charging Committee matter – An allegation of police misconduct, internally derived, which does not include an encounter with a citizen.
- O. Administratively charged – A finding of the ACC for an ACC related matter that results in a finding that the allegations against the officer were sustained. This finding includes a recommendation of discipline in accordance with the MPTSC disciplinary matrix as required by the Maryland Police Accountability Act of 2021.
- P. Not Administratively charged – A finding of the ACC for an ACC related matter that results in a finding that the officer was exonerated or the allegation against the officer is unfounded.
- Exonerated - The incident did occur, but the actions of the accused were justified, lawful and proper.
 - Unfounded – The investigation of the complaint indicates that the acts complained of did not occur.

III. Internal Complaint Processing

The Chief is responsible for and supervises the investigation of all complaints or allegations of misconduct directed against members of the Taneytown Police Department.

- A. All complaints will be forwarded to the Chief of the Department immediately upon receipt.
- B. Any complaint involving allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal conduct shall be investigated as an allegation of police misconduct whether occurring on or off-duty. Upon review of the complaint, the Chief, in consultation with the Mayor and City Attorney shall determine if these allegations should be investigated by an allied law enforcement agency.
- C. For other complaints such as, but not limited to, rudeness on the part of an officer, tardiness, insubordination, general policy and procedures violations, and other complaints not included above, the Chief may assign a department commander or line supervisor as

the investigating officer.

- D.** The Chief is responsible for supervising the accuracy and integrity of all complaint investigations conducted by investigators, commanders or supervisors; and:
- Assigning of investigative due dates
 - Preparing and delivering all internal affairs correspondence
 - Maintaining records of all investigations concerning allegations of misconduct, and the confidentiality thereof.
- E.** Quite often, complainants do not want an investigation conducted, but merely a clarification as to policy, procedures, laws, etc. In these cases, the Chief will assign the complaint to a supervisor who will contact and actively listen to the complainant clarifying any questions the complainant may have.
- Provided the complainant is satisfied with the clarification and is no longer interested in submitting a complaint, no further action is required. If the complainant is not satisfied with the supervisor's explanation, they may file a formal complaint with the agency.

IV. Initial Filing of a Complaint

A. Citizen Complaints

Citizens are encouraged to use the Complaint Against an Officer Form (TPD Form 2) to document allegations of police misconduct. Use of the Complaint Against an Officer Form is not a requisite for filing a complaint. As an alternative, citizens may file a complaint by email by following the procedures as described on the Taneytown Police office web page. In all cases, the complainant should provide a written statement about the event(s) including the times, dates, locations, and names of the officer(s) involved, if known. A citizen desiring to complain about an officer of the Taneytown Police Department either in person or by telephone will be referred to the highest ranking on-duty supervisor. If a person files a complaint in person, a photocopy of any written complaint will be given to the complainant as a receipt.

A citizen may also file a complaint directly with the ACC. Any complaint filed by a citizen to the ACC shall be delivered to the Chief within 72 hours of receipt by the ACC Chairperson.

- Per Public Safety Article §3-103, the complaint shall include:
 - The names of the officer(s) accused of misconduct;
 - A description of the facts on which the complaint is based; and

- Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
 - If the complainant refuses to document the complaint, and the allegation, if factual, would constitute misconduct, the receiving member of the ACC will document the complaint and forward it to the Chief.
- B. Internal Complaints by members of the Taneytown Police Department** - Any member desiring to file a complaint against an officer of the department will document the identical information prescribed above for a citizen's complaint on a memorandum and submit it to the Chief.
- C. Anonymous or Uncooperative Complainant** – All efforts should be made to gain cooperation of a complainant. If the contact information or the name of the officer involved cannot be established as a result of the complainant failing to cooperate, then the matter will be considered a Non-ACC matter. The person receiving the complaint will document as much information as was made available to him/her and forward the same to the Chief for review.
- D.** Nothing precludes the department from investigating allegations against officers from whatever source those allegations are derived when it is determined that such an investigation is in the best interest of the officer, community, City or department.
- E.** Any officer who takes retaliatory action against a complainant or witness shall incur appropriate disciplinary action. This does not prohibit the right of an officer to bring forth a civil suit arising out of their duties as a sworn law enforcement officer.
- F.** Complaints of a serious nature, such as those described in Section III, paragraph C of this directive, others where there may be a question of agency liability, and those which may result in heightened community interest, should be brought immediately to the attention of the Mayor and City Manager.
- G.** At least every 30 days, the Chief shall contact complainants, keeping them up to date on the status of their complaint.

V. Investigation of Complaints

- A.** The Chief will use the following guidelines when determining who will be assigned a complaint for investigation, whether the complaint will be handled at the supervisory level for complaints of a minor nature, or by a specific investigator, or allied agency in cases of serious misconduct.
- Type of complaint (seriousness and complexity)
 - Source of the complaint

- Number of individuals involved (accused and/or witnesses)
- Whether the accused officers are assigned to the same unit
- Jurisdictional limitations
- Underlying indications of graft, corruption, or other serious misconduct
- Any related matter that would dictate assignment

When processing a complaint for investigation, the Chief will:

- Issue an Internal Investigation Control Number;
- Assign the case for investigation; and
- Send a letter of acknowledgment to the complainant.

B. In addition, the following principles will serve as guidelines for the Chief when determining investigative responsibility:

- Discipline is a command responsibility, and
- Complaints should be investigated at the lowest possible level.

C. Internal Investigations Log

The Chief will maintain an Internal Investigations Log and record all complaints against Taneytown Police Department personnel that are investigated. The Internal Investigations Log includes the following information:

- The name of accused officer(s).
- Nature of complaint
- I.A. control number.
- Date complaint received.
- Date of Disposition.
- Assigned investigator.
- Disposition - Conclusion of Facts

D. Interrogation of Officers under Investigation

The officer under investigation shall be informed in writing of the nature of the investigation and all rights afforded him/her under Taneytown Police Department policy. To ensure the protection of rights guaranteed by policy, the "Internal Investigation Notification Form", is used in the administrative investigation of any incident that could lead to disciplinary action against an officer. Once an apparent violation is discovered and the investigation focuses on a particular officer(s), the "Internal Investigation Notification Form", shall be served before interrogation of that officer.

- An officer under investigation may waive, in writing, any or all rights provided under this policy.

- If the officer under interrogation is under arrest or is likely to be placed under arrest as a result of the interrogation, he/she shall be completely informed of his/her Miranda rights prior to the commencement of the interrogation.
- During the internal investigation, an officer may be ordered by the investigator to submit a statement and/or answer all questions that specifically relate to the subject matter of the investigation, regardless of the relative rank of the officer involved.
- Whenever an officer is under investigation or subject to interrogation by the department for any reason that could lead to disciplinary action, demotion or dismissal, the investigation or interrogation shall be consistent with the provisions of this policy.
- The interrogation shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, unless the seriousness of the investigation is of such a degree that immediate interrogation is required.
- The interrogation shall take place at the Taneytown Police Department or at the Taneytown City Hall. The determination as to where to interrogate an officer is up to the investigator. Interrogations shall not take place at the office of an attorney representing the officer.
- The officer under investigation, who is subject to interrogation, shall be informed of the name, rank, and command of the officer, deputy, trooper, or other law enforcement member in charge of the investigation. All questions directed to the officer under interrogation shall be asked by and through one interrogator during any one interrogation session.
- Interrogation sessions shall be for reasonable periods of time and to allow for personal necessities and rest periods as are reasonably necessary.
- The officer under interrogation may not be threatened with transfer, dismissal or disciplinary action.
- This policy does not prevent the City or department from requiring an officer under investigation to submit to blood alcohol tests, blood, breath or urine tests for controlled dangerous substances, polygraph examinations or interrogations which specifically relate to the subject matter of the investigation.
 - This policy does not prevent the City or department from commencing any action which may lead to a punitive measure as the result of an officer's refusal to submit to a blood alcohol test, blood, breath or urine test for controlled dangerous substances, polygraph examination, or interrogation after having been ordered to do so by an investigator, department, or City.
 - The results of any blood alcohol tests, blood, breath or urine test for controlled dangerous substances, polygraph examination or interrogation, as may be

required by the City or department under this sub-paragraph are not admissible or discoverable in any criminal proceedings against the officer when the officer has been ordered to submit thereto.

- The results of a polygraph examination are not admissible or discoverable in a criminal or civil proceeding against an officer when the officer has been ordered to submit to a polygraph examination by an investigator, the city, or the department (Annotated Code of Maryland, Public Safety Article, §3-107, “Emergency suspensions”).
- A record, audio recorded at a minimum, shall be kept of the entire interrogation of an officer, including all recess periods. Upon completion of the investigation, and upon request of the officer under investigation, or his counsel, a copy of the record of his/her interrogation shall be made available not less than ten (10) days prior to any hearing.
- At the request of any officer under interrogation, he/she shall have the right to be represented by counsel or any other responsible representative of their choice who shall be present at all times during any interrogation, unless waived by the officer. If the accused requests to be represented, the interrogation shall be suspended for a period not to exceed five (5) business days so representation may be obtained. However, the Chief, for good cause shown, may extend that period.
- An officer may not be required or requested to disclose any item of personal property, income, assets, source of income, debts or personal/domestic expenditures, including those of any family or household member, unless the information is necessary in investigating a possible conflict of interest with the performance of official duties, or unless such disclosure is required by state or federal law.
- Any person who knowingly makes a false statement, report or complaint in the course of an investigation or any proceeding conducted under the provisions, or this sub-title is subject to the same penalties as provided in the Maryland Criminal Law Article 9-501.
- An investigation and/or interrogation conducted by an allied law enforcement agency shall be pursuant to the rules outlined in this policy. A copy of this policy shall be given to the investigating body upon assignment of the investigation.

F. Internal Reports and Case Findings

Unless granted an extension by the Chief, all inquiries are to be completed within thirty (30) days of assignment. Upon completion of the investigation, the investigator will forward the report in a sealed envelope to the Chief for review and processing. All internal investigation reports will include:

- The allegations.

- A statement of facts arranged in chronological order.
 - The investigative findings or conclusion of facts
- G. Should the Chief not concur with the findings or actions of the investigator, he/she may choose one of several courses of action:
- The Chief may review the case with the investigator to point out deficiencies of supportive facts. Portions of the report may require rewriting because of non-supportive critical statements.
 - The Chief may direct the investigator to continue the investigation.
- H. **When the matter is deemed a Carroll County Administrative Charging Committee matter:** After the Chief completes his/her review, he/she will forward the investigative file to the Administrative Charging Committee along with any BWC footage of the incident. The Administrative Charging Committee may review any BWC footage that may be relevant to the matters covered in the investigation. After reviewing the investigation and any BWC footage, they will determine if the officer should be administratively charged or not administratively charged. If the determination is to be administratively charged, the ACC will make a recommendation for punishment consistent with the Disciplinary Matrix as set forth by the Maryland Police Training and Standards Commission. If the determination is the officer is not to be administratively charged, the ACC will determine if the officer is exonerated, or the complaint is unfounded. The ACCs findings will be forwarded to the Chief.
- The Chief may increase, but not decrease, the level of punishment recommended by the Administrative Charging Committee within the limits of the Maryland Police Training and Standards Commission Disciplinary Matrix.
- I. **When the matter is not deemed a Carroll County Administrative Charging Committee Matter:** For sustained matters, the Chief will review the investigation and issue punishment consistent with the Disciplinary Matrix as set forth by the Maryland Police Training and Standards Commission.
- J. If an officer disagrees with the findings/punishment of the Administrative Charging Committee or the Chief, they have a right to have the case reviewed by a Trial Board as described in the Annotated Code of Maryland, Public Safety Article, § 3-106, “Trial board process.”
- K. Reports of internal investigations, including witness statements, are confidential and will be maintained by the Chief in a secure area. The retention period for all internal investigations and disciplinary action, regardless of the outcome, is indefinite.

VI. Cancellation

This written directive cancels and replaces prior Internal Affairs – Law Enforcement policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:



A/Chief Robert Mitchell

9/20/23

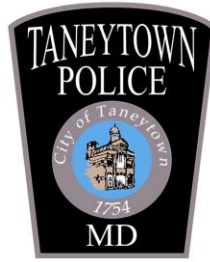
September 20, 2023

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Administrative Charging Committee
Citizen Complaints
Citizen Complaint Form
Disciplinary Action
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Police Accountability Board
Summary Punishment

TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Less Lethal Impact Munitions	GO 2023-04	09/20/2023

Policy: Officers should use the lowest level of force possible, options are not predicated on strict hierarchical sequence, nor must the officer always elect to start at the lowest level. The officer must evaluate the immediate circumstances and select the appropriate level of force for those circumstances. While consideration of the crime committed may play a role, it should not be the determining factor. Rather, it is the level of force being used against the officer and the potential for death or serious physical injury to the officer, innocent bystanders and/or victims, upon which the officer should base the decision to use force of any level. The Taneytown Police Department issues less lethal weapons to officers as an alternative tool for appropriate use of force situations.

Purpose: To provide officers with an authorized less lethal alternative when confronted with non-compliant, violent/armed subjects. The less-lethal force philosophy is a concept of planning and force application, which meets our operational objectives, with less potential for causing death or serious physical injury than the use of deadly force.

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- II. Operational Guidelines
- III. Training
- IV. Supervisory Oversight
- V. Storage and Transport
- VI. Deployment
- VII. Post Deployment Medical Attention
- VIII. Investigation and Reporting
- IX. Cancellation

I. Weapon Overview

The authorized less-lethal shotgun system consists of two parts:

A. Dedicated Remington 870, 12-gauge shotgun:

- Standard pump action model 870, 4 + 1 magazine capacity;
- Smoothbore barrel, sling, and light;
- Distinctively marked with blaze orange stock and fore-end;
- Used **ONLY** for the firing of less-lethal ammunition.

B. “Bean-Bag” Round:

- CTS 2581 Super Sock 2 ¾ inch 12-gauge ammunition cartridge
- Cartridge contains a Kevlar-Cotton tube filled with 40 grams of #9 shot
- Terminal velocity averages 280 feet/second at 10 yards
- Optimal engagement range is between 5 and 20 yards

II. Operational Guidelines

Officers should consider deployment of the less-lethal shotgun in high-risk encounters where suspect control is necessary and a minimal potential for death or serious injury is the desired result.

A. High risk encounters may include, but are not limited to:

- Hostage/Barricade situations.
- Suspect violently resisting arrest.
- Suicidal subject (where a weapon is displayed or indicated).
- Suspects violently resisting arrest or displaying weapons where the use of other defensive weapons or tactics would place officers at risk by being in contact range of the suspect.

III. Training

- A.** Only officers who have successfully completed the department’s approved course of instruction on the less-lethal shotgun are authorized to carry and use it in the course of their duties.
- B.** Officers shall be trained by instructors certified in less-lethal munitions training as prescribed by the manufacturer, COMAR, and the Maryland Police and Correctional Training Commission (MPCTC).
- C.** Officers certified with the less-lethal shotgun will be re-certified annually in accordance with the manufacturer’s recommendations, department policy and procedure, and MPCTC

guidelines.

- D.** Initial and annual recertification training will include at a minimum: weapon system nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles, and technology, as well as the agency use of force policy, and this policy. Likewise, training shall include judgement/decision making, legal considerations, physiological and psychological effects, target zones, potential for collateral occurrences, and first-aid.

Only officers demonstrating proficiency in the use of a less-lethal shotgun may carry or utilize one. Officers shall qualify annually with their assigned less-lethal shotgun, achieving a minimum score of 80% on a written test and 80% on a live-fire course. Any score less than eighty 80% on either the written test or live-fire course will result in immediate removal from the less-lethal munitions program.

- Remedial training will not be offered to officers failing to meet the minimum required score(s).

IV. Supervisory Oversight

- A.** When available, an on-duty supervisor will respond to the scene of a less-lethal deployment. They shall:
- Ensure proper medical attention and aid is requested/rendered.
 - Photograph any injuries to the subject.
 - Collect less-lethal projectiles and empty cartridges for evidentiary purposes.
 - Determine the need for crime-scene processing.
 - Ensure proper use of force forms are completed.
 - Notify the Chief or designee and/or Deputy Chief
- B.** If the discharge of a less-lethal shotgun results in serious physical injury or death, the incident will be investigated in accordance with Use of Force, Section IX, Subsection B.
- C.** When on-scene circumstances become inconsistent with established less-lethal training or any of this Office's policies, involved TPD personnel will react accordingly. Responsibility for deployment and/or discharge of the less-lethal shotgun rests ultimately with the certified less-lethal officer.

V. Storage and Transportation

- A.** Less-lethal shotgun operators are required to have the weapon system readily available for deployment when on-duty. The less-lethal shotgun will be issued with a case, sling, light, and 10 rounds of less-lethal impact ammunition. NO CONVENTIONAL AMMUNITION (buckshot, slug, etc.) will be issued too less-lethal shotgun operators. Likewise, conventional ammunition for 12-gauge weapon systems will not be stored, placed in, or carried with the less-lethal shotgun.

- B. While in its' carrying case, the less-lethal shotgun will be carried in safe-storage condition. Safe-storage condition is:
- Action CLOSED on EMPTY Chamber
 - Hammer DOWN (trigger pulled)
 - Cross-bolt safety ON
 - Magazine tube EMPTY
- C. The less-lethal shotgun ammunition will be carried in the manufactures box or in a Mesa Tactical shell carrier mounted to the weapon.
- D. Less-lethal munition weapons and ammunition should be stored in a secure location, inaccessible to children and other unauthorized persons to prevent inappropriate access or use.
- E. Officers who carry a less-lethal shotgun are prohibited from carrying another shotgun or lethal shotgun ammunition.

VI. Deployment

- A. A deadly force cover officer must be provided for the certified less-lethal officer.
- B. **It is the certified officer's responsibility to ensure the complete absence of lethal ammunition during any loading process.** Each round will be visually inspected before it is loaded into the less-lethal shotgun to confirm that it is in fact a less-lethal round. To ensure that the less-lethal shotgun is being loaded with a less-lethal round, a secondary officer shall inspect the round during the loading process to ensure that it is not lethal ammunition.
- C. All other personnel present at the scene will be informed of the intent to deploy the less-lethal shotgun and, except for the deadly force cover officer, told to holster their sidearms and put any long guns at a low ready position.
- D. When practical, the certified officer will use verbal commands and point the less-lethal shotgun at the subject prior to discharging the less-lethal shotgun.
- E. Deployment should occur at a range of 5-20 yards. Although these are the recommended minimum-maximum distances, actual range of deployment will be determined by the circumstances encountered.
- F. Prior to discharging the less-lethal shotgun the certified officer will loudly identify themselves and state their intention to shoot by stating, **"Officer XXX -less lethal round being deployed!"** Once the operator has stopped firing the weapon, the operator should announce that he/she has ceased firing by stating **"all clear"**. This will allow the officers to effect an arrest, when practical.

- G.** The actual targeting and discharge of the less-lethal shotgun will be consistent with training. When death or serious physical injury is not an option the less-lethal projectile should be directed at the following “Primary Areas”:

- Arm below the elbow – front or rear;
- Lower abdomen (above the groin and below the navel) – front only;
- Thigh – front or rear;
- Leg below the knee – front or rear, or;
- Buttocks.

Less-lethal projectile impacts to the head, neck, chest/solar plexus, and groin are very likely to cause death or serious physical injury and should be avoided unless, given the circumstances, the use of deadly force would be justified.

- H.** Anytime a suspect is struck with a less-lethal projectile:

- They will be transported by ambulance to a hospital for examination.
- The Chief or designee and Deputy Chief will be notified.

- I.** Deploying less-lethal munition weapons and ammunition in an off-duty capacity is strictly prohibited.

VII. Post Deployment Medical Attention

A less-lethal shotgun discharge may cause injury. The nature and severity of these injuries depends on numerous factors including the area of the body impacted, individual susceptibility, and other circumstances.

- A.** Following the use of a less-lethal shotgun, the officer utilizing the weapons will ensure that appropriate steps are taken to determine if the use of the less-lethal shotgun caused injury to the suspect or any other person. Appropriate medical aid will be provided to all persons needing it. An officer utilizing a less-lethal shotgun on an individual will immediately have EMS activated to provide medical aid. Officers shall also provide the appropriate medical aid up to their level of training.
- B.** As soon as it is safe to do so, officers will place the suspect in a recovery position that is less likely to impair respiration. An officer will monitor the suspect for medical complications prior to the arrival of EMS. Officers will photograph the impact sites following the use of a less-lethal shotgun. If the impact sites/marks are in a private area, the officer will have a same sex officer or medical personnel photograph the impact site/marks at the medical facility where the subject is treated.
- C.** All persons struck by an impact projectile will be transported to the hospital by EMS for treatment. If a subject refuses care at the hospital, the officer shall document the same on the use of force report and in their incident report.

VIII. Investigation and Reporting

Kinetic impact/less-lethal projectiles occupy a level on the use of force continuum at which the use of a Collapsible Straight Baton would be appropriate but where deadly force is not justified. Absent death or serious physical injury to a suspect, operational deployment of the less-lethal shotgun will not be investigated as an “Officer-Involved shooting.”

- A.** Officers will immediately report to the Chief or designee and Deputy Chief any discharge of a less-lethal shotgun, (except for authorized range practice), to include the completion of required written report(s) documenting the incident.
 - If a suspect is struck with a less-lethal projectile, initial investigation and reporting will include a Use of Force Report, Incident Report and photographs. In cases where the result is death or serious physical injury, or where the less-lethal projectile is intentionally deployed to a target area recognized as likely to cause death or serious physical injury, the investigation shall be expanded as required under the “Use of Force” policy.
- B.** Officers should consider having a crime scene technician respond to process the scene; including submitting photographs, expended cartridge(s), and other items that may be considered of evidentiary value into evidence.

VII. Cancellation

This written directive cancels and replaces prior Less Lethal Munition Policies and General Orders and supersedes any directives in conflict therewith.

AUTHORITY:

A handwritten signature in black ink, appearing to read "Robert Mitchell", followed by the number "0079".

A/Chief Robert Mitchell

9/20/23

September 20, 2023

Index As:

Flexible Baton Round
Less Lethal Force
Less Lethal Impact Munitions
Less Lethal Shotgun
Remington 870, 12 Gauge Shotgun
Use of Force Report

TANEYTOWN POLICE DEPARTMENT

MISSION STATEMENT

The quality of neighborhood life, its safety and welfare comes from the commitment of each of its citizens. The Taneytown Police Department takes pride in its role as a citizen of the community and will strive to develop a strong partnership with its members to deliver a quality law enforcement service. We dedicate our full time efforts to the duties incumbent upon every community member. As we act, we are universal citizens deriving our authority from those we serve. We accept our law enforcement mission to serve our community with the enduring belief that in doing so we serve ourselves. As professionals we view our responsibilities as a covenant of public trust, ever mindful that we must keep our promises. As we succeed, our effectiveness will be measured by the absence of crime and fear in our neighborhoods and by the level of community respect for our efforts. In accomplishing this all-important mission, we are guided by the following principles:

To recognize that primary purpose of our organization is not only the skillful enforcement of law, but the delivery of humanitarian services which promote community peace.

To understand that we must maintain a level of professional competence that ensures our safety and that of the public without compromising the constitutional guarantees of any person.

To base our decisions and actions on ethical as well as practical perspectives and to accept responsibility for the consequences.

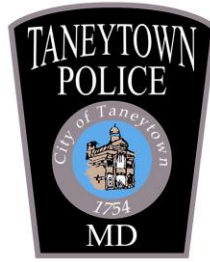
To build a collaborative relationship with the community allowing them to assist in determining the best course of action to achieve community order.

To strive for innovation, yet remain prudent in sustaining our fiscal health through locating and using resources available to us.

To never tire from our duty, stand up and face our difficult tasks and never lose sight of our vision for humanity.

TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Patrol Rifle Program	GO 2023-03	09/20/2023

Policy: The Taneytown Police Department recognizes the increased threat to public safety posed by heavily armed suspects wearing ballistic protection. In response, the department has implemented a Patrol Rifle Program to enable first responding officers to increase officer and public safety during high-risk incidents.

Purpose: To establish policy and procedures for the proper training, deployment, and usage of patrol rifles.

Contents:

- I. Equipment
- II. Procedures
- III. Care & Maintenance
- IV. Reporting
- V. Removal from the Program
- VI. Cancellation

I. Equipment

The **AR-15 M4, M16 variant rifle**, chambered for the .223 (5.56mm X 45 mm) cartridge, are authorized for the Patrol Rifle Program. This rifle will be used **only** in the semi-automatic mode of fire.

- A.** Officers issued a patrol rifle will also be issued a sling, case, optical sight, 5 magazines, 140 rounds of .223 ammunition, and a bailout bag.
- B.** Officers will load each magazine with two less rounds than the total magazine capacity (e.g., twenty-eight (28) rounds in a thirty (30) round magazine).

II. Procedures

A. Training and Qualification

- Officers selected to be issued a patrol rifle must successfully complete a basic or tactical rifle school approved by the Training Supervisor and the Maryland Police & Correctional Training Commission.
- Officers shall qualify semi-annually with their assigned rifle, achieving a minimum score of ninety (90) percent to qualify. Any score less than ninety (90) percent will result in immediate forfeiture of the patrol rifle.
 - Remedial training will not be offered to officers failing to meet the minimum required score.
- During annual qualification, participating officers will also receive familiarization training with the rifle and Taneytown Police Department OP401, "Use of Force".
- All training and qualification records will be maintained by the Training Supervisor.

B. Deployment Guidelines

- Officers issued a patrol rifle shall only deploy it in extraordinary circumstances. The decision to deploy a rifle shall be in conformance with the training provided and based upon the information and resources available at the time, the risks created by the use of the rifle, and the danger posed by the suspect.
- Trained and qualified officers may use patrol rifles to:
 - Provide an immediate tactical response to calls involving armed and/or violent offenders.
 - Increase citizen and officer safety during high-risk incidents.
 - Provide for more accurate and controlled shot placement.
 - Penetrate ballistic body armor.

C. Qualified officers may deploy the issued patrol rifle under any of the following conditions (this list is not all inclusive):

- Perimeter/containment situation involving a hostage situation and/or barricaded subject.

- Response to an active shooter.
- High risk traffic stops.
- An incident where an officer has a reasonable expectation that there is a potential for an armed subject encounter.
- Provide cover for a K-9, or other law enforcement officer, in the search for an armed subject.

D. Officers will always consider the potential consequences of their actions when making the decision to use a rifle. In addition to OP401 “Use of Force”, officers must consider the following factors:

- Reduced use of hands when using the rifle
- Handcuffing or searching a suspect requires the assistance of another officer.
- Officers will not search or handcuff a suspect while holding the rifle.
- Potential background targets and extended ballistic range of a rifle
- The possibility that the presence of the rifle may incite or aggravate a situation as opposed to being a protective measure

E. Transportation and Storage

Patrol Rifles will be kept in one of three (3) conditions.

- **CAR CARRY CONDITION:** The rifle will be always kept in the car carry condition when it is not deployed and charged. The car carry condition is as follows:
 - Magazine inserted
 - Bolt forward on an empty chamber
 - Selector switch on SAFE
 - Secured in a vehicle rack or in a protective case
- **CHARGED CONDITION:** The rifle will be placed in the charged condition when the rifle is deployed for training or duty. The charged condition is as follows:
 - Loaded magazine inserted
 - Round chambered in the rifle
 - Selector switch on SAFE until ready to fire in semi-automatic mode.

- **ARMORY CONDITION:** The rifle will be placed in armory condition when the rifle is going to be inspected, checked for maintenance or during an interruption on the shooting line. The armory condition is as follows:
 - Magazine removed
 - Bolt locked to the rear
 - Selector switch on SAFE
 - Ejection port visible

- F. The rifle shall be stored in the trunk of the officer's assigned vehicle in a case or locked in the vehicle rifle rack in safe condition. The exception is when the rifle is deployed for an incident, maintenance, or training.

III. Care & Maintenance

- A. Officers are responsible for the periodic cleaning and lubrication of their assigned rifles in accordance with their training.
- B. Only an certified rifle armorer shall perform maintenance other than normal cleaning and lubrication.
- C. All rifles will be armored once a year or more. The Training Supervisor will maintain all records of maintenance to the rifle.
- D. Any mechanical failure of the rifle will be immediately reported to the Training Supervisor.
- E. Any damage to the rifle will be reported to the Training Supervisor.
- F. Failure to properly maintain an assigned rifle may result in removal from the Patrol Rifle Program and reassignment of the rifle.

IV. Reporting

- A. Anytime a patrol rifle is deployed, other than training or maintenance, the deploying officer will complete an incident report, or supplemental report, detailing the deployment.
- B. In conformance with OP401, "Use of Force", patrol rifle is discharged other than for training, a Use of Force Report, will be completed.

V. Removal From the Patrol Rifle Program

Any officer who fails to violate this policy may be removed from the patrol rifle program and be required to relinquish their issued patrol rifle. Other factors which may cause an officer to be removed from the program include poor general performance, improper maintenance of the weapon, failure to properly follow the mandates of the program, failure to qualify, inappropriate display or use of the rifle based on training received and/or any other significant breach of this policy or use of force guidelines.

VI. Cancellation

This written directive cancels and replaces prior Patrol Rifle and Patrol Rifle Program policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:

A handwritten signature in black ink, appearing to read "Robert Mitchell", followed by the number "0079".

A/Chief Robert Mitchell

9/20/23

September 20, 2023

Indexed As:
AR-15, M16
Patrol Rifle
Rifle

TANEYTOWN POLICE DEPARTMENT

GENERAL ORDER 2021-02

PATROL RIFLE (TYPE-3) POLICY 36-5 *(NEW POLICY, 09-21-21)*

I. PURPOSE:

To more effectively and accurately address the increased firepower and body armor used by criminal suspects, the Taneytown Police Department (TPD) will make patrol rifles available to qualified officers. A patrol rifle is an authorized weapon owned by the TPD and made available to properly trained and qualified officers as a supplemental resource.

II. DEFINITION OF TYPE-3 PATROL RIFLE:

“Type-3 long gun” also known as a “Patrol Rifle” means a long gun without an optical sighting device, or with an optical sighting device of 4 power or less.

III. SELECTION OF PERSONNEL:

Members shall be selected for the program, each of which will be authorized to employ a rifle upon satisfactory completion of the training program. The personnel selected for this program will meet the following criteria:

1. At least two years as a member of the TPD (Lateral Officers may be accepted into the patrol rifle operator program once the training requirements under this section are met).
2. Favorable annual employee evaluations.

IV. REMOVAL FROM PATROL RIFLE PROGRAM

Officers selected for the patrol rifle program may be removed from the program for any of the following reasons:

1. Recommendation for removal by the officer's immediate supervisor and/or commanding officer.
2. Failure to maintain favorable annual employee evaluations.
3. Failure to qualify semi-annually with rifle.
4. Failure to obey patrol rifle policy.
5. Anytime based on the discretion of Chief of Police and/or his designee.

V. PATROL SERGEANT RESPONSIBILITIES:

1. Make appropriate notifications to the chain of command when the rifle is discharged.
2. Review reports of patrol rifle use to ensure adherence to policy.

VI. PATROL LIEUTENANT / DEPUTY CHIEF RESPONSIBILITIES:

1. Ensure strict measures are used to obey policy and secure the assigned rifles.
2. Make appropriate notifications to the chain of command when the rifle is discharged.

VII. REQUIRED TRAINING:

Training and Qualification Requirements, Maryland Police and Corrections Training Commission (MPCTC) has clearly defined standards for the initial certification and annual qualification of law enforcement personnel to carry a rifle. These standards, along with the more rigorous standards of the TPD, are:

1. 1 instructor per 3 students for training and qualification.
2. Prior to carrying or using any rifle an officer must attend and successfully complete a basic rifle program. (28 Hour Training Program)
3. Once approved each officer will complete semi-annual qualification courses of fire during the first six months and last six months of each calendar year.
4. A minimum score of 90% must be achieved on each course of fire with the patrol rifle.

5. If an officer does not qualify with their patrol rifle during two consecutive six month periods, one attempt for each six month period, the officer will not be permitted to carry a patrol rifle.

VIII. PATROL VEHICLE STORAGE WHILE ON-DUTY:

Patrol Rifle Certified Officers will adhere to the following guidelines for the storage of patrol rifles while on-duty:

1. Only TPD issued rifles may be carried while on-duty. Only TPD issued ammunition may be carried or used during deployment of a rifle.
2. While on patrol, the rifle shall be kept in car carry condition with an empty chamber, bolt closed, and a loaded magazine inserted. The rifle shall be kept in a TPD issued or approved case in the trunk of the patrol vehicle. It shall have two additional loaded magazines.
3. Regardless of magazine capacity, officers will load each magazine with two less rounds than the total magazine capacity (i.e., 28 rounds in a 30-round magazine)
4. When carrying a patrol rifle in assigned vehicles, officers shall not leave the vehicle unlocked or unattended with the keys in the ignition.
5. Officers may carry both a shotgun and patrol rifle, however an officer shall only deploy one long gun at any time.

IX. REQUIRED CARRY AND DEPLOYMENT CRITERIA:

Officers assigned patrol rifles will be required to have the weapon available to them while on-duty. Officers assigned a patrol rifle shall exhibit sound judgement when deploying the patrol rifle. Use of Force Situations in which the deployment of a rifle may be appropriate include, but are not limited to:

1. When the suspect is armed with a firearm, high-powered rifle, shotgun, or any weapon that is capable of injuring multiple persons or causing multiple serious injuries or is wearing body armor.
2. The officer reasonably anticipates an armed encounter.
3. An active-shooter incident.

4. Barricade and hostage incidents.
5. When an officer is faced with a situation that might require the delivery of accurate and effective fire at long range.
6. When the suspect has a tactical advantage, for example, armed-high ground.
7. When directed to deploy the rifle by supervisor or incident officer-in-charge (OIC).
8. Incident Supervisor or OIC should continually monitor the incident and request an allied agency Tactical Response Team when conditions warrant.

X. REPORTING REQUIREMENTS:

After the incident is resolved, the officer shall submit a written report outlining the circumstances requiring the deployment and/or discharge of the patrol rifle prior to end of tour of duty. If the officer is not available to complete a report, the officer's first line supervisor or incident OIC will complete the report.

XI. HOME STORAGE WHILE OFF-DUTY:

The safety and security of firearms while off-duty is the responsibility of the individual officer. Officers assigned a patrol rifle will be permitted to take the patrol rifle home. The rifle shall be stored off-duty consistent with storage of other departmental weapons. Storage of patrol rifles in vehicles while off-duty is strictly prohibited by this section.

XII. MODIFICATIONS TO RIFLES AND INSPECTION:

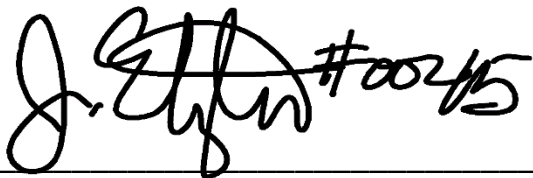
Officers who are assigned patrol rifles shall not make any modifications to the rifle without written permission from the Chief of Police. Officers assigned patrol rifles will be required to present the weapon for inspection at the direction of the Chief of Police or the Chief's designee. Patrol rifles will also be inspected during semi-annual qualification by a certified patrol rifle instructor.

XIII. VIOLATIONS OF POLICY:

Officers who violate this policy may be removed from the patrol rifle program and face disciplinary action at the discretion of the Chief of Police or the Chief's designee.

THIS ORDER SUPERSEDES ALL OTHER ORDERS OR MEMORANDA IN CONFLICT WITH THIS ORDER.

APPROVED:



Jason S. Etzler, Chief of Police

09-21-21

DATE

TANEYTOWN POLICE DEPARTMENT

GENERAL ORDER 2019-01

POLICE OFFICER SELECTION

I. PURPOSE:

To establish guidelines for the selection of sworn personnel – **POLICE OFFICER**

II. POLICY:

It is the policy of the Taneytown Police Department to maintain an efficient, effective and objective selection process for prospective sworn officers. The goal of the selection process is to choose the highest caliber personnel who possess the skills, knowledge, and abilities necessary for success in the field of Law Enforcement. The components and procedures utilized in the selection process shall comply with state statutes, EOE regulations, City ordinances and personnel rules. Selection shall be conducted in a manner that is fair, consistent and non-discriminatory.

III. DEFINITIONS:

EOE: Equal Opportunity Employment

M.P.C.T.C.: Maryland Police Correctional Training Commission

IV. OBJECTIVES:

The selection and hiring process, as outlined in this Order and adopted by the Taneytown Police Department, has been designated to meet the following objectives:

A. To attract and hire the most qualified applicants available;

- B. To provide a realistic, nondiscriminatory, comprehensive selection and hiring process in which individuals desiring employment with the Department will be able to participate;
- C. The scoring methods and criteria for all elements of the process are administered, scored, evaluated, and interpreted in a uniform manner;
- D. To ensure the applicants understand the qualifications required for employment with the Department;
- E. To ensure that police personnel involved in the selection and hiring process understand their duties and responsibilities as members of the agency; and
- F. To provide a process which fulfills the mandates of the “American with Disabilities Act of 1990” (ADA) and Title VII of the Civil Rights Act of 1964.

V. PROCEDURE: SELECTION

- A. PROFESSIONAL AND LEGAL REQUIREMENTS:
 - 1. Department Role: The Chief of Police is responsible for selecting sworn personnel. The authority and responsibility for administering the Department’s role in the selection process are vested in the Chief of Police. The elements of the selection process which remain the primary responsibility of the department include the following:
 - a. Establishing the levels of skills, knowledge, abilities, and job descriptions for entry level/lateral positions;

- b. Conducting applicant background investigations and fingerprinting eligible candidates as directed by the Chief of Police.
- c. Monitoring and evaluating employee progress during the probationary period ensuring that the methods used for the evaluations of probationary sworn members employ valid, useful, and nondiscriminatory practices.

B. COMPONENTS OF THE SELECTION PROCESS

1. The selection process shall have the combined effect of components and procedures leading to the final employment decision. The components of the Department's selection process include the following:
 - a. An applicant seeking employment with the Department must complete an Application for Employment and submit it to the Office of the Chief.
 - b. Orientation: a briefing by members of the Department setting forth a brief history and overview of the City of Taneytown, the Police Department, an outline of the components of the selection process, the schedule of such events, personal statements by members of the Department, and a question and answer period.
 - c. Physical Agility Test: the phases of the examination are designed to determine a candidate's strength, endurance, coordination, and will conform to the "Cooper Institute" Standards for physical fitness, as published by the Department.

- d. Preliminary Character and Background Investigation: a review of the application and the required documents to verify the candidates qualifying credentials, and review criminal records (if any), and driving history.
- e. Initial Interview: Each candidate for an entry-level or lateral position, who has successfully passed all prior elements of the selection process, shall be interviewed by the Chief of Police, a Departmental Interview Board, or designee.
 - i. A Departmental Interview Board will be comprised of a diverse group of a sworn personnel approved by the Chief of Police.
 - ii. The Board will consider the applicant's ability to reason and to arrive at logical conclusions while functioning under stress. They will also judge the applicant on his/her career preparation, job perception, expectations, problem analysis and judgement, interpersonal skills, integrity, oral communication, self-confidence, appearance and demeanor.
 - iii. The interview is structured so that each candidate is asked identical questions. No follow up questions are allowed to ensure the uniformity of the interview.
 - iv. At the completion of the interview, the candidate will receive a numerical score by each member of the Board individually, based on the responses to the questions asked during the interview. The Board members will then discuss their scores and come to a consensus. The consensus score will be the total score. The total score

will be used to determine the candidate's position within the applicant pool. Candidates who are not selected to move forward in the process will be notified in writing of the fact.

- f. Detailed Character and Background Investigation: a detailed background investigation of each qualified candidate will be conducted by Department investigators, trained in the collection of required information, prior to appointment. The background investigation will be conducted in conformance with the standards set forth by MPCTC which include: verification of the qualifying credentials, a review of any criminal record, review of the Personal History Questionnaire, verification of at least (3) personal references, employment history, educational background, credit history, military records, driving record, neighborhood and community standing and service, and such other data and information pertinent to a proper review and analysis of the candidate. A final written report summarizing the findings of the investigation will be prepared by the background investigator and included in the candidate's file. A MPCTC Police Selection Standards Audit Checklist form will be used to ensure that all required background information is collected. (see page 13) A record of each candidate's background investigation will be maintained as dictated by the records retention schedule.
- g. Polygraph Device Deceptive Test: Polygraph examinations will be used as an investigative aid to the employment selection process. Candidates for all positions within the Department, to include civilians, as well as officers, will be required to submit to a pre-employment polygraph examination. Only individuals trained at an accredited school in the use of the polygraph will administer examinations.

- i. Each candidate will be provided with a list of area/questions that will be covered in the polygraph prior to the examination.
- ii. 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 limited to, drug usage, involvement in serious crimes, etc. The polygraph examiner will, however, conduct a complete pre-test interview with the candidate.
 - 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.
 - The polygraph examiner does not have the authority to disqualify any candidate 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.

- In the event that the results of a candidate's polygraph examination are deemed inconclusive or deceptive, the polygraph examiner will debrief the candidate (post-test interview) and attempt to determine the area that has caused the difficulty. A second polygraph will then be administered in an attempt to clear up the matter. Failure during a second polygraph examination will trigger another interview in an attempt to uncover the source of the problem. The polygraph will not be used as the sole determining factor in the elimination of a candidate from further consideration. In all cases, the polygraph examiner will thoroughly document the reason for the polygraph failure.
- h. Chief of Police Interview: Each candidate for an entry-level or lateral position, who has successfully passed all prior elements of the selection process, shall submit him/herself for a final review before the Chief of Police. The Chief of Police will make the final decision on employment for all candidates.
- i. Conditional Offer of Employment: Each candidate who has successfully completed the prior elements of the selection process will be given a "conditional offer" of employment. This offer will stress that all candidates must successfully complete the remaining components of the selection process and that a "final offer of employment" will be made to the most qualified candidates based on the number of vacancies that the Department is authorized to fill.

- j. Medical Examination: A medical examination of each Department candidate, including civilians, will be conducted by physicians designated by the City of Taneytown, prior to appointment to probationary status, using job related, useful, and non-discriminatory procedures. The purpose of the examination is to reveal any medical problems which may inhibit work performance or contribute to work related disabilities.
- i. Medical examinations will be conducted as part of the selection process after a conditional offer of employment has been made.
- ii. The following examinations are generally performed for all candidates:
- Medical history
 - Complete physical examination
 - Blood profile
 - EKG
 - Hepatitis Vaccine
 - Vision test
 - Hearing test
 - Nose, throat, and mouth examinations
 - Drug screening

- k. Psychological Examination: Each candidate for the entry-level or lateral position, who has received a conditional offer of employment, shall submit him/herself for a psychological examination to be given by a certified psychologist authorized by the City of Taneytown.
 - i. The psychologist performs a battery of written psychological tests and conducts a personal interview with each candidate to assess his/her ability to deal with the stress of a law enforcement officer's duties. During the test and interview, an attempt will be made to identify and disqualify those individuals who possess characteristics and attitudes that are undesirable in the profession of law enforcement. Some characteristics are, but certainly are not limited to, racial, ethnic or religious prejudice and propensity to use unnecessary force.
 - ii. The results of the psychological examination and interview will be treated as confidential and shall be maintained in a file separate from all other personnel and medical files, and will be retained indefinitely. Examination or review of these files by any individual must be only with explicit permission of the Chief of Police.
- l. Probation: A person appointed to the entry level rank in the Department shall be on probation for a period of (24) twenty-four months from the date of hire. During the probationary period the appointee may be dismissed at any time by the Chief of Police without prior notice or hearing, on the recommendation of the Command Staff, stating that, in their opinion, it is not in the best interests of the Department to

Continue the employment of the probationary appointee.
The decision of the Chief of Police shall be final.

- i. Probationary Training Expense Reimbursement
 - New hires that resign their employment and transfer to another law enforcement agency prior to completing (60) months of services from the date of hire shall pay back, on a pro rata basis, the costs of training and equipment as outlined in the employees' written agreement.
- ii. Entry Level officers with satisfactory evaluations will be eligible for PFC designation (2) years from date of hire.
- iii. Employees hired as Lateral Police Officers will have a (12) twelve-month probationary period from the date of hire, and with satisfactory evaluations will be eligible for PFC designation (1) one year from date of hire.
- m. Personal History Questionnaire: Each candidate will be required to complete a Personal History Questionnaire. The background investigator will review the questionnaire for information that may disqualify the candidate from further consideration. Automatic disqualification from the selection and hiring process will be for:
 - i. False information on any document supplied to or filed with the Department during any phase of the selection process (including making a false statement of material fact, intentionally omitting a material fact, or the practice or attempt to practice any form of deception or fraud).

- ii. Conviction of any felony or for any domestic violence offense (including, but not limited to, Assault, Battery, Telephone Misuse, False Imprisonment, Stalking, Harassment, etc.)
- iii. Admitted involvement in any felonious/violent criminal activity for which formal criminal charges have not been brought.
- iv. Termination from another law enforcement agency.
- v. Illegal drug use which fails to meet the standards of the Maryland Police Corrections Training Commission (MPCTC) Rules and Regulations.
- vi. Any use of any hallucinogenic drugs, including mushrooms.
- vii. Conviction of any violation under Maryland Motor Vehicle Law, Section 21-902 within five (5) years of the Commencement of the selection process. (This includes Probation Before Judgment dispositions).
- viii. Any admitted criminal activity.
- ix. Discharge from military service with less than "General Under Honorable Conditions."

The Chief of Police will cause any individual who has been automatically disqualified from continuing in the selection process to be notified, in writing, of that fact.

Documentation of this notification, as well as the reason for the disqualification will be attached to the candidate's application form.

n. Record Keeping:

- i. An applicant will be notified in writing of his/her status in the selection process.
- ii. Copies of all correspondence sent to a candidate will become part of the applicant's file.
- iii. All records of candidates will be maintained as dictated by the Records Retention schedule securely, locked in storage cabinets in the Office of the Administrative Assistant to the Chief.
- iv. Release of information will require a signed release by the employee or Court Order with review and approval by the Department Legal representatives.

THIS ORDER SUPERSEDES ALL OTHER ORDERS OR MEMORANDA IN CONFLICT WITH THIS ORDER.

APPROVED:



Jason S. Etzler, Chief of Police

09-03-19

DATE

MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS POLICE**SELECTION STANDARDS AUDIT CHECKLIST**

Selection Standard	Compliant	Non-Compliant	Comments
At least 21 years old			
U.S. Citizen or resident alien			
At least H.S. Diploma or GED			
Medical Exam w/doctor name & date of exam			
Mental Health Exam w/doctor name & date of exam			
Oral interview w/date and name of interviewer			
Valid Driver's License & review of driving record			
Military Record check			
Credit Report			
School Records/interviews w/ school officials if attended in last 5 yrs.			
Interviews w/ neighbors			
Interviews w/ Personal References			
Interviews w/employers			
Interviews w/coworkers			
Investigation into prior drug use			
Drug Screening			
Polygraph/Voice Stress Test			
Criminal Record Check through NCIC/CJIS			

SECTION I

DEFINITION OF TERMS

1-0 Definitions

For the purpose of this chapter the following definitions will apply:

ADMINISTRATIVE INVESTIGATION - Any inquiry initiated by command or supervisory personnel of this agency, into alleged inappropriate or wrongful actions of another employee, which inquiry is intended to lead to an objective finding.

ADVERSE MATERIAL - A formal process of inserting objectionable or adverse information into the official and auxiliary personnel records of agency police employees without using summary punishment or hearing board procedures. Whenever information may be regarded by the employee as objectionable or adverse, this process must be used. Adverse material does not include information contained in employee observation reports, supervisors' notebooks or other similar employee records.

AGENCY/DEPARTMENT - Taneytown Police Department

BRUTALITY - Is considered to include any situation wherein a law enforcement officer, while acting in his official capacity, resorts to the use of force which is unnecessary in its origin and application; or if force is deemed necessary, is excessive in its application.

CHIEF - The Chief of Police

COMPLAINT – A grievance against an officer's actions

COMPLAINANT - The aggrieved person, a member of the aggrieved person's immediate family, or a parent or guardian in the case of a minor child, or any person with first hand knowledge obtained through his presence at and observation of the alleged incident.

COUNSELING - Supervisory counseling of subordinates in non-disciplinary action.

EMERGENCY SUSPENSION - A temporary suspension of police powers imposed against a law enforcement officer, with or without loss of compensation on authority of the Chief and in concurrence with the City Manager, when it appears that such action is in the best interest of the public and the agency.

FORMAL HEARING - Any proceeding conducted by a Hearing Board for the purpose of taking or adducing testimony or receiving other evidence in connection with charges filed against an agency employee.

HEARING BOARD - A board authorized by the Chief to conduct a hearing on a complaint. Members of a board will be selected, in accordance with the Law Enforcement Officers Bill of Rights, from the total uniformed complement of this agency or from another agency with the approval of the Chief of that other agency. Board members may not have participated in the investigation or interrogation of the accused law enforcement officer.

INCOMPETENCE - Evidence of incompetence may include, but need not be limited to, a history of poor performance; an aggregate of infractions of Agency rules, regulations, procedures, directives or orders; a demonstrated lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; negligence resulting in duties not being performed or performed in an unacceptable manner; failure to take appropriate action on the occasion of a crime, disorder, or other conditions deserving police attention; absence without leave; unnecessary absence from the assigned patrol or place of work during a tour of duty. The repeated inability to perform assigned duties due to physical incapacitation brought about by an employee's excessive use of alcohol or controlled dangerous substances shall also be considered evidence of incompetence.

LAW ENFORCEMENT OFFICER - Any employee of this agency, who in his official capacity, is authorized by law to make arrests but not including any law enforcement officer serving in a probationary status, except when allegations of brutality in the execution of his duties are made.

LAW ENFORCEMENT OFFICERS BILL OF RIGHTS ("LEOBR") – Codified at Annotated Code of Maryland, Article 27, Sections 727-7341), as amended.

NON-SUSTAINED - The investigation fails to disclose sufficient evidence unfounded, exonerated, and not-involved.

PARTY - The accused, his representative or the prosecutor.

PENALTIES - The Chief, or a Hearing Board, may recommend disciplinary action. Recommended penalties may include but are not limited to:

- a. Written Reprimand
- b. Loss of Regular Leave
- c. Fine
- d. Suspension
- e. Loss of Annual Leave

- f. Other action which would be considered a punitive measure
- g. Loss of Police Powers
- h. Demotion
- i. Dismissal

SUMMARY PUNISHMENT - Formal disciplinary action which may be taken for minor violations of agency rules, policy, or procedure when:

- a. The officer accepts the punishment recommended by the Chief and approved by the City Manager.
- b. The facts which constitute the minor violation are not disputed.
- c. The employee waives the formal hearing provided for in the Law Enforcement Officer's Bill of Rights.

SUSPENSION - The penalty by which a police employee of the agency is for the purposes of compensation, deprived of his status as an employee of the agency for one or more consecutive calendar days. Consecutive days may be interrupted as required, by mandatory appearances before courts, regulatory agencies or administrative bodies.

SUSTAINED - A finding that an investigation disclosed sufficient evidence to substantiate the allegations made in the complaint.

NOTE: All terms used throughout this Police and Procedures Manual are intended to be gender neutral, so that by way of example, the use of the term “he” also include the feminine “she”.

SECTION II

RULES OF CONDUCT

1-0 AUTHORITY

- 1-1 The Chief shall have the power to make any rules necessary to promote the effective and efficient performance of the duties of the department and to insure the good government of the department and its employees. The authority of the Chief shall also include the power, ATo suspend, amend, rescind, abrogate, or cancel any rule adopted by him or by any former Chief≡.
- 1-2 To the extent that these rules are inconsistent with or in conflict with any provision of Article 23A, Annotated Code of Maryland, or the Rules and Regulations of the City of Taneytown, as they apply to employees, Article 23A and the Rules and Regulations of the City of Taneytown, shall prevail.

2-0 RULES

- 2-1 It shall be the policy of the Taneytown Police Department to require all employees to comply with the rules of conduct as herein stated and of all the additions and amendments that may, from time to time, be promulgated and with all other orders or directives, either verbal or written, which may be issued at any time by competent authority. The violation of a rule of conduct, procedure, or lawful order, whether written or verbal, will make the violator subject to disciplinary action.
- 2-2 Ignorance of the rules, procedures, or orders of the Department shall not be considered as justification for any such violation. An employee shall be responsible for his own acts and he may not shift to others the burden of responsibility for executing or failing to execute any lawful order or police duty.

3-0 UNBECOMING CONDUCT

- 3-1 Every employee shall conduct himself at all times, both on and off duty, in such a manner as to reflect most favorably on the agency. Conduct unbecoming an employee shall include that which tends to bring the department into disrepute, or reflects discredit upon the employee as a representative of the department, or that which tends to impair the operation or efficiency of the department or employee.
- 3-2 No supervisor will injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.
- 3-3 No employee of the department shall maliciously threaten, strike, or assault any other employee of the department.

4-0 INSUBORDINATION

- 4-1 Employees of the department shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification only through the official chain of command.
- 4-2 An employee shall promptly obey all lawful orders of a superior. This will include orders from a superior relayed by an employee of the same or lesser rank or position. A Lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with performance of his duties.
- 4-3 Employees will obey all orders from superiors, whether written, or oral, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to any order issued by his superior. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.

Any order may be countermanded in cases of emergency. An employee countermanding a prior order will immediately report the reason to his commanding officer. Responsibility for all prudent and reasonable actions necessary for compliance with orders will remain with the superior issuing the order. Accountability for all actions taken in compliance with orders remains with the personnel taking such action.

- 4-4 At the scene of any incident, the assigned police employee shall be in charge until relieved at the direction of another police employee senior in rank.

5-0 CRITICISM

- 5-1 While on duty an employee shall not criticize or ridicule the Taneytown Police Department, any other City department, or the Maryland Judiciary, their policies, or their officers by speech, in writing, or other expression in any other manner, when such speech, writing, or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness, or tends to undermine the operation of the Taneytown Police Department, other City department, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline. Officers shall be afforded the right to engage in political activity as provided in the Law Enforcement Officers Bill of Rights, Article 27, Section 728.

6-0 ABUSE OF POSITION

- 6-1 While under suspension, police employees of the department will not wear the uniform, will be deprived of all police department powers and immunities, and will not represent themselves in an official capacity as an employee of the department.

- 6-2 An employee is prohibited from using his official position or his official identification card or badge for personal or financial gain or as a means of obtaining privileges not otherwise available to him or for avoiding consequences of illegal acts. An employee may not lend his identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Chief.
- 6-3 An employee shall not permit or authorize the use of his name, photograph, or official title identifying him as an employee of the Police Department in connection with testimonials or advertisements of any commodity or commercial enterprise, or for personal reasons without the approval of the Chief, or the City Manager.
- 6-4 No employee shall sign a petition, without the authority of the Chief or the City Manager when his signature indicates he is an employee of the department; nor shall any employee sign any petition which has an unlawful purpose. However, any employee may sign a lawful petition as a private citizen.
- 6-5 An employee shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the department, either in an official or unofficial capacity without first having obtained permission from either the Chief or the City Manager.

7-0 ASSOCIATIONS

- 7-1 An employee shall avoid associations or dealings with persons whom he knows, or should know, are racketeers, gamblers, felons, persons under criminal investigation or indictment or others who have a reputation in the community for felonious or criminal behavior, except as directed otherwise by a superior.

The purpose of this rule is to maintain the integrity of the employees and to avoid relationships which would tend to impair the operation of the department. In such cases the superior will be mindful of the need of such persons to be rehabilitated, as of the fact that such persons already may have been rehabilitated at the time that the association occurs, and of the necessity for some associations because of the relationship of the employee to such persons.

- 7-2 An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, any law or ordinance of the City of Taneytown, or any other law or ordinance of any other political subdivision are violated except in the performance of duty and while acting in response to lawful and specific orders of a superior.

7-3 No employee of the department shall in any manner affiliate himself with any organization, association, movement, group or combination of persons which advocates the overthrow of our constitutional form of government or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person his rights under the constitution of the United States by unconstitutional means.

8-0 IMMORAL CONDUCT

8-1 Every employee shall maintain a level of moral conduct in his personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving moral turpitude which tends to impair, or does impair, his ability to perform as a law enforcement officer or as a employee of the department, or cause the department to be brought into disrepute.

9-0 CONFORMANCE TO LAWS

9-1 An employee shall not violate his oath of office and trust or any other condition of his employment with the Police Department or commit an offense punishable under the laws or statutes of the United States or any sovereign nation, the State of Maryland, or public local laws or ordinances. Any employee who has been charged with a violation of any law, statute, or public law or ordinances stipulated in this section except vehicle parking violations, must report the facts concerning such violation immediately to the Chief.

10-0 PAYMENT OF DEBTS

10-1 Employees of the Taneytown Police Department shall make every effort to pay all just debts and legal liabilities when they incur. Disciplinary action may be taken when:

1. Judgements of creditors have been finally adjudicated and the employee, even though able to pay, has refused to comply with such judgement, or;
2. The effects of such indebtedness has adversely affected the ability of the employee to perform his job or had negatively reflected on the reputation and or effectiveness of the department.

10-2 Absent extenuating circumstances, disciplinary action shall be inappropriate where:

1. The employee has made a genuine and sincere effort to pay his debts,
2. The employee has filed for a voluntary bankruptcy petition.

11-0 SEEKING OR ACCEPTING GIFTS, GRATUITIES/BRIBES

- 11-1 A police employee shall not solicit, seek, or accept any gift or gratuity, including food or drink for himself or others from any individual, business establishment or merchant, where such offer or acceptance can be construed to be an effort to influence his official conduct as an officer.
- 11-2 A police employee shall not receive, seek, ask for, or share in any fee, reward, or other reimbursement for the performance of their official duties, or for the failure to perform their official duties. They shall immediately report any offer or attempt to offer any money, gift, or other gratuity made in an effort to influence their official conduct.
- 11-3 Employees of the Taneytown Police Department shall not solicit or receive any subscription, or contribution for any purpose whatsoever, while acting as an official representative of the Police Department.

12-0 POLITICAL ACTIVITY

- 12-1 The political associations and political conduct of employees of the Police Department shall be in conformance with the established policies and procedure of the City of Taneytown. Officers shall have the right to engage in political activity as set forth in the Law Enforcement Offices bill of Rights, Article 27, Section 728.

13-0 LABOR ACTIVITIES

- 13-1 An employee has the right to join labor or fraternal organizations, but nothing shall compel the department to recognize or to engage in collective bargaining with any such labor or fraternal organization except as provided by law.
- 13-2 No employee shall engage in any Astrike≡ or Ajob action≡. AStrike≡ or AJob Action≡ includes, but for purposes of this rule, is not limited to, the concerted failure to report for duty, willful absence from one=s position, unauthorized holidays, sickness unsubstantiated by physician's statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of including, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

14-0 SECONDARY EMPLOYMENT

- 14-1 A police employee shall not be employed in any capacity in any other business, trade, occupation, or profession, while employed by the Police Department, except as approved by the Chief of Police and the City Manger. Requests to engage in secondary employment must

be submitted in detailed report form through official channels and final approval must be obtained prior to participating in such secondary employment.

15-0 DEPARTMENT COMMUNICATIONS

- 15-1 An employee shall submit all reports, both oral and written, required by the department, on the time and in accordance with established procedures. All official business transacted by members of the department must be processed through official channels.
- 15-2 The following procedure will govern submission of detailed reports in administrative investigations:
1. During any administrative investigation an accused employee shall, at the request of competent authority, submit a written report detailing the facts concerning his involvement in the incident where the incident being investigated is related specifically, directly, and narrowly to the performance of his official duties.
- 15-3 A police employee shall report to his superior all information that comes to his attention concerning organized crime, racketeering, vice conditions, etc.
- 15-4 All reports submitted by employees of this department will be truthful. No employee shall knowingly report or cause to be reported any false information. (A clear distinction must be made between reports which contain false information and those which contain inaccurate or improper information. To prove by a preponderance of evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue and deceitful and made with the intent to deceive the person to whom it was directed.
- 15-5 All reports submitted by employees of this department will be complete and will not contain improper or inaccurate information. (Inaccurate or improper information may be characterized by that which is untrue by mistake or accident or made in good faith, after the exercise of reasonable care.)
- 15-6 An employee shall treat the official business of the department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established department procedures. An employee may remove or copy official records or report from a police installation only in accordance with established department procedures. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.
- 15-7 The Taneytown Police Department telephone service is primarily for official business. Personal calls will be kept brief. All long distance calls shall be properly entered on the appropriate telephone log and employees will be required to pay for all long distance calls of a personal nature.

16-0 REPORTING FOR DUTY

- 16-1 No employee of the department shall absent himself without properly approved leave.
- 16-2 An employee shall report for duty at the time and place specified by his superior and shall be physically and mentally fit to perform his duty. He shall be properly equipped and cognizant of information required for the proper performance of duty so that he may immediately assume his duties.
- 16-3 All employees of the department shall be required to record, or have recorded, on the appropriate log, their arrival or departure from headquarters or another installation.
- 16-4 If any employee of the department is unable to report for duty due to sickness or other causes, such employee shall, as soon as possible, notify his immediate superior of the reasons for his absence.
- 16-5 Police employees are subject to call at all times. In an emergency or potential emergency, police employees ordered to an inactive-on call duty status as well as those required to leave word where they may be reached, will notify the police department of the location and telephone number where they can be contacted.

17-0 FICTITIOUS ILLNESS OR INJURY REPORTS

- 17-1 An employee shall not feign illness, or injury, falsely report himself ill or injured, or otherwise deceive or attempt to deceive any official of the department as to the condition of his health.

18-0 INTERFERENCE WITH DUTY

- 18-1 No employee shall attempt to bring influence to bear on the Chief for the purpose of securing promotion or transfer, or to avoid penalties for reprehensible conduct.
- 18-2 An employee shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer; nor shall they interfere with the operation of the Police Department. An employee shall not interfere with any lawful arrest or any prosecution brought by other police employees of the Police Department or by any other agency or person. A police employee shall not undertake any investigation or other police action not a part of his regular police duties without first obtaining permission from his superior unless the situation requires immediate police action.
- 18-3 No employee of the department shall be directly or indirectly concerned with making arrangements, agreements, or compromises between a criminal and a person who has suffered from his criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any employee having knowledge of such an arrangement,

agreement, or compromise shall report such to his immediate superior without delay.

- 18-4 Employees will not acknowledge another police employee who is in civilian clothes and assigned to investigative or other types of covert work, unless such other member acknowledges him first.

19-0 ABUSE OF PROCESS/WITHHOLDING EVIDENCE

- 19-1 An employee shall not intentionally manufacture, tamper with, falsify, destroy, or withhold evidence or information, or make any false accusations of a criminal charge.

20-0 EVIDENCE/FOUND AND RECOVERED PROPERTY

- 20-1 Property which has been received as evidence in connection with investigations or which, for any reason, comes into the custody of this department, will be processed in accordance with established procedures. An employee shall not convert to his own use, manufacture, tamper with, or damage through negligence, or destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established department procedures.

21-0 SUGGESTIONS PERTAINING TO SERVICES

- 21-1 An employee shall not recommend or suggest in any manner, except in the transaction of personal business and not representing himself as a member of the department or in the conduct of official department business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed in accordance with the established department procedure.

22-0 REQUEST FOR ASSISTANCE

- 22-1 When the public requests assistance or advice, either by telephone, or in person, all pertinent information will be taken in an official and courteous manner, and will be acted upon consistent with established department procedures.
- 22-2 Police employees of the department must not act in an official capacity without authority in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.

23-0 CITIZEN COMPLAINTS

- 23-1 An employee shall courteously and promptly accept any allegation or complaint made by a citizen against any employee of the Taneytown Police Department. The receipt and processing of all complaints shall be in conformance with established department procedures.

24-0 COURTESY

- 24-1 An employee shall be courteous to the public. He shall be tactful in the performance of his duties, shall control his temper and exercise utmost patience and discretion, and shall not engage in argumentative discussion even in the face of extreme provocation. In the performance of his duties, he shall not use coarse, violent, profane, or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or similar personal characteristics.
- 24-2 Police employees shall at all times show respect for their fellow employees and will conform to the rules of military courtesy and military discipline as prescribed by the Chief.
- 24-3 In every instance where a driver of a vehicle is stopped for the purpose of warning for a violation of the Motor Vehicle Law, a written warning shall be issued. Verbal admonitions shall not be made as substitutes for written warnings. In addition, by keeping verbal exchange to the minimum required for completing either the written warning or citation, the opportunity for arguments and friction is greatly diminished. The officer shall limit himself to merely pointing out the nature of the violation and the resulting consequences.

25-0 IDENTIFICATION

- 25-1 During the times that a police employee is not readily identified by the uniform of the Police Department, he shall carry his badge or identification card on his person. He shall at any time furnish his name, identification number and assignment to any person properly entitled to this information, except when authorized not to do so by proper authority and when such refusal may be necessary for the proper performance of his police duties.

26-0 PERSONAL APPEARANCE

- 26-1 A police employee will maintain a neat, well-groomed appearance and will style his hair and wear his uniform consistent with established department policy and procedure.

27-0 NEGLECT OF DUTY

- 27-1 Members of the department must be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.
- 27-2 An employee will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him to neglect or be inattentive to that

duty.

27-3 The failure of a police employee to take appropriate action, either on or off duty on the occasion of a crime, disorder, or other condition deserving police or department administrative attention will be considered neglect of duty.

27-4 A police employee will not, without proper authorization, absent himself from his assigned patrol during his tour of duty.

27-5 An employee will remain awake and alert while he is on duty. If unable to do so, he will report to his superior officer, who will determine the proper course of action.

28-0 USE OF ALCOHOLIC BEVERAGES

28-1 An employee will not drink intoxicating beverages while in uniform or while on duty unless it is necessary in the performance of his duty, and in every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the Chief.

28-2 An employee while off duty will refrain from consuming intoxicating beverages to the extent that it results in obnoxious or offensive behavior which would tend to discredit him or the department.

28-3 No employee of the department will bring any intoxicating beverage into any building or quarters officially occupied by the Police Department, nor will he permit the same to be brought therein, except as evidence in current cases or pursuant to department property held procedures, and excluding commercial cough mixtures taken for medicinal purposes.

29-0 USE OF DRUGS

29-1 An employee will not use any controlled substance, narcotics, or hallucinogens, except when prescribed in the treatment of an employee by a licensed physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, an employee will notify his immediate superior of this fact.

30-0 GAMBLING

30-1 A police employee will not engage in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior.

31-0 TREATMENT OF PERSONS IN CUSTODY

31-1 A police employee will not mistreat persons who are in his custody. He will handle persons in accordance with established department procedures.

31-2 No police employee of the department, will without proper authority, release any prisoner in his charge or, through neglect or design, allow any prisoner in his charge to escape.

32-0 USE OF FORCE

32-1 It is the policy of the Police Department that police employees of the Department shall, in every instance, use only the minimum force needed to accomplish their mission, and shall exhaust every other reasonable means of apprehension or defense before using firearms. Further, it is Departmental policy that a police employee 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 Section is contrary to Departmental policy.

32-2 A police employee's choice to employ non-deadly force, e.g., pepper spray or the police baton must also be based on the same relative justification as that needed for the use of firearms. Although the use of non-deadly force such as spray or the nightstick rarely terminate in a fatality, that potential nevertheless exists. Serious consideration must be afforded the decision to use any weapon or use of force.

32-3 The Department may conduct an administrative review to determine whether the use of force by its employees was justified. A conclusion as to whether the use of force was justified will be based on what reasonably appears to be the facts known by the employee at the time the force was used. Information made available after the incident occurred may not be used to justify the employee's action.

33-0 VALUE OF HUMAN LIFE

33-1 The value of human life is immeasurable in our society. Police Officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be subservient to the protection of life.

34-0 GENERAL POLICY STATEMENTS

34-1 Employees of the Department, sworn as police officers of the City of Taneytown, are considered to be available for duty at all time. Therefore, all police employees of the Department when on duty shall be armed with a Department-issued or Department-approved firearm and carry their badge or City of Taneytown Identification Card unless otherwise authorized for covert operations. When off duty, all police employees shall carry their badge or Identification Card and, at the option of the police employee, an issued or approved firearm. When Department policy requires an employee to carry a handgun, it shall be carried upon their person.

34-2 It is the policy of this Department to employ the minimum amount of force necessary to affect an arrest and overcome any resistance offered. The use of unnecessary force serves only to erode public confidence and support essential to the delivery of police services. The use of excessive force, regardless of the provocation or action of the offender, shall result in certain and severe disciplinary action and may result in criminal prosecution.

35-0 USE OF OC SPRAY

A situation may arise where it is necessary for an officer to use OC spray for protection of the officer or others from imminent physical harm. The purpose of this order is to ensure that there is an understanding about OC, its use and its limitations.

35-1 DESCRIPTION - This Department's self defense spray is 5% oleoresin capsicum (OC) based less-than-lethal aerosol. This is a defense weapon designed to cause a loss of intended thought process, coordination, upper body control, thus impairing the subject's ability and desire to harm others, thereby reducing the potential for resistance. The OC 5% formulation is based on oleoresin capsicum (OC), an inflammatory agent that occurs naturally in cayenne peppers.

35-2 EFFECT - OC blend is an inflammatory agent that will cause mucous membranes to swell, producing an immediate closing of the eyes, uncontrollable coughing, and gasping for breath. OC blend also produces a sensation of intense burning of the skin. These physiological effects produce a compliant subject who has lost coordination and upper body motor control, which should preclude any further intended aggressive behavior. Your subject should then be restrained/controlled with minimum physical contact. The use of OC reduces the risk of injury for the OC user and the person restrained. OC produces no major lasting effects (beyond 15-30 minutes). If a person takes longer than 30 minutes to recover, they should be immediately evaluated by medical personnel. Like any use of force injury, if the subject requests or requires medical treatment, the officer will seek the immediate medical attention at a hospital.

35-3 CIRCUMSTANCES OF USE - The use of OC may be used at the Officer's discretion under the following circumstances.

1. When necessary to defend yourself or others against a violent attack when the use of firearms would not be appropriate.
2. To effect an arrest when the individual has violently resisted.
3. To prevent the commission of a criminal offense where the suspect could cause possible harm to self or others (i.e. suicide attempt, barricade) only after the officer has exhausted all other suitable and sufficient means to do so.

35-4 REQUIRED ACTION

1. Officers shall be fully trained and certified in the use of OC prior to being permitted to carry or use it on/off duty.
2. Uniformed officers shall be issued a OC canister which will be carried in a holster on the gun belt.
3. Officers assigned to duties other than patrol will be issued a compact model which will be carried in the pocket or clipped on the belt.
4. The canister will be the responsibility of the individual officer to keep safe and within his/her control while on or off duty.
5. The individual's age, physique, and actual potential for causing injury to someone should be considered before using. OC should not be used upon juveniles, pregnant women or the elderly unless an immediate violent attack is imminent or the suspect could cause possible harm to self or others.
6. Once an individual is sprayed with OC, the officer will transport with a second officer who will provide constant monitoring of the individual during the transport process.
7. Anytime OC is deployed against a person or persons, you are required to report the incident to your immediate supervisor. Then the user must document the incident describing in a detailed written report the subject's behavior prior to the use of OC. The documentation will be placed in the officer's offense report.
8. Immediately after the supervisor's approval, the supervisor will submit a copy of the written offense report to the Chief of Police.

35-5 PROCEDURE - The use of OC should be considered an alternate action and used in connection with an impact weapon, under appropriate circumstances, and is not intended as a replacement for an impact weapon or firearm. OC blend produces a stream shaped spray up to 12 feet to incapacitate a person.

1. When possible the following warning shall be given to a subject about to be sprayed, Adown on the ground or I'll spray you with pepper mace≡.
2. Officers will make every reasonable attempt to warn and remove bystanders from the area before and after use.
3. The spray should be directed at the subject's face with a one second burst. OC should not be discharged at a subject's face from a distance of less than two feet. Wind and weather conditions are factors that should be considered prior to using OC.

4. The use of OC should be restricted to the level necessary to accomplish a lawful task.
5. Once the situation is under control and the subject has submitted to custody, the use of OC must be discontinued.
6. The officer is responsible for supervising and overseeing that the correct and proper decontamination process is utilized.
7. The OC administrative warning (ANNEX 1) will be given to the person sprayed as soon as possible.
 - (A) Any person who admits to being under the influence of Cocaine, Amphetamines, Barbiturates, PCP, Opiates, Heroin, or high levels of Alcohol should be evaluated by medical personnel immediately.
 - (B) Any person who admits a history of Heart Problems, Lung Problems, Diabetes, High Blood Pressure, Allergic Reactions to Pepper or any other potentially serious medical condition should be evaluated by medical personnel.
 - (C) Any person who requests medical treatment should be evaluated by medical personnel.
 - (D) Anyone refusing medical treatment will complete a Refusal of Medical Care and Release.

35-6 DECONTAMINATION PROCEDURE - As soon as possible after a subject is subdued, the chemical irritant should be washed and flushed from the affected areas of the skin.

1. Have subject stay still, breathe normally and relax.
2. Move to an uncontaminated area as soon as possible.
3. The affected area should be exposed to the wind or open air.
4. Contact lens should be removed.
5. Do not allow subject to rub eyes or face.
6. The exposed area should be washed with cool water until the irritation subsides. (DO NOT USE ANY COMMERCIAL EYE WASH).
7. If irritation persists in nose, have subject blow nose.
8. Pat with wet and dry paper towels - DO NOT RUB.

9. The exposed area must not be treated with medicated salve, Vaseline, etc. A non-oil base soap can be used to wash affected areas.
 10. Areas can be decontaminated by simply washing with soap and water.
 11. Ventilate by opening doors and windows.
 12. Contaminated clothing should be laundered normally.
 13. No person who has been contaminated by OC should be left unsupervised for a minimum of two (2) hours after contamination.
- 35-7 HIGH RISK INDIVIDUALS - Studies have indicated that the risk of injury or death is statistically improbable. However, cases have been reported where death occurred subsequent to the use of OC spray. In these cases those people shared some of the same characteristics. The following is a list of risk indicators to be aware of when providing after care treatment:

INDICATORS

- MALE GENDER
- OBESITY
- COMBAT AND/OR BIZARRE MANNER
- DRUGS AND/OR ALCOHOL
- SPRAY WAS INEFFECTIVE

It appears that one or more of the above indicators cause sudden custody death due to Abnormal Heart Rhythm. The use of certain drugs (i.e. Cocaine, Amphetamines) and Alcohol combined with a struggle work directly on the heart and can produce fatal Arrhythmias. It was also noted that OC spray was not the cause of death in any of the cases.

Diligent observation and constant monitoring of the subjects displaying a combination of the indicators is required. The procedure set forth will be followed when providing after care to individuals who display the above indicators.

36-0 USE OF DEADLY FORCE

1. The degree of force used in making arrests will be consistent with agency policy outlined in Section I, Subsection IX and shall not be unnecessary or excessive.
2. Deadly Force, as used in this policy, is defined as that force which is intended to cause death or grave injury or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.

3. 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 police purpose, 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 is 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 this policy.
 4. A police employee shall submit a written explanation, in detailed report format, to the Chief each time a firearm is discharged in the performance of their duty and each time an injury has occurred as a result of the use of force. The detailed report shall contain all specific facts and circumstances relating to the incident and should be submitted before the close of the tour of duty during which it occurred. In instances where the Officer is injured, incapacitated or otherwise unable to prepare a detailed report, the specific facts and circumstances surrounding the incident will be summarized by the Supervisor from facts obtained verbally from the police employee and/or witnesses. The involved police employee will, when capable, submit the required detailed report or sign a transcript of the verbal information. Unless otherwise directed by the Chief, a police employee who discharges a firearm on a range will not be required to report such activity. A police employee who discharges his firearm to kill an injured or dangerous animal need only submit an incident report.
 5. Shooting incidents involving members of this Department will be investigated by the Maryland State Police.
- 36-1 DEADLY FORCE - PERMITTED - The degree of force used in a confrontation must be consistent with both the severity of the incident and the urgency of its disposition. A police employee of this agency may employ deadly force in the performance of his official duties only under the following circumstances:
1. In self-defense, or to defend another person, who is being unlawfully attacked, from death or grave injury.
 2. To prevent the escape of a felon only when all of the following conditions exist:
 - (A) Every other reasonable means of affecting the arrest have been exhausted.
 - (B) The perpetrator is a known felon or the police employee has probable cause to believe the perpetrator committed a felony.
 - (C) The perpetrator actually used or threatened to use deadly force in the commission of the felony.
 - (D) The police employee has reason to believe the felon poses a significant threat

of using deadly force against the employee or others if not immediately apprehended.

- (E) Every reasonable consideration has been given to prevent inadvertent injury to innocent bystanders.

Where feasible, the police employee has given notice of intent to use deadly force and the felon refuses to obey the order to halt.

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. A police employee 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.

36-2 FIREARMS USE (OTHER THAN DEADLY FORCE) - PERMITTED

1. A police employee of the Department may discharge a firearm
 - (A) To kill a dangerous animal that is jeopardizing the safety of the public or the police employee,
 - (B) To kill an injured animal, either wild or domestic, if the police employee has the consent of the owner or has been requested to do so by a veterinarian (in any case where a reasonable attempt to locate the owner has failed or a veterinarian is not readily available, the employee may use discretion in deciding whether or not to kill the animal to relieve its suffering).
 - (C) To give an alarm or to call assistance only when no other means is available.
 - (D) When used in practice on a firing range.
2. The authority of a police employee of this Department to carry or use a firearm while on official duty outside of Maryland is governed by the laws of the state where the employee is on assignment. Employees intending to carry weapons outside of Maryland on assigned extradition or other official duty are responsible for determining beforehand the pertinent law of those states in which they expect to travel. The Maryland State Police Telecommunications Division compiles, catalogs, and maintains current laws governing such action for each state, and provides such information upon request.

36-3 FIREARM USE - PROHIBITED

1. A police employee of the Department shall not discharge a firearm:
 - (A) As a warning.
 - (B) In any felony case which does not meet the conditions set forth previously in this section.
 - (C) At or from a moving vehicle except:
 1. As a measure of self-defense or defense of another when the suspect is using potentially deadly force other than the vehicle.
 2. When all conditions regarding a fleeing felon in this section are present.
 3. When a vehicle is driven in a manner deliberately intended to kill or severely injure a police employee or citizen who is on foot.
 - (D) In any attempt to apprehend a misdemeanor.
2. Under no circumstances will employees of the City of Taneytown Police Department display a weapon in a flagrant manner or in any manner which is unsafe or would invite unfavorable comment from the public.
3. All police employees should use prudence and good judgment in the off duty wearing of firearms at any activity where the employee will be consuming alcoholic beverages.
4. A police employee 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 section is contrary to Departmental policy.

36-4 FIREARMS

Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to City of Taneytown Police Department Policy.

37-0 DEPARTMENTAL EQUIPMENT

Departmental Equipment will be utilized and maintained in accordance with established procedures and will not be abused, damaged, altered, or through negligence, lost. No employee of the Department will cause or contribute to the damage, abuse, through negligence or carelessness.

An employee will operate an official vehicle in a careful and prudent manner, and will not, through negligent or careless operation, incur or cause damage to be incurred to Departmental property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all Departmental procedures and regulations pertaining to operation and maintenance of any Departmental vehicle assigned to them on a permanent or temporary basis. An employee will, at all times, set a proper example for other persons by their operation of a vehicle.

37-1 Any Employee of the department under suspension will turn in such department issued equipment as may be designated by the conditions of his suspension.

37-2 Damage or loss of any department equipment will be immediately reported to the Chief of Police by the first employee having knowledge of such loss or damage.

37-3 No employee will have any item of department equipment repaired , adjusted or modified without official department authorization.

38-0 INCOMPETENCE

Employees of this Department shall be held strictly responsible for the proper performance of their duties. Employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department.

39-0 DOMESTIC VIOLENCE POLICY

39-1 PREFERRED-ARREST POLICY

The Taneytown Police Department adopts a Preferred-arrest policy in domestic violence cases.

Accordingly, whenever the law permits, Taneytown Police Department officers should arrest the assailant if there is probable cause to believe that a crime of domestic violence has been committed.

When a Taneytown Police Department officer is able by law to make an arrest, and he/she chooses not to, the officer will prepare an incident report. In the report, the officer will explain why an arrest was not made and what specific actions were taken to ensure the safety of the victim.

39-2 ENABLING STATUS

39-2.1 § 27-594B: ARRESTS WITHOUT WARRANTS GENERALLY

Taneytown Police Department officers should arrest a person without a warrant for the following reasons:

1. Felony or misdemeanor committed or attempted in officer's presence. Under §27-594B(a), when a felony or misdemeanor is committed, or attempted, in the presence or view of the officer;
2. Felony or misdemeanor, committed or attempted in officer's presence, based on probable cause. Under §27-594B(b), when the officer has probable cause to believe that a felony or misdemeanor is being committed, or attempted, in the officer's presence or view;
3. Felony based on probable cause. Under §27-594B(c), when the officer has probable cause to believe that a felony has been committed, or attempted, whether or not in the officer's presence or view;
4. Domestic battering with physical injury. Under §27-594B(d)
 - (A) When an officer has probable cause to believe that
 - (1) A person battered his/her spouse or other individual with whom the person resides,
 - (2) There is evidence of physical injury, and
 - (3) Unless the person is immediately arrested, he/she
 - (a) Might not be apprehended,
 - (b) May cause injury to the victim or damage to the property of one or more other persons, or
 - (c) May tamper with, dispose of, or destroy evidence; and
 - (B) When a report, or call for service, was made to the police within 48 hours of the alleged incident;
5. Specified misdemeanor offenses. Under §27-594B(e)
 - (A) When an officer has probable cause to believe that

- (1) One of the offenses listed in §27-594B(f) has been committed.
 - (2) The person has committed the offense; and
 - (3) Unless the person is immediately arrested, he/she
 - (a) Might not be apprehended,
 - (b) May cause injury to the victim or damage to the property of one or more other persons, or
 - (c) May tamper with, dispose of, or destroy evidence; and
- (B) When offenses under §27-594B(e) for which an officer may arrest without a warrant, and that are common to domestic violence, include, but are not limited to
 - (1) §27-36 (relating to carrying or wearing a weapon); and
 - (2) §27-111 (relating to destroying, injuring, etc., property of another), including attempts; and
- 6. Stalking. Under §27-594B(o)
 - (A) The officer has probable cause to believe that a stalking under §27-121B has been committed,
 - (B) The officer has reason to believe that the alleged stalking victim or a third person is in danger of imminent bodily harm or death, and
 - (C) The probable cause under §27-594B(o)(1) (also Subsection above) is supported by credible evidence other than statements of the alleged stalking victim.

39-2.2 §4-509: Mandated arrest for violation of temporary Ex Parte or Protective Order

- 1. Under Maryland Family Law Article, §4-509(b), an officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of a Temporary Ex Parte or Protective Order in effect at the time of the violation.
- 2. Under Maryland Family Law Article, §4-509(a), the officer shall arrest a person for the following violations of a Temporary Ex Parte or Protective Order:
 - (A) Failure to refrain from abusing or threatening to abuse a petitioner;

- (B) Failure to refrain from contacting, attempting to contact, or harassing a petitioner;
- (C) Failure to refrain from entering any residence of a petitioner;
- (D) Failure to vacate the home immediately and to award temporary use and possession of the home to the petitioner; or
- (E) Failure to remain away from the place of employment, school, or temporary residence of a petitioner or the home of other family members.

39-2.3 Maryland Statutes Commonly Related to Domestic Violence

Almost any crime can be related to domestic violence; however, the following Maryland criminal statutes, while not an exclusive list, are commonly associated with domestic violence situations:

1. First degree murder (327-407),
2. Second degree murder (327-411),
3. First degree rape (327-462)
4. Second degree rape (327-463),
5. First degree sexual offense (327-464),
6. Second degree sexual offense (327-464A),
7. Third degree sexual offense (327-464B),
8. Fourth degree sexual offense (327-464C),
9. Defense that victim is spouse of person committing act (327-464D),
10. Arson (327-6),
11. Burglary in first degree (327-29),
12. Burglary in second degree (327-30),
13. Burglary in third degree (327-31).

14. Burglary in fourth degree (ə27-32),
15. Second degree assault (ə27-12(A),
16. First degree assault (ə27-12A-1),
17. Reckless endangerment (ə27-12A-2),
18. Kidnaping (ə27-337),
19. False imprisonment (common law offense),
20. Harassment (ə27-121A),
21. Stalking (ə27-121B),
22. Destroying, injuring, etc., property of another (ə27-111),
23. Unlawful use of telephone (ə27-555A),
24. Trespass (ə27-577, and
25. Spousal assault (ə27-798).

39-3 Probable Cause

39-3.1 Definition of Probable Cause

Probable cause is a Aset of facts and circumstances, or reliable information that would lead a reasonable, prudent, and cautious officer to believe that a crime had been committed and a certain person committed it.≡ (Stacy v. Emery)

39-3.2 Factors a Law Enforcement Officer Should Consider in Determining Probable Cause

1. In domestic violence cases there are some common factors that may not exist for the same offense in other situations. These factors can aid the law enforcement officer in his/her investigation of the incident.
2. The presence of one or any combination of probable-cause factors can help a law enforcement officer establish probable cause.
3. The following are some factors a City of Taneytown officer should consider in building probable cause:

- (A) Visible injuries, and whether they are of an offensive or defensive nature;
- (B) Evidence of victim's pain from non-visible injuries, such as a blow to the stomach causing the victim to wince and hold the affected area;
- (C) Furniture in disarray;
- (D) Torn clothing;
- (E) Need for medical attention;
- (F) Corroborating statements of witnesses who can verify violence or threats of violence;
- (G) Threats made in officer's presence;
- (H) Presence of weapons;
- (I) Demeanor of complainant (upset, angry, confused because he/she may have been assaulted);
- (J) Demeanor of suspect (agitated, or calm and composed because he/she may have relieved his/her tension by striking the complainant);
- (K) Upset children;
- (L) Information derived from the call-taker's record.
- (M) History of violence or repeat calls for service at location;
- (N) Existence of a civil protective order;
- (O) Refusal of the suspect to allow the victim to be interviewed out of the suspect's presence even when the victim complies.

39-3.3 Factors a City of Taneytown Officer Must Disregard in Determining Probable Cause

1. In domestic violence cases, there are some factors that a City of Taneytown officer must disregard in determining probable cause, although historically these factors may have influenced an officer in deciding not to arrest a suspect.
2. Accordingly, the following are factors that a law enforcement officer must disregard in determining probable cause.
 - (A) A law enforcement officer must disregard the marital status of the parties. Although an officer must consider the relationship of a couple in determining

probable cause, the fact that a couple is married should not serve to indicate to an officer that no crime has occurred, or that it is not the responsibility of law enforcement to intervene.

- (B) A law enforcement officer must disregard the race or ethnic background of the complainant or suspect. Domestic violence occurs among people of all races

and ethnic backgrounds; moreover, the fact that striking a person is acceptable in another culture does not excuse its occurrence in the State of Maryland.

- (C) A law enforcement officer must disregard the sexual orientation of the complainant or suspect. In this policy, heterosexual and homosexual relationships alike are included in the definition of domestic violence.
- (D) A law enforcement officer must disregard the existence (or lack) of a civil protective order. The officer should not consider, when an order has been issued, that since the problem has been handled by the court there is nothing further that he/she can or should do. When no order exists, the officer should not consider that the only solution to the problem is to advise the victim to petition for a civil protective order. A civil protective order is a legal certification of a problem and is thus a factor to consider in building probable cause. The existence of a civil protective order may contain an order of the court for which the respondent may be in violation and which requires that he/she be arrested.
- (E) A City of Taneytown officer must disregard the location of the incident, whether on public or private property. There is a tendency by law enforcement officers to settle altercations between individuals who know one another, especially if they occur in the home, but also on the street, by advising a warrant, or by mediating the dispute and referring the parties for other services.
- (F) A City of Taneytown officer must disregard the presence of a lease. There is a tendency by law enforcement officers to settle disputes by removing the person whose name is not on the lease. This action does not take into account what occurred in the incident.
- (G) A City of Taneytown officer must disregard the history of complaints at a location. Although a history of complaints at a location helps an officer to build probable cause, because officers respond to a location frequently they may tend to treat the situation lightly, dismiss it, and not take, or continue to take, positive action to stop the violence in the relationship. They may feel that earlier positive intervention efforts were fruitless.

- (I) A City of Taneytown officer must disregard the verbal assurances of the suspect that the violence will stop. Such a statement is an admission that there is a problem and that perhaps violence did recently occur. It is also a statement on which a professional law enforcement officer cannot rely.
- (J) A City of Taneytown officer must disregard the potential financial consequences of arrest to the suspect and/or the victim. An officer may sincerely feel that if he/she arrests the abuser that action will negatively affect the family's ability to bring money into the household. That may be a correct assessment; however, the focus for the officer should be on the fact that a crime occurred for which the Maryland law enforcement community prefers arrest as the appropriate action.
- (K) A City of Taneytown officer must disregard the belief that the complainant will not want to prosecute and will not appear in court. This will occur in many domestic violence cases, although some jurisdictions in the State of Maryland have a No-drop policy. In addition, Maryland State law limits the right to refuse to testify in cases where the victim and the abuser are married.
- (L) A City of Taneytown officer must disregard the complainant's statement that he/she does not want the suspect arrested. This will occur in many domestic violence cases. In fact, the victim may have wanted only for the police to intervene and stop the violence or potential violence. However, it is the Maryland law enforcement community's policy that arrest is the preferred action to stop the violence. Such a policy also relieves the complainant of the problem wherein the abuser can blame the victim for being arrested.
- (M) A City of Taneytown officer must disregard the denial by either party that abuse occurred, despite evidence to the contrary. This is often done in domestic violence cases. Obviously, the abuser has his/her interests at stake and may even believe he/she has not been abusive; the victim may also be in denial, but may also be afraid to say that he/she has been injured by the abuser. The officer must consider the evidence, not the words of denial, and consider that the victim may be in fear of the abuser.
- (N) A City of Taneytown officer must disregard claims by the suspect that the complainant provoked the violence. This is a frequent claim and may even be true; however, the officer must not allow himself/herself to be influenced by claims by provocation. The officer must examine the evidence and determine whether a crime has been committed. Verbal provocation, if indeed there was provocation, does not justify an act of criminal conduct in response.
- (O) A City of Taneytown officer must disregard the fact that the suspect is a

fellow law enforcement officer or supervisor, a public official, or a person of stature in the community. The officer should handle this situation according to the policy established by this document.

- (P) A City of Taneytown officer must disregard evidence that the suspect is under the influence of drugs or alcohol. This will frequently be the case; however, the use of alcohol or drugs by an abuser does not mitigate the criminal acts he/she committed.

39-4 Dual Arrest

39-4.1 Investigative Guidelines

1. Definition of dual arrest

- (A) A Dual Arrest is the term used to describe the arrest of both parties involved in a domestic violence situation, usually a mutual battery.
- (B) Dual arrests arise when
 - (1) Both parties commit a crime, most often a battery, against each other. In such cases, dual arrest is appropriate.
 - (2) A victim strikes an aggressor in self-defense, and the officer decides to arrest both parties. In such cases, a law enforcement officer in the State of Maryland has the authority not to arrest a person who acts in self-defense;
 - (3) The assailant lies about his/her or the victim's actions. In such cases, the investigation was inadequate to discount the assailant's allegations; or
 - (4) There is no probable cause to believe that the victim committed a battery, but the victim is arrested anyway. In such cases, the issue of false arrest arises.

2. Consideration of the law

The State of Maryland guides law enforcement officers legislatively through §27-594 B(d)(2) of the warrantless arrest statute:

If the officer has probable cause to believe that mutual battery occurred and arrest is necessary under this subsection, the officer 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.

3. Investigation and evaluation of injuries

When a mutual battery has occurred, the responding officer will

- (A) Investigate and interview the parties as in any domestic violence case;
- (B) While investigating, pay particular attention to the history of violence, including any previous or current Temporary Ex Parte or Protective Order;
- (C) Evaluate injuries sustained by the parties, considering
 - (1) The degree and type of injury, determining whether injuries are offensive or defensive;
 - (2) The relative strength, size, and capability to inflict injury of each person; and
 - (3) The relative fear displayed by each of the parties;
- (D) Consider whether one of the parties acted in self-defense; and
- (E) Determine whether one of the parties was the primary aggressor.

4. Consideration of self-defense

- (A) Maryland law requires that the law enforcement officer consider whether one of the parties acted in self-defense. In Maryland, a person may act in self-defense when
 - (1) The person actually believed that he/she was in immediate and imminent danger of bodily harm,
 - (2) The person's belief was reasonable, and
 - (3) The person used no more force than was reasonably necessary to defend himself/herself in light of the threatened or actual harm.
- (B) In cases where a person's injuries are severe enough to demonstrate an intent to do great bodily harm and the officer has probable cause to believe that the suspect committed the offense, the officer should consider that the extent of the victim's injuries do not substantiate the suspect's claim of self-defense.

- (C) The investigating officers will consider the self-defense factors and decide whether one of the parties' actions constituted an act of self-defense.
- 5. Determination of primary aggressor
 - (A) In determining if one of the parties is a primary aggressor, the investigating officers will ascertain whether one of the parties:
 - (1) Has a history of committing crimes of violence,
 - (2) Is or has been a respondent of a Temporary Ex Parte or Protective Order,
 - (3) Has threatened the other,
 - (4) Has carried out his/her threats, and/or
 - (5) Is more capable than the other party of being assaultive.
 - (B) A determination as to who the primary aggressor is should not necessarily include who started a verbal argument, because verbal provocation is not cause for assaultive behavior.
 - (C) The investigating officers will consider the primary-aggressor factors and decide whether one of the parties' actions constituted an act of primary aggression.

39-4.2 Basic Arrest Policy in Cases of Mutual Battery

1. Law enforcement officers should avoid dual arrest whenever investigation reveals that a person acted in self-defense.
2. If one party was the primary aggressor, that person should be arrested. The party who was defending himself/herself from a battery should not be arrested.
3. If both parties committed domestic offenses, and neither was acting in self-defense, both parties should be arrested.
4. Because of our recognition of the dynamics of domestic violence and because Maryland law seeks to hold the primary aggressor accountable, cases of dual arrest should not be a frequent occurrence.

40-0 OPERATION OF POLICE VEHICLES

All personnel operating department vehicles shall exercise due regard for the safety of all persons. No task, call, or incident justifies disregard to public safety. Further, the public expects its police officers to demonstrate exemplary driving behavior. All department personnel who operate police vehicles will comply with safe driving procedures outlined herein with particular attention to responding to calls for service or engaging in pursuits. Emergency warning devices shall be minimally used consistent with both legal requirements and the safety of the public and police personnel.

40-1 PURPOSE

To establish procedures governing the operation of the police vehicles, with special attention to emergencies and pursuits.

40-2 DEFINITIONS

1. NORMAL OR ROUTINE DRIVING - That driving which dictates vehicle speed consistent with the normal flow of traffic, obedience to vehicle laws and posted signs, adherence to commonly-understood Rules of the road, and courtesy.
2. PURSUIT DRIVING - That driving concerned with the pursuit and apprehension of a violator or violators in a motor vehicle. Pursuits are conducted using emergency equipment.
3. EMERGENCY DRIVING - That driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation.
4. EMERGENCY EQUIPMENT - Flashing, blinking, or alternating emergency lights and a siren, whistle or air horn designed to give intermittent signals automatically.

40-3 PROCEDURES FOR ALL RESPONSES:

40-3.1 GENERAL

1. All departmental vehicles shall be driven safely and properly in full compliance with all traffic laws and regulations. Police vehicles are conspicuous symbols of authority on the streets and the actions of police drivers are observed by many. Each police driver must set an example of good driving behavior and habits.
2. Under certain emergencies as defined below, the officer is authorized to disregard traffic regulations; however, both the operator and the department are not released from civil liability for failure to use reasonable care in such operation. Improper driving can cost each police driver, personally, civil damages while inflicting harm or

injury to the driver, other law enforcement personnel, other citizens or causing property damage, and damaging the image of the department and law enforcement generally.

40-3.2 ROUTINE OPERATION

In case of accident or damage to any police vehicle, the driver shall immediately request either the sergeant or a senior officer to conduct an investigation which shall be reported immediately on a state accident investigation form. The Chief of Police shall review all such reports and take appropriate action, to include coordination with the City attorney.

1. Vehicles used in routine or general patrol service shall be conspicuously marked. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security.
2. Unmarked cars may be used for patrol. They may be used to stop vehicles provided they are equipped with emergency lights and siren.
3. Seat belts and shoulder straps shall be worn by all police personnel or ride-alongs during vehicle operation. Prisoners shall be strapped in with seat belts whenever possible. The only exception is:
 - A. At approach to any scene of an incident or service call where the police officer believes a rapid departure from the vehicle may be required, the officer may release the seat belt. Seat belts shall, however, be worn any time the vehicle is being operated under emergency conditions.

40-3.3 INSPECTION

1. Officers are daily responsible to check the cleanliness, fluid levels (oil, brake fluid, gas), and general operability of equipment of their assigned vehicles.
2. Officers shall examine their vehicles at the beginning and end of their shifts for damage. Officers shall report any damage immediately to the supervisor.
3. Officers shall examine their vehicles at the beginning and end of their shifts to search for evidence, contraband, or property discarded by prisoners or others.
4. Officers who discover a police vehicle in need of extensive repairs shall immediately inform the supervisor.
5. If, in the opinion of the Chief of Police, vehicle damage resulted from abuse or neglect caused by an officer, disciplinary action may result.

40-3.4 DRIVING RULES

1. Circumstances permitting, the driver must check the safety features of his vehicle before commencing operation. The check shall include (but not be limited to) all lights, brakes, siren, horn, and steering.
2. No driver shall modify, remove, de-activate, or otherwise tamper with the vehicle safety belts, emission control device, or any part of the vehicle which affects its operation.
3. During periods of inclement weather when police vehicles cannot be washed regularly, the driver must assure that headlight and tail-light lenses are kept clean, insofar as circumstances permit.
4. No officer or employee shall operate any police vehicle which he or she believes to be unsafe.
5. The driver shall carefully observe the surrounding conditions before turning or backing any vehicle.
6. A police vehicle shall not be left unattended with its engine in operation.
7. The driver must recognize the variable factors of weather, road surface conditions, road contour, and traffic congestion, all of which directly affect the safe operation of any motor vehicle, and shall govern the operation of the vehicle accordingly.
8. The nature of certain crimes-in-progress may call for the use of the siren to be discontinued upon close approach to the location of the occurrence, and although such action is permitted by authority of this order, police vehicle operations under these conditions require extreme caution.
9. Emergency driving to the scene of a motor vehicle accident is permissible ONLY when an emergency exists, or when specific information indicates that conditions at the scene require the immediate presence of an officer.
10. Upon approaching a controlled intersection or other location where there is great possibility of collision, the driver who is responding under emergency conditions shall reduce the speed of his vehicle and control it to avoid collision with another vehicle or pedestrian, stopping completely, if necessary, before entering and traversing the intersection. When faced with a red traffic signal, the officer shall stop his vehicle and assure by careful observation that the way is clear before proceeding through the intersection.

11. Regardless of the seriousness of the situation to which he is responding, and excepting circumstances that are clearly beyond his control, the operator of a police vehicle shall be held accountable for the manner in which he operates his vehicle.
12. At the scene of a crime, a motor vehicle crash, or other police incident, a police vehicle shall be parked in such a manner so as not to create an obstacle or hazard to other traffic. The emergency lights and four-way flashing lights shall always be used to warn other drivers approaching the location.
13. The driver shall lower one front door window far enough to hear other sirens and traffic warning signals.
14. Operators of police vehicles must bear in mind that traffic regulations requiring other vehicles to yield the right of way to any emergency vehicle do not relieve the emergency vehicle operator from the duty to drive with due regard for the safety of all persons using the highways, nor shall they protect the driver from the consequences of an arbitrary exercise of such right of way.

40-4 PROCEDURES FOR EMERGENCY DRIVING

40-4.1 GENERAL

1. No fixed rule can apply to every circumstance that may arise governing emergency driving. Although an officer may receive information that leads him to respond to a call with emergency lights and siren activated, in the majority of such cases an officer discovers, upon arrival, that an emergency response was not justified. The department, however, imposes on the officer the restriction of driving no faster than 20 miles per hour above the posted speed limit in an emergency response (excluding pursuits).

40-4.2 OFFICER'S RESPONSE TO CALL

1. Upon arrival at the scene of a call, the responding officer shall rapidly evaluate the situation and determine whether additional units are still needed or whether other units responding can be slowed or canceled.
2. All units responding to robbery- and burglary-in-progress calls, before coming within hearing distance, shall discontinue the use of the siren and at that time fully comply with all traffic laws. Before coming within sight of the location, officers shall discontinue the use of the emergency warning lights.
3. In situations requiring silent response, e.g., alarm response and prowler calls, officers shall respond as rapidly as possible, obeying all traffic laws and signs.

40-4.3 OFFICER-INITIATED RESPONSE

When, in the opinion of the officer, an emergency is imminent or exists, or that activation of emergency warning devices is necessary to protect life or render the necessary police service, the department authorizes an emergency response.

1. Examples include:

- A. At the scene of any incident where the use of emergency lights constitutes a necessary warning for the safety of life (such as scenes of fires, accidents or disasters).
- B. As a visual signal to attract the attention of motorists stopped for traffic violations, or to warn motorists of imminent dangers.
- C. Where because of location, distance to be traveled, or traffic conditions, the officer determines that emergency operating conditions are essential in order to provide an appropriate police response.
- D. In response to an officer's emergency request for assistance.
- E. For pursuit, SEE section 40-5.

40-5 PROCEDURES FOR VEHICLE PURSUITS

40-5.1 OFFICER RESPONSIBILITIES

The officer who undertakes a vehicle pursuit does so at his or her discretion taking into consideration the factors listed below. The officer's primary responsibility in a pursuit is the safe operation of the vehicle. The officer shall notify the dispatcher of the pursuit, direction of travel, description of the pursued vehicle, and location.

40-5.2 SUPERVISOR'S RESPONSIBILITIES

The patrol supervisor shall monitor the pursuit and respond. The supervisor may end the pursuit at any time that he or she feels circumstances warrant.

40-5.3 BACK-UP RESPONSIBILITIES

The first back-up unit to respond shall assist the primary officer in making the arrest. He or she shall also assume the responsibility of updating the dispatcher with the location and direction of travel of all vehicles involved, thereby allowing the primary officer to focus attention on the pursuit driving.

40-5.4 JUSTIFICATION OF PURSUIT

An officer may pursue a vehicle only when he has probable cause to believe the violator has committed or is attempting to commit a serious felony (a felony involving the use or threatened use of violence) or when the necessity of immediate apprehension in case of a misdemeanor outweighs the level of danger created by the pursuit (e.g., DUI, reckless driving). Officers shall not pursue vehicles for minor traffic violations or violations of town ordinances.

1. Considerations in engaging pursuit.
 - A. Officers shall not operate a vehicle at a rate of speed that may cause loss of control. The department expects an officer to end the pursuit whenever the risks to his or her own safety, or the safety of others outweighs the danger to the community if the suspect is not apprehended.
 - B. The decision to begin, responsibility for continuing, and the choice of method of pursuit rests primarily, if not solely, with the individual officer(s) involved. In deciding, he or she is faced with a dilemma because, although the law does not prevent the officer from using emergency speeds while engaged in pursuit, it does hold him or her criminally and civilly responsible. Therefore, officers must exercise sound judgment and carefully consider the seriousness of the offense, the possible consequences, and the safety of citizens. Such considerations include:
 1. Does the seriousness of the crime warrant a chase at unsafe speed?
 2. What is the possibility of apprehension?
 3. Will the pursuit take place on residential streets, a business or school district or freeway?
 4. When a police officer begins pursuit of a fleeing vehicle, he or she must remember that citizens using public highways do not expect their travel to be interrupted by a high-speed chase or to become involved in an accident as a consequence. Children playing on the side of the street are likely to be drawn towards a police car with the siren and emergency light operating, rather than cautioned away from it.
 5. Street and traffic conditions.
 6. The weather conditions.

7. Road conditions and lighting (visibility).
 8. Balancing the pursuit=s danger to the public against allowing suspect to escape.
- C. Intersections are a particular source of danger. Officers, when approaching an intersection where signal lights or stop signs control the flow of traffic, shall:
1. Decelerate and be prepared to apply the brakes.
 2. Enter the intersection only when safe, when all other vehicles are aware of the officer's presence, and at a reduced speed.
 3. Resume pursuit speed only when safe. When using emergency lights, siren, and headlamps, the officer is requesting the right of way and DOES NOT ABSOLUTELY HAVE the right to run a red traffic light or stop sign.

40-5.5 RULES OF PURSUITS

1. Officers shall not ram, bump, or collide with a fleeing vehicle nor shall officers pull alongside such vehicles in an attempt to force them off the road or into an obstacle.
2. Pursuits shall be limited to two police vehicles, a primary and a secondary. Other police vehicles shall not leave their assignments to join the pursuit. Additional units may participate but only under order by the senior officer on duty or the sergeant.
3. Officers shall not fire their weapons from a moving police vehicle.
4. Whenever the pursuit extends off roadway, as when the fleeing vehicle leaves the roadway and proceeds cross-country, the pursuing officer(s) must carefully consider whether or not the seriousness of the offense outweighs the risk to his safety and the potential damage to the police vehicle or private property. When the risks of pursuit exceed the need to capture the offender, THE OFFICER MUST DISCONTINUE PURSUIT.
5. Should the person(s) attempting to avoid apprehension stop the fleeing vehicle and proceed on foot, the officer shall stop, give his or her location, and continue efforts to apprehend on foot. The back-up car, or second police vehicle, shall be dispatched in close proximity to offer assistance.
6. A supervisor may direct that the pursuit be ended. If the pursuing officer receives such an order to stop the pursuit, he or she shall do so immediately and acknowledge

the

order. Also, the pursuing officer(s) must end the pursuit if at any time during the course of the pursuit he loses extended sight of the fleeing vehicle.

7. Only in the case of suspected fleeing felons whose escape poses a danger to life may officers set up a roadblock. The decision to erect a roadblock shall only be made by the Chief of Police or, in his absence, the Lieutenant. A decision to erect a roadblock is a decision to use deadly force (the provisions of 36-1 apply). The decision to erect a roadblock must consider:

- A. The safety of officers;
- B. The risk of physical injury to the occupants of the pursued vehicle;
- C. The protection of citizens and their property.

A roadblock must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify the dispatcher of its precise location. The department stresses that roadblocks constitute a last resort in stopping a fleeing violent felon.

8. Officers, when accompanied by civilian passengers, shall not pursue. If a civilian is in the police vehicle at the beginning of a pursuit, that officer shall turn the pursuit over to another officer, or deposit the civilian at an appropriate, safe location.
9. When two vehicles are involved in pursuit, each unit shall maintain a safe distance especially when passing through intersections. Each unit involved in the pursuit shall use a different siren-sound selection.
10. In case of pursuit, should the violator enter a one-way street against the flow of traffic, or enter a major highway or interstate freeway by proceeding along an exit ramp, the pursuing officer shall not follow the violator but instead transmit via radio detailed observations about the suspect vehicle=s location, speed, and direction of travel.

40-6 ABANDONING PURSUIT

This general order has noted the necessity for a pursuing officer to evaluate continuously the risks and goal of a pursuit. Under some conditions, abandoning a pursuit may prove the most intelligent decision the officer can make.

1. Officer may discontinue pursuit under the following circumstances;
 - A. If, in the opinion of the pursuing officer or supervisor, the pursuit creates a clear and unreasonable danger to the officers and other motorists or

pedestrians that outweighs the need for immediate apprehension.

- B. The suspects have been identified and can be apprehended later.
- C. The prevailing traffic, roadway, and environmental conditions render pursuit futile.
- D. The pursued vehicle outdistanced the officer, or its location is not known.
- E. The pursuing officer knows, or is reasonably certain that the fleeing vehicle is operated by a juvenile and the offense constitutes a misdemeanor or non-violent felony (the pursuit may stimulate the juvenile to recklessly disregard public safety).

Discontinuing a pursuit does not mean that the officer cannot follow the vehicle at a safe speed, or remain in the area ready to resume the pursuit if the opportunity presents and circumstances warrant. Officers, when pursuing, shall resist the temptation to get into the violator=s back seat--figuratively speaking--but instead simply follow the violator and allow him or her to make the driving mistakes. NO OFFICER CAN BE DISCIPLINED FOR DISCONTINUING A PURSUIT.

41-0 HANDLING OF JUVENILES

41-1 PURPOSE

The purpose of this policy is to establish guidelines for the proper disposition of juvenile cases.

41-2 POLICY

It is the policy that officers will use their discretion to make use of the least forceful and least intrusive alternative available consistent with maintaining public safety, order, and individual liberty. In particular, as in cases involving minor offenses or when manpower is limited, officers will consider releasing the juvenile offender to the custody of a parent or legal guardian at the scene of the incident before transporting the juvenile to a police facility and formally processing the juvenile.

41-3 GUIDING PRINCIPLES

1. The constitutional rights of juveniles shall never be compromised and shall be completely protected at all times. Additionally, these rights must be read and explained to the juvenile (and the juvenile's parent or guardian where possible). Only a juvenile can waive his rights. No one, including his parents, should be permitted to influence or force the juvenile to waive his rights. Interviews with the juvenile offender should be conducted in a non-threatening manner and in the presence of at least two (2) officers, when possible.
2. When taken into custody, a juveniles parents or legal guardian will be notified of the circumstances as soon as possible.
3. When a juvenile has been taken into custody, the length of detention should be limited to only that amount of time, which is immediately necessary, and not to exceed six (6) hours for the purposes of identification, processing, or transfer to another facility.
4. During the temporary detention period, the juvenile must be separated by sight and sound from all adult offenders who may also be in the custody of the police. Additionally, a juvenile must not be transported together with adults who have been charged with or convicted of a crime unless the court has waived its jurisdiction and the child is being proceeded against as an adult.
5. Officers shall only take custody of status offenders when there is sufficient reason to believe that the juvenile will run away if not taken into custody immediately or there are exigent circumstances. Under such circumstances, status offenders (a child in need of supervision) shall be detained separately and transported separately from delinquent offenders.

6. Search and seizure provisions of the law also apply to juveniles.
7. Where the officer has taken a juvenile into custody and it is deemed necessary to further detain him pending a hearing, there must be an immediate contact with the local juvenile justice intake division for authorization. That division will make the decision to release or detain the juvenile.
8. Formal processing must be considered when the delinquent act in question:
 - A) Would be a felony if committed by an adult.
 - B) Involved the use of weapons.
 - C) Involved an aggravated assault or battery.
 - D) Was related to gang activity.
 - E) Was committed by a juvenile currently under probation or parole.
 - F) Was committed by a juvenile who has repeatedly committed delinquent acts within the past 12 months.
 - G) Later reveals that parental supervision has been inadequate.
9. Photographing and Fingerprinting a Juvenile:
 - A) Juveniles under the age of 14 years shall not be photographed and fingerprinted unless it is authorized by the arresting officers supervisor.
 - B) All juveniles 14 years or older must be photographed and fingerprinted with any felony or the following misdemeanors:
 - 1) Narcotics offenses.
 - 2) Unauthorized use of Motor Vehicle.
 - 3) All sex offenses.

(All other offenses would require authorization by the arresting officers supervisor).

41-4 Definitions

1. Juvenile: Any person under the age of 18 years.

2. Status Offender: A juvenile who has committed an act, which would not be a crime if committed by an adult (e.g., runaway, truancy, alcohol prohibitions, etc.).
3. Delinquent Child: A juvenile offender who is charged with an offense, which, if committed by an adult, would be a crime.
4. Non-Offender (Child in need of assistance): A juvenile subject to juvenile court jurisdiction usually under abuse, dependency or neglect statutes and not because of delinquent behavior.

42-0 RELEASE OF INFORMATION

42-1 Purpose

The purpose of this policy is to establish guidelines for the release of information, and in particular, the release of information to representatives of the media. The release of information is expected to enhance the relationship between the police agency and the community, which it serves, and to gain public support in the crime control effort.

42-2 Policy

1. Structure of Information Release
 - A) It is the policy to release information to the public in a timely and accurate fashion by assigning the duty of controlling and disseminating public information to the Chief or Lieutenant.
 - B) In the absence of the Chief or Lieutenant, the supervisor will control the release of public information.
2. Restrictions on the Release of Information:
 - A) The following information is NOT to be released:
 - 1) The identity of victims of sex-related crimes.
 - 2) The identity of a suspect for whom a warrant or summons has not been issued or indictment returned.
 - 3) The existence or contents of any confession, admission, or statement of the accused.
 - 4) The identity, comments, expected testimony or credibility of any

witness.

- 5) Any statements regarding the innocence or guilt of the accused, the merits of the case, the possibility of a plea, or the value of evidence when the statements are based upon an officers own opinion.
- 6) The identity of a juvenile arrestee who has not been certified by the Court as an adult.
- 7) The identity of a deceased person before next of kin have been notified.
- 8) Information regarding special enforcement tactics that have been planned in advance (e.g., raids, stake-outs, or special assignments, etc.).
- 9) Any information which could impede the enforcement of the law or an ongoing investigation.
- 10) Any information which is legally privileged.
- 11) Any information which violates or jeopardizes the constitutional rights of an accused person.

B) Upon request, the following information MAY be released:

- 1) The type of event or crime and where it occurred.
- 2) Identity of victim (unless the crime was a sexual assault, the victim has requested to remain unidentified, or in the case of death, the victims next of kin have not been notified).
- 3) The name, age, city of residence, and other background information of a suspect or accused person.
- 4) The charge upon which an arrest has been made.
- 5) Circumstances of the arrest.
- 6) Custody status.
- 7) Date of hearings.
- 8) Identifying photographs only if they are available and do not contain police identification data.

- C. It is the policy to release information in regards to criminal offenses committed by juvenile delinquents only as follows:
 - 1) Any distinctly identifying information, such as name or address, will NOT be released.
 - 2) A juveniles age, sex, city of residence and the details of the offense MAY be released.
 - 3) Only those traffic offenses which have been committed by juveniles over the age of 16 years and not subject to penalties of incarceration shall be available for release.
- 3. Release to Media Representatives:
 - A) It is the policy to accept requests for the release of information by representatives from the media when the necessary credentials have been verified.
 - B) Information will not be released to media representatives with any particular favor or prejudice.
- 4. Officer Information:
 - A) Officers properly providing information to the media may have their names published unless working in an undercover assignment.
 - B) Personal addresses and telephone numbers of police personnel will not be released at any time.

42-3 Guiding Principles

- 1. Although it is important to release information in a timely manner, priority must be given to the security of a crime scene or disaster area. In this sense, the preservation of any evidence and the safety of bystanders, police officers, and media representatives should take precedence over the access to a scene or the dissemination of information.
- 2. Representatives of the media who do not comply with department restrictions or directives may have their privileges revoked or suspended.

43-0 PRISONER TRANSPORT

43-1 Purpose

The purpose of this policy is to establish guidelines in the transportation of prisoners. It is expected that this policy will maximize the safety of the prisoner, the transporting officer, and the community.

43-2 Policy

1. It is the policy to take the necessary precautions to protect the safety of the prisoner, the transporting officer and the community. This shall include, but is not limited to, the following actions:
 - A) Restrain the prisoner with handcuffs or flex-cuffs utilized to the rear and other restraining devices where necessary.
 - B) Search the prisoner thoroughly even if he or she has been searched previously.
 - C) Search the transporting vehicle for contraband and inspect for safety.
 - D) Secure the prisoner into the vehicle by using a seat-belt and shoulder harness.
 - E) Maintain close guard over the prisoner at all times.
 - F) Remove the prisoner from the scene without delay.
2. It is the policy to restrict the transport of multiple prisoners in the following manner:
 - A) Unless juvenile jurisdiction has been waived, juvenile prisoners will not be transported in the same vehicles as adult prisoners.
 - B) Juvenile Astatus≅ offenders will not be transported with juvenile Adelinquent≅ offenders.
 - C) Male and female prisoners cannot be transported in the same vehicle.
 - D) Communication between prisoners will not be allowed without the transporting officers permission.
 - E) Whenever possible, two officers will transport female prisoners.

- F) Whenever possible the prisoner should be transported in the rear passenger seat.
- 3. It is the policy to limit prisoners' ability to communicate while in transport by not allowing prisoners to communicate with or come in physical contact with any non-prisoner while in custody. Also, prisoners will not be allowed to exercise their right to counsel during transportation, and officers will not question a prisoner unless the prisoner has been properly notified of his or her Miranda rights.
- 4. It is the policy to require police officers to communicate via radio to the dispatcher their approximate location, travel destination, time and mileage readings and identity of the prisoner before prisoner transportation begins.

44-0 SEXUAL ASSAULT INVESTIGATIONS

44-1 Purpose

The purpose of this policy is to establish guidelines for handling the investigation of cases which involve this type of violence. *See Annotated Code of Maryland, Article 27 beginning with Section 461.*

44-2 Policy

- 1. It is the policy to respond to all complaints involving sexual assault and to handle each case seriously, professionally and as sensitively as possible.
- 2. If the call for service suggests that a sexual assault crime has just occurred or is in progress, at least two officers will be dispatched to respond. It is the policy that the first officer to respond to the call will be the primary investigator.
- 3. When officers have determined that a sexual assault has occurred, the health and safety of the victim should be assessed immediately, and if appropriate, medical assistance provided. Subsequent to this, priority should be given to the following:
 - A) Arrest the assailant if one is known, and it is possible to do so.
 - B) Secure the crime scene and preserve any available evidence.
 - C) Request Child Abuse and Sexual Assault Unit (CASE).
 - D) Contact Rape Crisis Center.
- 4. The investigation of all sexual assaults will be conducted with a coordinated effort among the police investigators and CASE.
- 5. Officers who respond in cases involving sexual assault shall include a written

incident report before the culmination of their shift.

44-3 Guiding Principles

Sensitivity in investigating sexual assaults is an important quality to maintain. When interviewing the victim, the process of collecting evidence or informative statements should not present unnecessary stress to the victim. If possible, one officer should conduct the interview with the assistance of a representative from an available victims outreach program or similar support service.

45-0 RIDE-ALONG PROGRAM

45-1 Purpose

The purpose of this policy is to establish guidelines under which citizens are permitted to participate in Departmental ride-along programs. It is expected that this program will assist in developing positive public relations as well as provide educational experiences.

45-2 Policy

1. It is the policy to allow civilians to participate in a ride-along program which allows them to accompany individual officers on patrol for observational or educational purposes.
2. Participants of the ride-along program must submit a waiver of claim and liability before the commencement of the assigned ride.
3. To ensure the proper safety of each participant, participants will be required to wear a seat-belt throughout the duration of the patrol and must pay particular attention to any commands given to them by the officer.
4. Participation in the ride-along program primarily will be limited to:
 - A) Citizens over the age of 18 years.
 - B) Visiting law enforcement personnel.
 - C) Adult relatives of active or retired departmental personnel.
 - D) Professionals and students in the field of criminal justice or related social sciences.
 - E) Members of the media and governmental officials.
 - F) Participants who have not already participated in the past six months.

5. Only one ride-along participant may accompany an officer at any given time.
6. Prisoners will not be transported in the same vehicle as the ride-along participant.
7. It is the policy to set and enforce dress standards for persons participating on Ride-alongs.
8. It is the policy to prohibit Ride-Along participants from carrying or possessing weapons of any kind (e.g., firearms) unless authorized by another police agency.

45-3 Guiding Principles

1. It is expected that each participant of the ride-along program will submit in advance an application form to be approved by the Chief or Lieutenant. This application should include any and all requests for a specific time, date, or officers name as well as a stated reason for wanting to participate. At the discretion of the Chief or his/her designee, applicants may be interviewed prior to being approved for participation.
2. Where the officer believes that a participants safety may be in jeopardy during a response to a call for service, that officer will discharge the ride-along participant at a location determined to be safe before responding to the call at hand. In such a case, the ride-along officer will communicate via radio to the dispatcher to indicate the location where the ride-along participant has been discharged.

46-0 Firearms Qualification

1. It shall be the policy of the Taneytown Police Department that each member shall qualify with the Department carried pistol at least once per year for qualification.
2. It shall be the policy of the Taneytown Police Department that each member shall qualify with the Department carried shotgun once per year for qualification.
3. It shall be the policy of the Department that an officers off-duty weapon shall be approved by a certified firearms instructor. Each member shall qualify yearly with his personal firearms. Any member failing to qualify with a personal firearm shall not carry it off-duty. NOTE: Failure to adhere to the above regulation may subject the member to criminal penalties under Article 27 of the Annotated Code of Maryland.
4. All personal weapons carried shall be approved in writing by the Chief, before the weapon is to be carried.
5. All members of the Department shall qualify with a score of seventy percent (70%) or better. The following scores shall be the policy of the Department for authorization of badges.

- A) 70% to 79% is rated a Marksman.
 - B) 80% to 89% is rated as Sharpshooter.
 - C) 90% to 100% is rated as Expert.
6. It shall be mandatory that all personnel hired shall be qualified before carrying a firearm on or off duty.
 7. No member of the Department shall carry or use other than issued ammunition on duty.
 8. Department issued or approved firearms for on-duty use are subject to inspection at any time.
 9. Department personnel shall qualify annually with their department issued handgun.

47-0 Military Courtesy and Chain of Command

47-1 General

Military courtesy deals mainly with affording correct courtesy and respect to subordinates, fellow workers, and supervisors.

47-2 Hand Salute

Police employees of this Department, when encountering other police employees of the Department, wearing the uniform, the Governor, Lt. Governor, or Commissioned Officers of the U.S. Armed Forces shall render the proper hand salute.

1. When inside an installation, an exchange of salutes will be given upon the first encounter of the day. Further saluting throughout the day is not necessary, but may be practiced at the discretion of those involved.
2. The exchange of salutes while on patrol between fellow officers and officers of other departments is a practice that should be followed.
3. No salute or other acknowledgment will be made when encountering another member who is known to be assigned to investigative or other types of covert operations, unless such member makes an acknowledgment first.

47-2.1 The Taneytown Police Department is a quasi-military organization. In keeping with basic

military courtesy, the use of the word ASir≅ or a rank description in general conversation is expected.

47-3 Chain of Command

In general, the chain of command will be followed in dealing with all matters concerning the Department.

1. Other than incidents relating to unlawful conduct by any member of the Department, all correspondence, both written and verbal, relating the official business within the Department, shall be channeled through the office of the Chief of Police.
2. Police employees of the Department will not attempt to bear influence upon the Mayor, the City Manager, or any Councilmember for the purpose of avoiding penalties for violation of the Departments policies, rules, and regulations.
3. Salary and employee benefit increase recommendations for members of the Department are the sole duty and responsibility of the City Manager and individual members of the Department will not unless authorized by the Chief, or the City Manger, discuss such matters with the Mayor or members of the City Council.

SECTION III

INVESTIGATION OF MISCONDUCT

1-0 Purpose

The purpose of this policy is to establish guidelines for receiving and investigating citizen complaints and allegations of misconduct by police officers. Guidelines for disciplinary action will also be suggested.

1-1 Police

1. It is the policy to receive all complaints courteously, record all complaints on a Public Service Report, and to investigate each complaint seriously and professionally. All members of the department are authorized to receive complaints. All complainants will be given a Public Service Report to complete and return. The Public Service Report may also be used to relay compliments on an officer's performance. This information must then be forwarded to the appropriate supervisor, Chief or Lieutenant. The degree of seriousness of the allegation or complaint will determine the course of disposition. Less serious circumstances will be addressed by the officer-in-questions immediate supervisor. More serious allegations (those involving corruption, misuse of force, breach of civil rights, untruthful statements, criminal misconduct, etc.) will be investigated thoroughly by the Chief or his designate. For allegations determined to be of a serious nature, the supervisor who receives the complaint will notify the Chief or Lieutenant within 24 hours. A sworn statement alleging brutality must be filed by the complainant within 90 days of the alleged act.
2. The officer in charge of the investigation must report to the Chief on the issues of the investigation initially and the results of the completed investigation in a timely manner.
3. The officer in charge of investigating the complaint is responsible for informing the officer or officers involved in the complaint that an investigation is being conducted. When the investigation is completed, all parties (including the complainant) will be notified of the disposition in a timely fashion.
4. It is the policy to establish a progressive continuum of disciplinary action to be used when instances of misconduct are identified. This continuum will follow procedures set forth in the City of Taneytown's Personnel Manual Article E Section 2-4-13 through 2-4-22. All disciplinary procedures and actions will be applied to all officers in accordance with the Law Enforcement Officers Bill of Rights. (Annotated Code of Maryland, Article 27, Sections 727 to 734D.)

5. Members of the department, who have witnessed or committed a serious violation of departmental regulations by a member of their own agency, by an act of commission or omission, shall report this violation as soon as possible to their immediate supervisor. Additionally, members are required to report all criminal charges and traffic offenses as soon as possible to their immediate supervisor.
6. It is the policy to fully investigate all charges of misconduct alleged against members of other police agencies and to notify the officer's parent agency of the alleged misconduct.
7. To ensure that the proper use of force is being applied throughout the department, all reports of the use of force will be reviewed thoroughly. In a similar fashion, all reports of officers discharging a firearm away from a firing range will be reviewed immediately.
8. The Chief may request the investigation be conducted by an allied Police Department.

1-3 Guiding Principles

1. For some violations of departmental regulations, it may be appropriate to use remedial training or counseling services as non-punitive sanctions.
2. All complaints or allegations of misconduct should be treated as confidential information.
3. Polygraph examinations should only be ordered by Internal Affairs or the Chief when absolutely necessary.
4. When complaints are received anonymously, effort should be made identify the complainant where possible.
5. Summary punishments may be imposed when the accused officer agrees to waive his or her rights to a disciplinary hearing and the unit supervisor agrees to the imposition. Summary punishments may range from a letter of reprimand as the least severe punishment to three days without pay or a fine of \$150.00 as the most severe.

SECTION IV

UNIFORM REGULATIONS

1-0 Introduction

The Taneytown Police Department shall provide uniforms and equipment necessary for the performance of the duties of all employees to the extent permitted by the budget. All uniforms and equipment shall be purchased by the City of Taneytown and shall remain the property of the City.

1-1 No police employee of the department shall allow another employee of the department or any other person to use his badge or any other of his means of personal identification.

1-2 Uniformed personnel when on duty shall appear in the prescribed uniform at all times.

1-3 Any sworn employee of the department under indefinite suspension pending a hearing for removal, must turn in to the Department all property issued to him. Whenever a police employee is under suspension for a period of thirty (30) days or less as a result of disciplinary action, he shall be required to surrender to the Chief for the period of suspension his issued weapon, badge(s) and all issued cards, which identify him as being an employee of this department.

1-4 Uniformed employees of the department shall be held responsible for uniform, vehicles, or other equipment, issued to them, and where it is established that this equipment is lost or damaged through negligence, the employee concerned may be obligated to replace the same at his own expense. Every employee may be obligated to replace the same at his own expense. Every employee of the department shall assume a personal responsibility for all City property issued to him or placed in service for his use or convenience.

1-5 No decoration or insignia shall be worn by any employee of this Department on the uniform unless authorized by the Chief, who will designate where, when, and in what manner the insignia or decoration shall be worn.

1-6 Generally, the regulations concerning the wearing of uniforms and equipment as covered under this section are applicable to police employees of the Department only; however, the wearing of any portion of the uniforms or the improper or unauthorized use of department equipment by civilian employees, is a violation of these rules and regulations unless covered by orders specifically applicable to the individual or group. Employees of the Department are forbidden to wear uniform items or use equipment that fails to meet established specifications. All uniform clothing and equipment will be subject to approval by the Chief.

1-7 The uniform must command respect for it identifies the employee as a representative of the Department. It should be in excellent condition. The uniform must be worn with pride and in a way to bring credit to the Department.

2-0 Uniform Regulations

The following regulations will govern, in every instance, the wearing of the Taneytown Police Department uniform. Deviation from policy by substituting personal equipment for that issued or approved for use will constitute grounds for disciplinary action. Personal items of clothing may be authorized by the Chief to be worn in addition to regulation uniform during severe weather conditions.

2-1 Breast Badge

When worn on the patrol jacket or shirt, it will be worn in the holder provided.

1. When worn on the shirt, it will be worn above the left shirt pocket with the pin inserted in the designated area.

2-2 O.C. Spray

Will be issued to personnel to be kept in a readily accessible location but need not be carried on the gun belt.

2-3 Chevrons

When authorized, will be sewn on both sleeves, centered six inches (6") below the shoulder seam of the patrol jacket, and shirts.

2-4 Collar Ornaments

Will always be worn on the shirt with the bottom corners of the ornaments one-half inch (2") back from both lower edges of the collar. The bottom of the center of the ornament shall be one and one-half inches (1 2") above the point of the collar.

2-5 Detective Model Revolvers

The following police employees are authorized to carry the two inch (2") barrel service revolver:

1. All commissioned personnel
2. Personnel approved by the Chief as investigators.

2-6 First Aid Emblem

When authorized, it will be worn five inches (5") above the bottom of the sleeve on the right arm of blouse.

2-7 Gun Belt

The Sam Brown Belt will be worn directly over the waist belt and will fit snugly.

2-8 Handcuffs

Carried by all personnel and will be placed on the gun belt on the side opposite the holster.

2-9 Hat, 8 Point

The regulation issued 8 point hat will be worn by uniform police employees when in public or engaged in law enforcement activities. Generally, when the pistol is worn, the regulation issued 8 point hat will be worn. However, the hat need not be worn on an installation compound, e.g. while performing routine vehicle maintenance, or when inside a building or vehicle where individual discretion may prevail.

2-10 Holsters

Only holsters issued by the department as an item of uniform equipment or those approved for use by the Chief may be used by a police employee.

2-11 Insignia of Rank (commissioned personnel)

When authorized will be worn on each shoulder of the patrol jacket, one and one-half inches (1 2") in from the shoulder. The designation will be worn on the shirt at all times on both collars, one-half inch (2") in and one-half inch (2") down in a line with the front collar edge.

2-12 Jacket, Patrol

The patrol jacket will be worn for general patrol duties, court, and routine assignments.

1. The Sam Brown Belt will be worn directly over the waist belt when wearing the patrol jacket.
2. The Chief will exercise the authority to prescribe the uniform of the day. Uniformity will be maintained.

2-13 Department Shoulder Patch

This emblem is to be placed on the left shoulder of the shirt and patrol jacket. All shoulder patches will be placed so that the top is one-half inch (2") below the shoulder seam and centered on the seam.

2-14 Nameplate

Regulation issue will be worn secured over the right breast pocket, centered, and with the bottom edge of the nameplate touching the top edge of the flap of the right breast pocket on the shirt and patrol jacket.

2-15 Necktie and Tie clasp

Black regulation issued tie will be worn at all times when the long sleeve regulation shirt is worn and it will be secured to the shirt by a regulation issue Tie clasp resting on the fourth button from the top of the shirt. No tie will be worn with the regulation short sleeve shirt. Non-regulation Tie clasp or accessories will not be worn.

2-16 Pistol Qualification Medal

When authorized, will be worn as follows:

1. On the shirt or patrol jacket the medal will be placed with the pin following the line of the right pocket flap and centered over the button of the flap.

2-17 Raincoat

Regulation issue will be worn unless otherwise authorized.

2-18 Socks

Unless except for medical reasons, uniformed police employees will wear black or dark blue socks while on duty.

2-19 Soft Body Armor

Soft body armor (protective vest) provides a measure of protection against assault. It is designed to defeat the probability of a fatal wound and decrease the extent of an injury; however, it is not a guarantee against injury or death. The wearing of soft body armor, either on or off duty, is optional.

1. The effectiveness of the Kevlar material to deter injury is substantially reduced when it becomes wet. Therefore, the panels should only be washed when necessary for hygienic purposes and then only in accordance with the instructions on the attached label.

2-20 Magazine Holder

The magazine holder will be carried by noncommissioned personnel and will be placed on the gun belt wherever they are most convenient, accessible, and comfortable for the individual.

2-21 Uniform Shoes

Police personnel, when in uniform shall wear a plain toe, one and one-quarter inch (1 3/4") maximum height heel, black smooth leather or simulated leather shoe. Shoes shall be fastened by a single strap or laces. Shoes shall have no ornamentation. Their design shall be such that the uniform trousers shall not ride up on the heel opening.

1. Black leather combat-type boots or insulated rubber boots are permissible during tactical situations and during extreme, adverse conditions, such as snowstorms, searches, and disaster-type situations, with the approval of the Chief.

3-0 Classes of Uniforms

Seasonal variations in temperature and climate conditions require flexibility in the type of uniform to be worn. To eliminate confusion concerning the proper combination of uniform apparel to be worn at these times, the following uniform classification have been established:

1. Class A - Patrol jacket, long sleeve shirt and tie, slacks, 8 point hat, and gun belt.
2. Class B - Slacks, long sleeve shirt with tie, 8-point hat, and gun belt.
3. Class C - Slacks, short sleeve shirt, 8-point hat, and gun belt.

4-0 Uniform of the Day

Police employees will be directed by the Chief when to change from a winter uniform (Class A & B) to the summer uniform (Class C). When personnel have been directed to wear the summer uniform, no other class uniform may be worn. Once the order has been issued to wear the winter uniform, each individual will decide for himself daily whether Class A or B uniform should be worn.

5-0 Personal Appearance

Police employees of the Department are required to be neat, clean, and well groomed at all times, except where authorized to dress otherwise in a covert investigative assignment. Uniform and civilian clothes shall be kept clean and pressed at all times. Footwear, leather, equipment, and brass shall be regularly polished and sidearm shall be clean and serviceable at all times.

5-1 Clothing

Clothing will be clean and give a pressed appearance before each tour of duty.

5-2 Footwear

Shoes will be free of dirt and shined. Foul weather footwear will be conservative in appearance.

5-3 Fingernails

Employees will keep their fingernails trimmed and free of dirt. Females while in uniform may wear only clear coat, pale or natural tone polish or coating on their fingernails.

6-0 Hair Regulations

Every police employee of the Department while on duty will be required to keep his hair in a neat and well-groomed manner. These regulations are not meant to be all-inclusive, and final judgment rests on the Chief.

1. Male Employees

- A) Hair on the crown and sides of the head shall be neatly groomed. The length and bulk of the hair shall not interfere with the proper wearing of an authorized uniform headgear. Hair in front will not be groomed so that it falls below the band of properly worn headgear.
- B) Hair shall be worn in a tapered look, and when combed shall not touch either the ear or the collar.
- C) Hair on the back of the head shall be tapered down to the neck.
- D) Sideburns, if an individual chooses to wear them, shall be neatly trimmed and tapered in the same manner as prescribed for hair. Sideburns shall not extend below the ear lobe, shall be of even width (not flared), and shall end with a

clean shaven horizontal line.

- E) The face shall be clean-shaven. Mustaches are permitted, if kept neatly trimmed, tapered, and tidy and will not present a chopped off appearance.
 - 1) No portion of the mustache will cover the upper lip line or extend horizontally beyond or below the corner points of the mouth where the upper and lower lips join.
 - 2) Extreme styles, such as handlebars are prohibited.

2. Female Employees

- A) The length, bulk or appearance of natural hair will not be excessive, ragged or unkempt. Hair will be neatly groomed and will not hang over the collar. Hair in front will be groomed so that it does not fall below the band of properly worn uniform headgear. The hair may be worn slightly over the ears, but in no case will the bulk or length of the hair interfere with the proper wearing of any authorized headgear. Ponytails or plaited (platted) hair is acceptable.
- B) Hairpieces or wigs worn on duty must conform to the same standards as stipulated for natural hair.
- C) Hair coloring, if used, must appear natural.
- D) No ribbons or ornaments shall be worn in the hair except for neat inconspicuous bobby pins or barrettes.
- E) When worn, cosmetics will be minimal and natural looking. Eye shadow, false eyelashes, excessive lipstick, and earrings are prohibited.
- F) Buns will be permitted on top of the head or back of the head, in a neat and attractive manner, provided it does not interfere with the wearing of uniform headgear and does not hang over the collar.

SECTION IX

COURT

- 1-0 Officers will be responsible for signing for and removing their court summonses from the Court Summons Book every day they work.
- 1-1 Officers are responsible to be in court when they are summonsed. They can only be excused from the summons by the States Attorney's Office. If the officer is excused from court they will know the name of the person excusing them and when they were excused.
- 1-2 Officers will be prepared for their cases when they report for court. They will have all reports and evidence needed for their cases.
- 1-3 Officers are to use only Taneytown Police Department court slips. Verification procedure to be determined by the Chief of Police.

SECTION V

CANINE UNIT

1-0 Objective

The objective of the K-9 Unit is to provide line support to bureaus within the Taneytown Police Department with a highly mobile, specially trained police dog. The police canine has particular attributes in searching for items or people that can quickly facilitate their location. In this regard, the required resources can be properly utilized with additional safety for the police officer.

1-1 Mission

The decision of the K-9 Officer to use his/her dog in any situation is a serious decision. K-9 officers must be mindful of their duties to perform the police mission, along with using the canine in the areas for which it has been trained. The actions of the K-9 officer with respect to the commands given to the dog can be justified only by the facts, which are known to the K-9 officer at the time they participate in those actions.

1-2 Capabilities

Within the Taneytown Police Department K-9 Unit there are numerous capabilities that can do much to reinforce existing law enforcement function. When used properly, K-9 teams can accomplish the following:

1. Detect, locate, and apprehend criminal offenders who attempt to elude and resist apprehension.
2. Search buildings and enclosed areas for suspected criminals.
3. Track fleeing criminals or lost persons.
4. Provide a strong psychological deterrent for the criminal element.
5. Detect and locate drugs, explosives, and firearms by scent discrimination.
6. Crowds:
 - A) To establish perimeter control in situations such as large fires, crime scene preservations, etc.
 - B) To maintain order at large public gatherings and disorderly crowds. K-9 teams can be used in lieu of large numbers of police officers.

1-3 Criteria for Deployment

The K-9 Unit has the primary responsibility of providing police dog teams with their particular attributes to assist all members of the Department. The canine can search for articles or people and greatly facilitate a reduction in manpower in large areas. They also afford safety to the officers by entering areas that may prove harmful. K-9 officers must make themselves available for assistance and not commit themselves unnecessarily to police functions that negate their primary function.

1-4 Health and Care of Canines

K-9 handlers are responsible for the health, care, and well being of their assigned canine.

1. Each handler will ensure that their canine is kept in the best possible health and state of cleanliness, which will be facilitated by routine bathing and dipping and yearly physical examination by an approved veterinarian.
2. In the event of a serious illness or injury, canines will immediately be taken to an approved veterinarian, whether occurring during on or off duty hours. The Chief of Police will be notified as soon as practical.
3. When the assigned handler will be away from home for extended periods, (vacation, etc.) Canines will be quartered only at kennels/locations approved by the Chief of Police.
4. K-9 Officers are authorized to obtain food from approved dealers, and canines will be fed only a diet prescribed/approved by authorized veterinarian.
5. K-9 handlers WILL NOT use excessive force in the handling, training, or working of any canine, nor will they intentionally allow injury to the dog.

1-5 Safety with Canine

Safety must be the primary concern of the K-9 handler, a K-9 handler must be in complete control of the assigned dog at all times, as the handler is SOLELY RESPONSIBLE for the actions of the dog. Handlers must be mindful that safety and control must be practiced at home as well as on-duty.

1. Unless involved in police duties, canines will not be taken into any public or private buildings.
2. Showing off with the canine is strictly forbidden.
3. While in public, K-9 handlers must be limited to the handler and household

members. Canines will be properly and safely isolated whenever guests or visitors are in the home.

4. In the absence of the assigned handler, care for the dog will be limited to mature and responsible members of the household who have demonstrated the ability to control the dog; in cases of emergency, only another K-9 handler or veterinarian may provide necessary care.
5. Canines will NOT be left unsupervised.
6. Police canines are Departmental property and will NOT be utilized for personal reasons.

1-6 Operational Guidelines

Members of the K-9 Unit have a specific objective which is to provide supportive service to all departmental units. The police dog is most advantageous in search situations. The unique aspect of K-9 services necessitates that K-9 members be available for service.

- 1-6.1 All arrests, apprehensions, or unusual circumstances involving K-9 personnel shall be documented in detail on proper report forms, which shall be completed and submitted at the end of the handler's tour of duty, WITHOUT EXCEPTION. If the involved handler is so severely injured that he cannot submit the required report(s), the INITIAL report will be filed by personnel authorized by the Chief.

1. Arrest - Apprehension Procedures - K-9 is a reactive-type unit, and when a team responds to assist the patrol officer, the K-9 team is often able to locate and apprehend the violator. The apprehended suspect will be turned over to the patrol officer, who will complete necessary documents. When a K-9 handler observes a criminal violation and initiates the arrest, the K-9 officer will complete the necessary documents.
 - A) On routine building searches, area/wood searches, and trails, the individual K-9 officer will be in charge of the search area and shall deploy and/or direct other personnel to aid in the search.
 - B) When canine is released off-lead to apprehend a fleeing suspect, exceptional care and judgment must be used to insure against injury to innocent persons.
 - C) Under NO circumstances is a canine to be released off-lead for apprehension purposes in crowded areas or when other persons and/or police officers are in or near the path of the fleeing suspect. In addition, extremely close attention must be given to possible injury to

- the canine by vehicular traffic.
- D) In the event a K-9 handler affects an arrest and the suspect receives serious injury, whether from the use of the canine or physical force, that handler shall immediately notify the Chief, and shall ensure that all necessary forms and reports are completed and submitted.
 - E) Anytime anyone is injured by a canine, it is the handler's responsibility to have that person transported to the nearest hospital for treatment. This will be done by a police officer or, if necessary, by ambulance. The handler will, as soon as practical, notify the Chief, and ensure that all necessary forms are completed and submitted, including the State Health Department Police Dog Bite Report.
 - F) K-9 handlers will use and/or permit their canines to use only that amount of force necessary to apprehend and render safe, a fleeing, hiding, or combative suspect who fails to heed the warning of *Asstop* or *Asurrender*.
 - G) No canine will be committed until proper announcement has been given, such as *APolice K-9: come out or the dog will be released*. This will afford innocent persons the chance to exit the area, and will afford the suspect the opportunity to surrender.
 - H) In determining whether or not to deploy a canine, the handler must have sufficient information relevant to the facts and circumstances of the incident, which leads them to believe, as a reasonable and prudent police officer, and/or that the suspect(s) has/have committed a crime. (Searches for missing persons or articles are an exception.)

2. Building Searches

- A) In contained search/apprehension situations, (i.e., commercial buildings, private homes, enclosed compounds, etc.) K-9 handlers must always give a loud audible warning before entering and releasing canine (i.e., *APolice K-9, surrender now or dog will be released*), allowing a reasonable time for response.
- B) All building searches will be conducted off lead unless the handler has knowledge that would prohibit this procedure. (When searching a private home, keep in mind that other animals or authorized persons may be inside, possibly asleep.)
- C) K-9 handlers should be mindful of the degree of the crime, age of suspect, and amount of force necessary to apprehend the suspect.

Use, and allow canine to use only that degree of force, which is necessary to carry out safely, and effectively the responsibilities of apprehension.

- D) No one will be permitted into the building with the K-9 team while a search is being conducted, unless determined necessary by the handler.
- E) Two or more K-9 teams may be committed to building searches when it is determined that the area to be searched would necessitate the use of additional teams. In searching large buildings, canines must be separated, whether by locked doors or by separate floors.
- F) In situations where a suspect is CONTAINED AND KNOWN TO BE ARMED, (shots fired or firearms have been used to threaten an officer at the scene), canine WILL NOT be sent off-lead into a building, house, or confined area, etc., for apprehension purposes. Under such circumstances, the Officer In Charge at the scene should contact the Tactical Unit/C.R.T. The only exception would be to save the life of an officer or innocent person facing death at the hands of an armed suspect.

3. Wood Searches

- A) When conducting these searches the K-9 officer will be in charge of the area. However, if required for the safety of the team, another officer may be requested to accompany the team.

4. Tracking and Trailing

- A) All tracking and trailing will be attempted upon request, even if the handler knows the area has been contaminated. The handler should explain the possibility of contamination to the officer requesting K-9 team service.

5. Self-Defense

- A) K-9 Handlers shall not hesitate to use the canine in situations where they believe that using the dog would/could prevent that officers= injury or death, or;
- B) To protect fellow officers against injury or death, or;
- C) To protect a member of the general public against injury or death.

6. Riots or Violent Civil Disorders

- A) The utilization of K-9 teams during riots or violent civil disorders must be at the request of and with the authorization of the shift commander or higher-ranking officer on the scene.

7. Peaceful Crowd Control

- A) Canines will not be used in the control of peaceful crowds or at the scene of peaceful demonstrations. However, K-9 teams may be called to a staging area by the shift commander or a higher-ranking officer on the scene. K-9 teams then may remain in a stand-by mode should the situation change and the need arise for canine use.

SECTION VI

COMMUNITY POLICING

1-0 Policy

Community policing is a collaborative effort between the Police Department and the community to reduce crime and help reduce fear of crime and enhancing the quality of life in the community. It accomplishes these things by combining the efforts and resources of the police, local government and the community members.

1-1 Community Policing Officer

- A. The community-policing officer is responsible for coordinating all community policing efforts.
- B. The community-policing officer will monitor criminal activity in the City and surrounding area and along with the other officers and community members devise a plan of action to reduce or prevent these crimes.
- C. The community policing officer will make regular contacts with the businesses and citizens and find out what their concerns and problems are and make suggestions for ways to solve them.
- D. The community-policing officer will assist neighborhoods in setting up block watches and other crime prevention activities.
- E. The community-policing officer will search for community policing training and materials for himself and other officers.
- F. The community-policing officer will look for grants and other funding to assist his efforts. He will make suggestions to the Chief and assist him in applying for grants.
- G. The community-policing officer will also act as the code enforcement officer. He will identify code violations and act to have them eliminated. This will be done by sending warnings to the violators and citing those who fail to comply.
- H. The officer will work with the City utility staff. They will exchange information on possible violation and solutions.
- I. The community-policing officer will make reports of his activities to the Chief every month.
- J. The officer will make recommendations of revisions in ordinances and community policing policies and procedures for improving law and code enforcement.

1-2 **Patrol Officer**

- A. Patrol officers will make contact with the citizens and businesses of the City and discuss their concerns and fears.
- B. Patrol officers will monitor crime tendencies in the City and surrounding areas. He will work with the community-policing officer to formulate solutions to the problems and to devise strategies to prevent further problems.
- C. If the workload provides down time the patrol officer will perform foot patrol for at least 30 minutes per shift. This will be done in both the commercial areas and residential areas.
- D. Patrol officers will perform at least Three (3) business checks per shift. The officer will leave a patrol check card at the business with the date and time it was checked along with the officer's name.
- E. Patrol officers will look for code violations and report them to the community-policing officer.
- F. Patrol officers will look for non-functioning streetlights and where additional lighting may be needed.
- G. Patrol officers will work with the community-policing officer to formulate and implement crime prevention policies and problem solving efforts.

SECTION VII

ADMINISTRATIVE COMMUNICATIONS

1-0 General Orders

General Orders are issued by the Chief and adopted for implementation by the Mayor and City Council by resolution to announce adoption or revision of policies affecting the entire Department and to direct procedures for the indefinite future. Generally, they will be used specifically to adopt or revise policy in the Department Manual. However, they may be used to effect the immediate implementation of policy after being adopted by the Mayor and City Council. General Orders will supersede all other orders in conflict therewith, and will be incorporated into the Manual of Rules and Regulations at least yearly.

1-2 Special Orders

Special Orders are issued to announce policies or direct procedures governing a specific circumstance or event, or a policy or procedure which is of a temporary or self-canceling nature, or which involves only specific segments of activities.

1-2.1 Examples of subject matter falling within the category of Special Orders will include:

1. Specific instructions to accomplish a particular objective.
2. Temporary procedures designed to cover a special occurrence or event, which is of limited duration.
3. To explain or emphasize portions of previously issued orders.
4. To disseminate information or instructions, which should not warrant a General Order.

SECTION VIII

REPORTS

- 1-0 All Daily activity reports will be completed and turned in by the end of the officer's shift. The only exception to this is if the Chief or Lieutenant gives permission to turn the activity report in at a later time.
- 1-1 Officers will fill in the vehicle mileage sheet by the end of the officer's shift. The sheet will include the mileage driven, gas obtained, and oil added. All gas receipts will be turned in at the same time.
- 1-3 Officers will complete all reports prior to the end of their shift unless given permission by their supervisor to complete it at a later time.
- 1-4 No officer shall turn in or cause to be turned in a report that they know to contain false information.

SECTION X
USE OF IN-CAR CAMERAS

Policy

- 1-0 The in-car camera system is a tool for the officers to use to critique their performance in traffic stops and emergency vehicle operations. The camera also captures evidence to be used in court. This system will help protect the officer from false claims of misconduct.

Use of Camera

- 1-1 The camera system is wired into the emergency lights of the car. Whenever the emergency lights are turned on the camera is activated. The camera will be left on until the emergency lights are turned off. The only time the camera will be turned off when the emergency lights are on is if the car is going to be stopped for a extended period of time such as at a traffic accident. If an officer reviews the video from inside the car he will make sure that the system is reset and ready to record.
- 1-2 The microphone is now a part of the uniform and it will be worn at all times. Whenever the camera system is activated and the officer exits the car, they will be wearing the microphone and will make sure it is on. When the officer has contact with someone who is being recorded, he will notify them that they are being visually and audibly recorded. The officers will not turn the microphone off until the contact is over and the camera is turned off.
- 1-3 The camera system will not be opened and the hard drive will not be removed by anyone but the Chief or his designee. Anyone found trying to tamper with the hard drive or system in attempt to change or destroy what has been recorded will be terminated.
- 1-4 When the hard drive is close to being full or there is a problem with the system, the officer will report it to a supervisor immediately. The supervisor will make sure that the problem is taken care of as soon as possible.
- 1-5 Violations of this policy will be in accordance with LEBOR and or possible suspension/termination of take-home car privileges.

SECTION XI
PATROL AREA

Policy

- 1-0 The primary responsibility of the Department is to provide police protection to the citizens of the City of Taneytown.
- 1-1 Officers will patrol within the City limits of Taneytown. There will be no routine patrol outside the City. An officer may only routinely be outside the City limits for court or Department approved training. An officer may go outside the City limits to perform investigations after receiving approval from a supervisor. The supervisor will take into consideration, when giving approval, the work load and manpower levels. The City shall never be left without police coverage.
- 1-2 Officer may go outside the City limits to provide back up for other police officers or to standby at an emergency until the proper agency arrives. If a supervisor is working they will decide if an officers will go outside the City limits. If there is no supervisor working the senior officer will use his discretion. In either situation an officer will only go after being requested by another agency. The officer will not volunteer to go. If an officer goes out of the City limits they will return as soon as possible after the emergency is over.
- 1-3 Any officer responding outside the City limits will log the incident on his activity report. This will include the type of call, the location and who requested the officer to respond. These reports will be reviewed by the supervisor and the Chief.

SECTION XII

CONFIDENTIALITY OF MEDICAL RECORDS

POLICY

- 1-0 The City of Taneytown Police Department formally adopts a policy that specifically recognizes the necessity for maintaining the confidentiality of medical and mental health records, as put forth in Sections 4-301 thru 4-307 of the Health-General Article of the Annotated Code of Maryland. This policy sets forth the means for the systematic collection, organization, protection, and retrieval of this information.

It is the policy of the City of Taneytown Police Department that all medical and mental health records obtained by subpoena, warrant, or court order for the purposes of investigation and prosecution of criminal activity shall be afforded confidential treatment at all times pursuant to the Health General Article, Section 4-306(b)(7) of the Annotated Code of Maryland.

ACCESS AND REVIEW OF RECORDS

- 1-1 Access to all medical records shall be kept in accordance with this policy. Access is limited to sworn law enforcement officers and support personnel pursuant to their respective duties for the investigation and prosecution of criminal activity. These records are to be kept with the case file, and may be disclosed to the appropriate prosecutor for the purpose of case review and/or prosecution. Medical records shall not be disclosed to others, except by authorization of the Chief of Police or his designee. The Chief of Police or his designee may only authorize disclosure of the medical records for the purposes of furthering the investigation and/or prosecution of criminal activity.

DISPOSITION OF RECORDS:

- 1-2 All medical records shall be maintained in the case file and disposed of in a manner that protects the confidentiality of such information.

SECTION XIII

WEAPON MOUNTED LIGHTS/LASERS

POLICY

1-0 The City of Taneytown Police Department formally adopts a policy that specifically recognizes progressive law enforcement operations, and contemporary officer survival tactics/techniques, involve the use of emerging/existent technologies where said technology increases the officer and community level of safety during police operations.

During the use of any deployment of a law enforcement firearm, target identification and accuracy of shot delivery is paramount to insure that unintended targets are not harmed.

To provide officers with all available tools for operating in low-light conditions where target identification and property accuracy may be compromised, the Department authorizes the use of auxiliary light/laser equipment that may be mounted on, or within the body of the pistol.

CONTROLS AND CONDITIONS

INSTALLATION

1-1 The following controls and conditions apply to the installation of light and/or laser equipment on any duty or approved off-duty firearms:

- A. All light/laser units ("L/L units") must be approved for use prior to installation. The officer shall submit a written request to the Department Firearms Instructor specifying the manufacturer, model and mounting method of the L/L Unit he/she wishes to use.

- B. The Department Firearms Instructor shall review all written requests and make a recommendation for approval or disapproval to the Chief of Police.

CARRY AND USE LIGHT/LASER EQUIPMENT

1-2 The following controls and conditions apply to the carry and use of light and/or laser equipment on any duty or approved off-duty firearm:

- A. Both light and laser emitting devices project light from the officer's position. A yearly qualification must be completed through the following training:
 - 1. A Department approved Low-light Operations Officer Survival program.
 - 2. A Department approved low-light firearms qualification program without using the L/L Unit:
 - 3. A Department approved low-light firearms qualification program using the L/L Unit.
- B. All duty or approved off-duty handguns equipped with an authorized L/L Unit must be carried in a holster which meets all of the safety criteria as delineated in Section IV 2-10.
- C. Because the presentation of any sidearm is construed as a potential use of lethal force, under no circumstances shall any officer unnecessarily draw or display their weapon for the purpose of showing or using the L/L Unit unless the current operational circumstances justify the presentation of lethal force.
- D. When ever the duty weapon equipped with the L/L Unit is deployed, with or without the L/L Unit being utilized, a Use of Force Report will be generated according to Section II 36-0 through 36-4 of this Policy manual. The report is to be signed by the immediate supervisor. Within twenty-four (24) hours the report must be submitted to the Firearms Instructor and the Chief of Police for review.

SECTION XIV

OPERATIONAL PROCEDURES FOR AUTOMATED COMMUNICATIONS

POLICY

- 1-0 The Taneytown Police Department utilizes Automated Communications Systems to enhance agency performance, accessibility and outreach.

PURPOSE

- 2-0 To provide security, and establish procedures for the appropriate and official use of the various Automated Communications Systems used by Taneytown Police members.

DEFINITIONS

- 3-0 AUTOMATED COMMUNICATIONS SYSTEMS – include but are not limited to the use of local area networks, wide area networks, internet access, online commercial communications, e-mail access, mobile/desktop computers, telephones, voicemail, pagers, cell phones, and all other computer related communications provided by the City of Taneytown, the State of Maryland, National Crime Information Center, and the Capital Area Wireless Integrated Network (CapWIN)
- 3-1 MARYLAND INTERAGENCY LAW ENFORCEMENT SYSTEM (MILES) – a computerized data bank providing law enforcement information and serving as a communications link with many law enforcement and criminal justice related agencies.

GUIDELINES & PROCEDURES

- 4-0 The uses of Automated Communications Systems are intended to support and promote official government business operations.

- A. All Automated Communications Systems hardware and software are the property of the Taneytown Police Department, City of Taneytown, and/or the State of Maryland. All information stored, transmitted, received or contained in the Automated Communications Systems utilized by the Taneytown Police Department is the property of the Taneytown Police Department, City of Taneytown and/or the State of Maryland.
 - 1. Sites accessible via the Internet may contain material that is illegal, defamatory, inaccurate, or potentially offensive to some people. The City of Taneytown or the Taneytown Police Department accepts no responsibility for harm caused directly or indirectly through its use.
- B. Individual members have no right or expectation of privacy in what is transmitted, received or stored on City owned electronic and telephonic equipment.
 - 1. All information is subject to review or monitor at any time, with or without notice from the City of Taneytown or its agents.
 - 2. Deleting information does not purge the information from the system; therefore deleted information is also subject to review.
- C. The City of Taneytown reserves the right to delete or retain any or all e-mail messages, computer files, or electronic data on the Police Department systems after a City employee leaves City service. It is the responsibility of each City department and Police Department, to ensure that access to City systems is terminated, and the City retains all computer files when an employee leaves service.

PHROHIBITED-USE

- 5-0 Communications, information, or images containing racial or ethnic slurs or that are of a harassing or offensive nature based on race, national origin, sex, disability, or religion are strictly prohibited. Messages relating to or in support of illegal activities will be reported to law enforcement authorities as appropriate.

- 5-1 Use of the Police Departments Automated Communications Systems for private or personal business activities, as defined in a commercial sense such as buying or selling of goods or services for a profit is prohibited.
- 5-2 No employee shall intentionally seek or distribute information on, obtain copies of, or modify files, other data, or passwords belonging to other employees; or represent himself or herself as another person to gain access to data, including Criminal History Records Information (CHRI) that he or she would not normally have authorization to access or release.
- 5-3 The Police Departments Automated Communications Systems shall not be used to promote political or religious causes.
- 5-4 Employees are expected to obey all copyright laws in the transmission and downloading of data. All violations of copyright laws are prohibited.
- 5-5 Use of Automated Communications Systems in interfere with or disrupt network clients, services or equipment is prohibited. Disruptions include, but are not limited to:
 - 1. Email messages with big graphics to a large number of persons
 - 2. Propagation of computer worms or viruses
 - 3. Unauthorized entry to any other machine accessible via the systems
- 5-6 The downloading, manipulation, alteration and/or installation of software to automated communications systems is prohibited without the express written authorization of the Information Services Coordinator. The approval, modification and installation of all computer software will be approved and coordinated by the Information Services Coordinator.
 - 1. Downloading of files and/or data should only be performed on a very selective basis.
 - 2. Large files, especially those with graphics, audio, or video, each having high bandwidth requirements, can adversely affect the performance of the Police Department's network and should only be downloaded when absolutely necessary.

MOBILE DATA TERMIALS (MDTs)

6-0 The Information Services Coordinator is the administrator of the Mobile Data Terminal (MDT) program. Any problems or concerns with the computer hardware or software will be brought to the attention of the Information Services Coordinator. Under no circumstances will any member make, or at their request have anyone else make any changes to the MDT, it's software, or the installation and docking configuration without the permission of the Mobile Data Terminal Administrator. The Mobile Data Terminal program is subject to all regulations of the Automated Communications policy. In addition, the following section applies specifically to Mobile Data Terminals.

6-1 MDT USE

- A. Members who are issued a MDT are responsible for the security of the device. The MDT will not be left unattended in a vehicle, including the vehicle's trunk, for an extended period of time.
- B. Members will follow all directives and protocols regarding the use of the MDT, as directed by the Mobile Data Terminal Administrator and this policy.
- C. Mobile Data Terminal use while operating a moving motor vehicle is inherently dangerous. The safe operation of the vehicle is a member's primary concern, and focusing attention on the operation of the MDT must not detract from this responsibility. Any essential information available from the MDT is also available from the Emergency Communications Center via radio, and members are to choose the appropriate resource based on the conditions at that time.
- D. Mobile Data Terminals send and receive data wirelessly, and users should deactivate the device in any area where cellular telephone or radio use is restricted.

6-2 EQUIPMENT PROBLEMS AND REPAIR

- A. All concerns with Mobile Data Terminal equipment, software and/or wireless connectivity will be brought to the attention of the Mobile Data Terminal Administrator and the member's supervisor.
- B. Members are responsible for the care and cleaning of their issued MDT. An anti-static cleaning cloth is appropriate for cleaning the computer screen. No cleaning solution should ever be used on the computer. If additional cleaning is required, the MDT must be presented to the Mobile Data Terminal Administrator for evaluation.

CAPITAL AREA WIRELESS INTEGRATED NETWORK (CapWIN)

- 6-0 The Taneytown Police Department has an agreement with the University of Maryland to utilize the Capital Wireless Integrated Network (CapWIN) as a tool to enhance communications for law enforcement activities such as incident management. CapWIN also provides deputies with a mobile interface to the Maryland Integrated Law Enforcement Systems (MILES) and the FBI's National Crime Information Center (NCIC) database.
- A. Through CapWIN, officers with mobile data computers can access the Maryland Motor Vehicle Administration (MVA) records, and run MILES/NCIC queries from their vehicles.
 - B. The wireless CapWIN network allows participating public safety and transportation agencies to communicate with one another through a message switch, providing a unit-to-unit communications platform at incident scenes as well as communications between mobile units and operations center personnel.
 - C. To access CapWIN, members must successfully complete the required CapWIN training and possess a valid CapWIN system log-on and password. To access MILES/NCIC through the CapWIN System, members must receive authentication and authorization as required by both CapWIN and the Criminal Justice Information System (CJIS).
 - D. Definitions

1. POSITIVE RESPONSE – A response received from a CapWIN System query of law enforcement databases which would indicate that some type of law enforcement action is warranted or required.
2. FALSE POSITIVE RESPONSE – A response received from a CapWIN query which indicates that law enforcement action is necessary or warranted, but upon confirmation through radio communications, the response is determined to be incorrect and no law enforcement action would normally be taken.
3. FALSE NEGATIVE RESPONSE – A response received from a CapWIN query which indicates that no law enforcement action is necessary or warranted, but upon confirmation of the response through normal radio communications, it is determined that the response is incorrect and law enforcement action is indeed warranted.
4. ERROR RESPONSE – Any response received from a CapWIN query which does not match the response received via normal terminal response of MILES/NCIC.
5. CHAT ROOM – A virtual room where two or more users can communicate electronically. Chat rooms can be either public or private.
 - a. Public rooms are visible and accessible to any user on the system.
 - b. Private rooms can only be joined by users who are invited to be part of the conversations by the creator of the room.

6-1 OPERATIONS

- A. Officers will obtain confirmation with the Emergency Communications Center, or Warrant Unit personnel for any positive response indicating an active MILES/NCIC Hit (e.g. stolen, wanted or warrant), before relying or acting upon the results. Only if the response is confirmed will the officer take enforcement action.

- B. Authorized members will maintain their CapWIN log-on identification and password as confidential, and not divulge their log-on or password to others, and will not allow anyone else to access the CapWIN System with their log-on and password.
- C. Instant messaging and chat rooms are available for official business and incident management related communications between CapWIN system is recorded and can be retrieved or monitored to support operational, maintenance, auditing, security, and investigative activities.
- D. Members shall report any CapWIN connectivity, service or system issues immediately to the Taneytown Police Department Terminal Administrator or a CapWIN Administrator.

MARYLAND INTERAGENCY LAW ENFORCEMENT SYSTEM (MILES)

- 7-0 MILES is a computerized data bank providing law enforcement information and serving as a communications link with many law enforcement and criminal justice related agencies.
- 7-1 MILES has over 150 terminals in DTA network throughout the State of Maryland. Some of the agencies in the system include Maryland State Police, Civil Defense, principal county police departments, several municipal police departments, the Division of Correctional Services, and the Division of Parole and Probation. The FBI, Drug Enforcement Administration, United States Secret Service, National Auto Theft Bureau and other federal agencies are also members of the system.
- 7-2 Each member has the ability to enter and retrieve data in MILES if the successfully completed the annual NCIC certification. Through MILES, members can access the National Crime Information Center (NCIC) computer in Washington, D.C., and the data files of the Motor Vehicle Administration (MVA) computer in Glen Burnie, Maryland.
- 7-3 The Chief will appoint a member as the NCIC Terminal Agency Coordinator (TAC). A TAC will ensure the respective installation, division, or unit meets all mandates and guidelines as established by MILES/NCIC. A commander

will designate a supervisory member to oversee the TAC responsibilities and exercise close coordination and interaction with the TAC. The responsibilities of a TAC include:

- A. Performing monthly validations
 - B. Maintaining quality control within their respective assignments
 - C. Ensuring MCIC operators within their respective assignments are NCIC certified.
 - D. Distributing the MILES/NCIC/NLETS Newsletter
 - E. Serving as liaison with the Maryland CTO
 - F. Assisting State and NCIC auditor during agency audits
 - G. Serving as MILES/NCIC Coordinator for the installation/division/unit
- 7-4 MILES has a message switching capability which enables each terminal within the network to communicate with every other terminal. Also, MILES has an interface with the National Law Enforcement Telecommunication Systems (NLETS), allowing each user to communicate with federal, state, and local law enforcement information systems in all fifty states, the District of Columbia, Puerto Rico, the Virgin Islands and Canada.

AUTHORIZED USE OF MILES, NCIC AND CJIS SYSTEMS

- 8-0 The use of MILES, NCIC, and CJIS systems are for official Taneytown Police Department business or communications and legitimate law enforcement purposes. Messages sent over the MILES system will be in accordance with the MILES Manual, Section II-General Requirements and the MLETS User and Technical Guide, Section IV, Administrative Message Transactions.
- 8-1 Unions and labor groups may only use MILES to announce the dates, times and locations of meetings or the cancellation or postponement of the same.

- 8-3 The systems are not to be used for political announcements and/or the dissemination of personal viewpoints. Any use of these systems by Taneytown Police Department members for any personal reasons is prohibited.
- 8-4 There shall be no exceptions to this policy unless prior written approval is granted by the Chief.

UNAUTHORIZED USE OF MILES, NCIC OR CJIS SYSTEMS

- 9-0 Members are prohibited from using or assisting in the use of the MILES, NCIC, or CJIS system for personal reasons or for any purposes other than those authorized by the Chief and those members found doing so may be disciplined.
- A. Unauthorized use means having no legitimate law enforcement purpose including but not limited to using the system to check on whether an automobile a member is interested in purchasing is stolen, to checking on a friend or neighbor to determine whether that person has a criminal record.
- B. All Taneytown Police Department members found to be using or assisting another member in using the MILES, NCIC or CJIS system for personal reasons or for any purpose other than those authorized by the Chief may be disciplined.

MILES HITS AND WANTS VERIFICATION

- 10-0 In accordance with MILES and NCIC procedures, the Taneytown Police Department will respond to all notifications from NLETS and the FBI when:
- A. A fingerprint card has been submitted by an allied agency for an individual wanted by the Taneytown Police Department;
1. Members will immediately verify if the warrant is still active, and contact/advise the requesting agency of the warrant's status.

B. A fingerprint card has been submitted by the Taneytown Police Department of an arrested individual wanted by an allied agency;

1. Members will immediately contact the agency holding the warrant and determine the warrant's status.

SECURITY OF MILES MESSAGES

11-0 To ensure conformity to the Privacy Act, all MILES messages being discarded will be shredded.

TANEYTOWN POLICE DEPARTMENT

GENERAL ORDER 2022-02

AXON TASER 7 CEW 36-7 (NEW POLICY, 03-07-22)

I. PURPOSE:

A Conducted Energy Weapon (CEW) is a less lethal weapon system that provides law enforcement personnel with an additional method of controlling subjects who may be dangerous or violent to themselves or others. The CEW will be used to enable the officer to carry out his duties in a safe and professional manner with minimal injuries to officers and citizens. The Taneytown Police Department (TPD) currently issues the Axon Taser 7 to designated qualified members of the Department as an alternative tool for appropriate use of force situations. It is the policy of the TPD that its members will use a CEW only in accordance with the use of force policy guidelines and the manufacturer's guidelines and recommendations. In addition, no member will be issued or permitted to carry or use a CEW until he has been trained in its use and demonstrated proficiency with it on an annual basis. The provisions of this Order apply to personnel both while on and off duty

II. DEFINITIONS:

1. **CONDUCTED ENERGY WEAPON (CEW):** A weapon which can be used in two different modes which are listed below from an inserted cartridge. The Taneytown Police Department currently purchases and uses the Axon Taser 7 Conducted Energy Weapons.
2. **PROBE DEPLOYMENT:** Utilizing a compressed gas charge to propel two (2) probes attached to the end of wires stored in a cartridge already inserted into the weapon. The CEW sends an electrical signal to the probes, via the wires, which can disrupt the body's ability and usually causes neuro-muscular incapacitation.
3. **DRIVE STUN:** The CEW acts as a stun system when it is brought into immediate or close proximity contact with the subject's body or clothing. Due to the narrow spread of the probes and/or the cartridge removed from the CEW, drive stun application alone will be less likely to create neuro-muscular incapacitation.
4. **CEW CARTRIDGES:** A removable plastic cartridge containing two probes, wires, and a compressed gas charge.
 - 12 Degree CQ (Close Quarters) cartridge is identifiable by smooth surface below the probe chambers. **Black** front, **Black** body Serial number, cartridge degree, 2D bar code

and expiration date printed on the top. The Close Quarters cartridge is optimized for engagements from 4 – 10 feet.

- 3.5 Degree SO (Stand-Off) cartridge is identifiable by ridged surface below the probe chambers, **Black** front, **Gray** body, Serial number, cartridge degree, 2D bar code and expiration date printed on the top. The Stand-Off cartridge is optimized for engagements from 12 – 22 feet

5. **PASSIVE RESISTANCE:** Physical actions which do not actively or dynamically oppose an officer's attempt to control a suspect and do not pose a threat to the officer's safety. Actions such as remaining limp or simply refusing to act as instructed are passive resistance. Verbally indicating an intention to actively oppose an officer's attempts at control raises a suspect's resistance above purely passive.
6. **ACTIVE RESISTANCE:** Physical actions which actively and/or dynamically oppose an officer's attempt to control a suspect, or actions that a reasonable officer would believe pose a threat to his/her safety.
7. **PROBES:** Small metallic pins with a barbed point. The probes are used to transmit the electrical pulse into the target's body.
8. **ARC SWITCH:** An ambidextrous switch located forward of the trigger used to or to activate the Taser 7 without deploying a cartridge.
9. **MPCTC Certified CEW Instructor:** An officer who is authorized by this agency to carry and/or use a specific electronic control device, has successfully met Maryland Police and Correctional Training Commissions (MPCTC) general instructor requirements, and has successfully completed an MPCTC approved training course for the specific manufacturer's model of an electronic control device for which the officer will be providing training.
10. **Tased Persons:** A person who has received a CEW exposure to include Probe Deployment or Drive-Stun.

III. TRAINING AND SAFETY:

1. Only officers who have successfully completed the Department's approved course of instruction on the CEW are authorized to carry and to use the CEW. Designated officers will receive an initial course of instruction on the use of the CEW from certified MPCTC CEW instructors following strict guidelines and recommendations from the manufacturer and MPCTC regulations. Additionally, designated officers will receive

annual in-service training in accordance with the manufacturer's recommendations, guidelines, and MPCTC regulations.

2. Training will be developed and conducted by certified MPCTC CEW instructors. Initial and annual in-service training curriculums for CEWs will include, at a minimum: nomenclature, characteristics, capabilities, limitations, maintenance, safety, operating principles and technology, agency policy on the use of CEWs, use of force, escalation and de-escalation of force and deadly force, judgment/decision making, legal considerations, physiological and psychological effects, target zones, defensive measures, potential for collateral occurrences, after care measures, side effects, and individuals with an elevated risk. Initial and annual in-service training curriculums for CEWs will be approved by MPCTC.
3. Voluntary CEW exposures will be conducted during training only. CEW exposure is not required for certification. Any voluntary exposure will be monitored by a certified CEW instructors and conducted following the manufacturer's strict guidelines and recommendations
4. Only sworn officers demonstrating proficiency in the use of CEW during initial and annual in-service training may carry or utilize CEW. "Demonstrating proficiency" means attaining a score of at least 90% on a written test covering the training topics and successfully demonstrating, to a certified MPCTC CEW instructor, skills in the safe handling and deployment of a CEW. In addition, officers must successfully complete an initial CEW certification course following guidelines from the manufacturer and MPCTC.
5. During initial CEW training, and before being issued a CEW, all designated officers will be issued copies of, and instructed in, all the Department's General Orders concerning use of force and CEW use. The Training Coordinator will document the issuance of, and instruction in these General Orders. Receipt of policy will be tracked in PowerDMS. During initial and annual training, officers will be required to review and understand the "Taser Handheld CEW Warnings, Instructions, and Information: Law Enforcement". Additionally, officers will receive training updates when they released by the manufacturer.
6. Unintentional CEW Deployment or Discharge Hazard. Unintentional CEW activation or unexpected cartridge discharge could result in death or serious injury to the user, subject, or others. To reduce the risk of unintentional deployment or discharge:
 - Avoid static electricity
 - Keep body parts away from the front of the CEW or cartridge
 - Avoid electronic equipment interference
 - Avoid dropping CEW or cartridge

7. Store in a secure location. Store CEWs, cartridges, and accessories in secure locations inaccessible to children and other unauthorized persons to prevent inappropriate access or use.

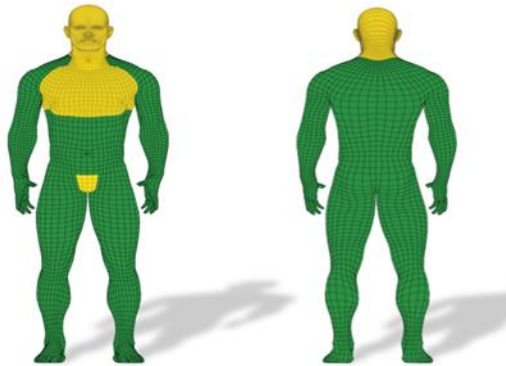
IV. AUTHORIZATION, ISSUANCE, AND INSPECTION:

1. Following the successful completion of initial CEW training and submission of names to MPCTC, the Training Coordinator will issue officers, a Taser 7 should the weapon be available. The Training Coordinator will file this original record. Officers who fail to maintain current user certification will be removed from the CEW program until such time the officer's certification is current. Officers who are removed from the CEW program will turn over their issued CEW and related equipment to a supervisor or CEW instructor.
2. Officers who have been issued a CEW will inspect their weapon and conduct a "spark test" in functional test mode prior to each tour of duty. Officers who have been issued a CEW will routinely inspect their weapon and cartridges for serviceability. Additionally, CEWs and cartridges will be inspected for damage and serviceability during monthly inspections by the designated members' supervisors. Damaged or unserviceable CEWs and cartridges will be immediately removed from duty and returned to the CEW Instructor for repair or replacement.
3. Officers shall dock the rechargeable battery pack once every 30 days and if the weapon indicates 20% of power remaining. Officers will also sync/download their CEWs after each deployment and whenever firmware updates are issued by Axon. Officers will also sync their CEWs during time changes (i.e. Daylight Savings Time, etc.)

V. USE OF A CEW:

1. Use a CEW only for its intended purpose, in legally justifiable situations. Any use of a CEW must be in accordance with the current law, use of force policy, and manufacturer's guidelines. CEWs will only be used on persons posing an imminent threat of physical injury to themselves or others. A CEW, like any weapon or force option does not always function as intended and is not effective on every subject. As with any use of force, if a particular option is not effective, consider using other force options, disengaging, or using other alternatives per agency guidelines. Always have a backup plan.

2. When feasible, officers will give a verbal warning that the CEW is about to be used and will give verbal commands and directions for compliance during CEW uses. When feasible, officers will employ de-escalation tactics to bring the situation under control. De-escalation tactics pre-cartridge deployment options include but not limited to: Officer Arrival – Subject sees CEW in holster, Effective officer communications, Drawing the CEW, Arc Warning, and Laser painting. When practical, officers should consider tactical considerations to include but not limited to: Having reasonable and appropriate force options available, consider cover and distance tactics, have at least one back-up officer present to control/cuff under power, consider fall zone
3. To reduce the risk of injury, use preferred target areas. The preferred target areas (green) are below the neck area for back shots and lower center mass (below chest) for front shots



4. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferable to front shots when practicable. Avoid sensitive areas. Avoid intentionally targeting the CEW on sensitive areas of the body such as face, eyes, head, throat, chest area (area of heart), breast, groin, genitals, or known pre-existing injury area.
5. Consistent with CEW training, when an officer causes the “probe deployment,” he will release the trigger to allow the automatic “5-second” deployment to activate, and he will not hold the trigger down for an undetermined length of time. Officers shall minimize the number and duration of CEW exposures. Consistent with training, Officers shall use the shortest duration of CEW exposure objectively reasonable to accomplish lawful objectives and reassess the subject’s behavior, reaction, and resistance before initiating or continuing the exposure.
6. Control and Restrain Immediately. Begin control and restraint procedures, including during CEW exposure (“cuffing under power”) and as soon as reasonably safe and practical to minimize CEW cumulative effects and the total duration of exertion and stress experienced by the subject. If a CEW deployment is ineffective in incapacitating a

subject or achieving compliance, Officers shall consider alternative control measures in conjunction with or separate from the CEW.

7. The ARC switch should primarily be used to activate the Taser 7 when the officer is giving an Arc Warning, or when the decision has been made to re-energize a deployed cartridge without deploying a loaded second cartridge, or when the decision has been made to re-energize both deployed cartridges. The ARC switch should only be activated for a maximum of five (5) seconds every time it is activated. Additionally, the arc switch is used to conduct daily spark test in functional test mode.
8. Drive-Stun mode should only be used consistent with current training and manufacturers guidelines. Drive-Stun Mode should only be used primarily to: complete a circuit or increase probe spread, to “break-contact” or distraction tactic to create reactionary distance, or brief application to attempt pain compliance. Do not repeat drive-stuns if compliance is not achieved. Do not use drive-stuns if pain is unlikely to gain compliance due to mind-body disconnect (psychotic episode) or increased pain tolerance (drugs/alcohol)
9. CEWs may be used against an animal that is a hazard or is threatening or is attacking a person, including officers, or another animal.
10. The CEW is a less lethal weapon and is not intended to replace the firearm in deadly force situations. In deadly force situations, an officer capable of deploying deadly force will always be designated as a cover officer to the officer potentially deploying a CEW. This officer will be in the cover position, ready to deploy deadly force if appropriate, prior to the deployment of the CEW. An individual officer shall not draw their firearm and taser simultaneously.
11. CEWs will be carried in their protective holsters. CEWs may be kept in the secured passenger compartment of the cruiser, but once removed from the car, they will be carried in their issued holsters except while being used. CEWs will be carried on the non-firearm side of the duty belt with the straight draw configuration in the issued holster. CEWs will not be drawn at the same time as a firearm. No changes, alterations, modifications, or substitutions will be made to the CEW other than those recommended by the manufacturer.
12. Following the probe deployment of a CEW, the CEW cartridge and probes used will be placed on property as evidence. The probes will be treated as biohazard sharps. The officer collecting the cartridge and probes will wear latex gloves when handling them. The wires will be wound around the cartridge. The probes will be inverted into the

portals from which they were fired. This will prevent sharp ends from penetrating the evidence bag. Tape will be placed over the portals to secure the probes in the cartridge.

- 13.** Any officer who uses a CEW will notify his immediate supervisor as soon as possible if the immediate supervisor is working. If the officer's immediate supervisor is unavailable or if the incident occurs while the officer is off-duty, then the on-duty patrol supervisor will be notified.
- 14.** The Court of Appeals of Maryland, in *Reid v. State*, ruled that a CEW used in probe deployment mode turned what otherwise may have been a Terry stop into a de facto arrest for Fourth Amendment purposes. Officers are required to have probable cause to arrest prior to using their CEW in probe deployment mode during criminal investigations. This does not prohibit the officer from utilizing the CEW in probe deployment mode if objectively reasonable when necessary to accomplish a legally permitted law enforcement activity such as the service of an emergency petition.

IV. PROHIBITED USES OF A CEW:

- 1.** CEW will not be used under the following circumstances:
 - A.** In a punitive or unnecessarily threatening manner.
 - B.** As a prod or escort device.
 - C.** Simultaneous CEW exposures from multiple devices.
 - D.** On an individual whose resistance is solely passive.
 - E.** On an individual who is only attempting to destroy evidence.
 - F.** Inconsistent with training procedures and manufacturer's guidelines.
 - G.** In close proximity to known flammable liquids or gases, or explosive materials.
 - H.** When potential incapacitation of the subject would expose the subject to serious bodily injury or death (e.g., a fall from a high place or in water; when the subject is handcuffed and running; when the subject is running across a hard surface where he is likely to strike his head during a fall), except in a scenario where deadly force is justified.
 - I.** When an individual is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery.
 - J.** When a police canine has been deployed for suspect apprehension or handler protection, except if the canine has become ineffective for the purpose deployed.
 - K.** In violation of use of force policy.
 - L.** Officers shall not draw their firearm and Taser simultaneously. (I.e. Firearm

held in dominate hand while taser is held in non-dominate hand)

VII. SPECIFIC FACTORS:

1. When reasonably perceived by the officer, the following factors will be considered by the officer when deciding to utilize a CEW. The known presence of these factors will require enhanced justification for deciding to utilize the CEW:
 - A. Known pregnant female; Elderly persons, small children, individuals under eighty (80) pounds, individuals with known heart problems, neuro-muscular disorders, or otherwise frail and infirm.
 - B. Person is in water, mud, or marsh environment if the ability to move is restricted.
 - C. Could fall and suffer serious injury to the head or other area.
 - D. Could fall on a sharp object or surface (e.g., holding a knife, falling on glass)
 - E. Persons exhibiting obvious signs of medical or mental crisis.
 - F. Persons demonstrating obvious signs of drug or alcohol intoxication.
 - G. CEW discharged multiple times on an individual.
 - H. Potential significant injury to a running suspect.
 - I. Persons who are handcuffed or otherwise partially restrained
 - J. Simultaneous CEW exposures from multiple devices.
 - K. Intentional CEW application outside of the target areas recommended by the manufacturer, such as the face, neck, genitalia, or chest. Without exigent circumstances, the CEW will not be intentionally aimed at these areas.

VIII. SUPERVISOR RESPONSIBILITIES

1. Supervisors will respond to any anticipated CEW deployments. Supervisors will respond to the scene of the CEW usage and investigate the use of force which will include causing photographing of probe impact sites or drive stun marks on the subject/animal on which the CEW was used. Supervisors will ensure that EMS is activated following all CEW deployments, and that subject(s) that CEW have been used on are evaluated and treated by medical personnel.
2. Anytime a CEW is used the supervisor will be responsible for completing the "SUPERVISORY TASER CEW USE REPORT". This includes but not limited to drawing the CEW, displaying the CEW, aiming the CEW at a subject, laser painting, use of "ARC Warning", probe deployment, and drive-stun.
3. Supervisors will complete the "Critical Event CEW Checklist / Analysis and Evidence Collection Checklist" if the CEW use results in serious physical injury or death.
4. Any officer involved or in-custody death will be investigated by the Maryland State

Attorney General's Office Independent Investigation Division.

5. Supervisors will conduct visual inspections of subordinates assigned CEW and related equipment during monthly inspections. CEW Instructors will be responsible for auditing evidence.com records to ensure compliance with policies.

IX. REPORTING CEW USE:

1. The supervisor of the officer will download data documenting the deployment from the CEW onto a designated computer using the Axon Evidence.com program. The downloaded data will be printed and attached to the officer's Use of Force Report. Use on an animal or an accidental cartridge discharge must be documented via the Department's incident reporting system. Ensure proper medical attention is requested.
2. Officers will complete appropriate incident reports documenting the subject's threats behaviors and actions, each application of force, each CEW trigger pull of 5-second discharge or drive-stun exposure, each injury or alleged injury. The officer will place the spent air cartridge and probes in property following a probe deployment. Use of Force Reports involving the deployment of a CEW will only be reviewed and approved by supervisors and commanders who have received the annual CEW in-service training or who have completed CEW operator certification training.

X. MEDICAL TREATMENT OF TASED PERSONS:

1. A CEW may cause injury as a result of the probe or electrical discharge. The nature and severity of these effects depends on numerous factors including the area of exposure, method of application, individual susceptibility, and other circumstances surrounding CEW use, exposure and after care. Officers will complete appropriate incident reports documenting the subject's threats behaviors and actions, each application of force, each CEW trigger pull of 5-second discharge or drive-stun exposure, each injury or alleged injury. The officer will place the spent air cartridge and probes in property following a probe deployment. Use of Force Reports involving the deployment of a CEW will only be reviewed and approved by supervisors and commanders who have received the annual CEW in-service training or who have completed CEW operator certification training.
2. Following the use of a CEW, the officer utilizing the weapon will ensure that appropriate steps are taken to determine if the use of the CEW caused injury to the suspect or any other person. All persons will be provided with appropriate medical aid. An officer utilizing the CEW on an individual will immediately have EMS activated to provide medical aid.
3. As soon as it is safe to do so, officers will place the suspect / arrestee in a recovery position that is less likely to impair respiration. (e.g., seated or on his side versus prone).

An officer will monitor the suspect for medical complications prior to the arrival of EMS. Officers will not attempt to remove any probes that are still imbedded in the subject's body. Officers will photograph the probe impact sites / drive stun marks following the use of a CEW. If the impact sites/marks are in a private area, the officer will ask permission of the subject to have a same sex officer or medical personnel photograph the impact site/marks at the medical facility where the subject is treated.

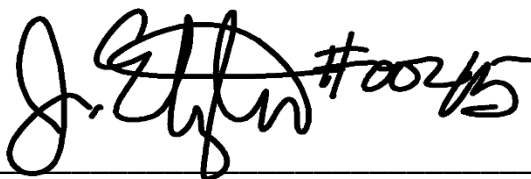
4. All suspects who are in TPD custody on whom the CEW has been used will be transported to the hospital, even if the suspect wants to refuse treatment. If a suspect refuses treatment at the hospital, the arresting officer will copy paperwork documenting this refusal, and will provide a copy of this paperwork to Central Booking personnel, as well as submitting a copy of this paperwork with the arrest file.
5. The suspect will not be left unattended for any period of time while in custody. If the suspect is treated at the hospital, the arresting officer will copy the arrestee's release paperwork, and will forward copies of this paperwork to the same locations.
6. One exception to this requirement is a person who has been struck with a CEW who is not in TPD custody. EMS will be called for these individuals, but they are free to refuse treatment or transport by EMS. A second exception to this requirement is a person on whom the CEW is used for training purposes. During training, medical treatment will be obtained when appropriate. During training, probes may be removed under the supervision of the CEW instructor following the training protocol.

XI. VIOLATIONS

1. Officers found in violation of this policy may be subject to removal from the CEW program and/or disciplinary action to include termination of employment. found in violation of this policy may be subject to removal from the less-lethal shotgun program and/or disciplinary action to include termination of employment.

THIS ORDER SUPERSEDES ALL OTHER ORDERS OR MEMORANDA IN CONFLICT WITH THIS ORDER.

APPROVED:



Jason S. Etzler, Chief of Police

03-07-2022

DATE

TANEYTOWN POLICE DEPARTMENT

GENERAL ORDER 2021-01

USE OF DEADLY FORCE 36-0 *(AMENDED,01-15-21)*

I. PURPOSE:

To establish guidelines for Use of Deadly Force

II. POLICY:

The value of human life is immeasurable. Respect for the dignity of life of all persons and the value of human life shall guide police officers in their use of force. Police officers have the responsibility to protect life and restrain wrongdoers, using force when necessary, in order to fulfill their duty. Therefore, they must use the utmost prudence and restraint in exercising their authority to use force. Any force used must be objectively reasonable under the circumstances and proportional to the threat. Police officers shall attempt to de-escalate prior to using force when appropriate and safe to do so.

III. PROCEDURE:

1. Deadly force, as used in this policy, is defined as that force which is intended to cause death or grave injury, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or grave injury.
2. 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 police purpose, 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 is 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

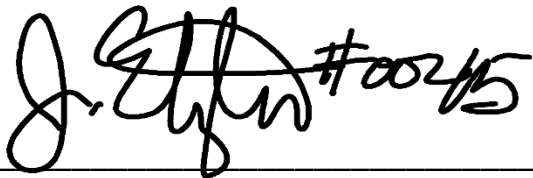
of deadly force is specifically authorized in this policy.

3. Unless an officer is involved in a situation where deadly force is authorized, officers are **prohibited** from using the following tactics/techniques:
 - a. Strangle/choke holds or lateral vascular neck restraints which restrict the ability of individual to breathe or restrict the flow of blood to the brain;
 - b. The deliberate placement of body weight on any portion of the neck or airway; and,
 - c. Intentional direct blows to the head.
4. A police employee shall submit a written explanation, in detailed report format, to the Chief each time a firearm is discharged in the performance of their duty and each time an injury has occurred as a result of the use of force. The detailed report shall contain all specific facts and circumstances relating to the incident and should be submitted before the close of the tour of duty during which it occurred. In instances where the officer is injured, incapacitated or otherwise unable to prepare a detailed report, the specific facts and circumstances surrounding the incident will be summarized by the supervisor from facts obtained verbally from the police employee and/or witnesses. The involved police employee will, when capable, submit the required detailed report or sign a transcript of the verbal information. Unless otherwise directed by the Chief, a police employee who discharges a firearm on a range will not be required to report such activity. A police employee who discharges his/her firearm to kill an injured or dangerous animal need only submit an incident report.

5. Shooting incidents involving members of this Department will be investigated by the Maryland State Police.

THIS ORDER SUPERSEDES ALL OTHER ORDERS OR MEMORANDA IN CONFLICT WITH THIS ORDER.

APPROVED:



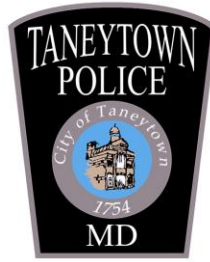
Jason S. Etzler, Chief of Police

01-15-21

DATE

TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Use of Force	GO 2023-01	09/20/2023

Policy: The value of human life is immeasurable. Respect for the dignity of life of all persons and the value of human life shall guide police officers in their use of force. Sworn staff (members) have the responsibility to protect life and restrain wrongdoers, using force, when necessary, in order to fulfill their duties. Therefore, they must use the utmost prudence and restraint in exercising their authority to use force. Any force used must be objectively reasonable under the circumstances, proportional to the threat and consistent with constitutional principles. Members shall attempt to de-escalate prior to using force when appropriate and safe to do so.

Purpose: To provide members of the Taneytown Police Department with guidelines for the reasonable use of force.

Contents:

- I. Definitions
- II. Use of Force
- III. Prohibited Force
- IV. Duty to Intervene
- V. Medical Attention
- VI. Less-Lethal Equipment
- VII. Firearms
- VIII. Reporting Use of Force
- IX. Investigating Use of Force
- X. Policy Review, Training, and Force Analysis
- XI. Cancellation

I. Definitions

- A. **Active Aggression** – Subject makes overt, hostile, attacking movements, which may cause injury to the officer. This aggression may manifest itself through actions including, but not limited to, punching, kicking, striking out with any body part, biting, pushing, or display of a weapon.
- B. **Active Resistance** – Subject is making physically evasive movements or behaviors to defeat the officer's attempt to arrest or gain control. Physically evasive movements or behaviors may include, but are not limited to, physically bracing, twisting, pulling, verbally signaling an intent to resist custody, and holding onto fixed objects to avoid apprehension.
- C. **Conducted Energy Weapon (CEW)** – Less-lethal weapon that emits an electrical energy charge, which causes neuro-muscular incapacitation that affects the sensory and motor functions of the central nervous system.
- Display - Visible presence of the CEW outside of the holster.
 - Deployment - Pointing a CEW at an individual.
 - Discharge - Delivery of an electrical energy charge via the probes or via drive stun.
- D. **Deadly Force** – Any force likely to cause death or serious physical injury, whether the member intended to cause death or serious physical injury or not.
- E. **De-escalation** – A combination of communication skills, sound officer-safety tactics and continuous assessment of the threat level that may reduce the need for physical force. Members should use these techniques to prevent or reduce the need for force options when safe and reasonable to do so.
- Pre-Incident – Acting or communicating prior to a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat faced by the officer so that time, options, and resources may be utilized to resolve the situation without the use of force or with a reduction in the force necessary.
 - Examples of pre-incident de-escalation include, but are not limited to, tactical use of cover (using time, distance, positioning and/or barriers, requesting additional personnel or specialized units or equipment), and use of verbal communication strategies (exercising persuasion/offering advice /CIT).
 - Incident Assessment – Continually reassessing the situation to ensure the level/need for force is still necessary/appropriate and attempting to de-escalate the situation when possible.
 - Post-Incident – Acting or communicating after a use of force to stabilize the situation. Examples of post-incident de-escalation include, but are not limited to,

placing the individual into a recovery position, maintaining an open airway, transitioning custody to a non-involved officer, establishing a professional rapport, rendering first aid techniques as soon as it is safe to do so, and immediately summoning emergency medical services when requested or necessary.

- F. Excessive Force** – Physical force that is grossly disproportionate to the actual or potential threat posed by an individual and exceeds the amount of force that a reasonable police officer would utilize in a given situation.
- G. Imminent Threat of Death or Serious Physical Injury** – When it is objectively reasonable to believe:
- The individual's actions are immediately likely to cause death or great bodily harm to the member or others unless the member takes immediate action.
 - The individual has the means or instruments to cause death or great bodily harm; and
 - The individual has the opportunity and ability to cause death or great bodily harm.
- H. Inappropriate Force** – Application of force that is unauthorized or improper according to established departmental standards.
- I. Necessary and Proportional** – Requires members to assess a particular use of force by observable facts void of feelings and opinions, applying reasonableness from the perspective of a reasonable officer on scene considering the facts and circumstances confronting the member at the moment force is used. Members must ensure the force is necessary and proportional.
- J. Passive Resistance** – A level of resistance exhibited by a person and characterized by nonviolence, lack of cooperation and inaction, which is common in peaceful protests. The subject refuses to respond to verbal or other direction from the officer but exhibits no resistive movement. This level of resistance is less than that of active resistance or active aggression.
- K. Physical Force** – The application of contact, with or without a weapon, used to control or restrain another, or to overcome the resistance of another. Physical force can entail the use of any and / or all-human body parts. Physical force is divided into two categories:
- Deadly Force - Force that is likely to cause death or serious physical injury.
 - Less-Lethal Force - Force that is not intended, nor reasonably likely to, result in death or serious physical injury.

Physical Force does not include the minimal physical contact used by a member to guide,

direct, or steer an individual in a given direction, or the mere application of handcuffs.

- L. Probable Cause** – Information or facts, together with rational inferences therefrom that would cause a reasonable person to believe that a crime has been committed or is about to be committed by a particular person.
- M. Serious Physical Injury** – Injury, which is potentially life threatening, examples of which may include bone fractures, voluminous bleeding, damage to vital organs, and head injuries.
- N. Takedown** – Maneuver during which a subject is forcibly brought to the ground.
- O. Use of Force** – Any physical coercion used to effect, influence, or persuade an individual to comply with an order from a member, including but not limited to the following:
 - Physical Force (deadly force and less-lethal force);
 - Pointing a CEW or discharging a CEW or OC Spray;
 - Any use of force resulting in injury/pain or a complaint of injury/pain that is directly associated with a member's use of force;
 - Takedowns; and,
 - The pointing of a firearm directed at an individual.

II. Use of Force

- A.** The Fourth Amendment to the U.S. Constitution requires that any seizure of a person by law enforcement be reasonable. Members may only use physical force that is reasonable under the circumstances to affect lawful objectives in accordance with agency procedures, State law, and constitutional mandates. Included in the concept of reasonableness are the principles of necessity and proportionality. When the circumstances justifying a particular use of force no longer exist, that degree of force should be discontinued. De-escalation is an important part of the “necessary and proportional” evaluation. When time, circumstances, and safety permit, members must attempt to de-escalate the conflict and gain compliance to minimize the amount of physical force necessary. There are generally only four (4) instances when use of force is justified:
 - To effect a lawful arrest or a lawful investigative detention;
 - To prevent an escape of a dangerous person;
 - For self-protection; and
 - To protect others.
- B.** When applying handcuffs to an arrestee, members should avoid kneeling, sitting, or

applying pressure to the arrestee's back, unless necessary to accomplish the restraint. The pressure must be removed immediately once compliance is gained.

- C. The use of deadly force is limited to those situations where the member reasonably believes it is necessary to prevent the imminent death or infliction of serious physical injury to a member or to another person based on an objective assessment; evaluating all other means; and a totality of the circumstances.
- D. Members, when safe and practical to do so, shall identify themselves as police officers prior to using deadly force.
- E. Deadly force may be used in self-defense or in the defense of others when a member is confronted by what he / she reasonably believes is the imminent threat of death or serious physical injury.
- F. Deadly force may be used as a last resort if necessary to prevent the escape of a suspect whom the member has probable cause to believe has committed, attempted, or threatened to commit, a crime involving the infliction of death or serious physical injury, and if not apprehended, the suspect poses an imminent threat of death or serious physical injury to the officer or others. It is important to note that:
 - A verbal warning should be given prior to the use of deadly force, unless impractical or under exigent circumstances; and,
 - The officer must reasonably believe that all other means of effecting the arrest are futile; and,
 - The decision on whether the suspect poses an imminent threat, if not apprehended, must be reasonably based on:
 - Information known to the officer at that time;
 - The nature of the offense committed or attempted; and,
 - The circumstances surrounding the apprehension and the nature of resistance by the suspect.
- G. Deadly force may not be appropriate when its use would threaten the safety of other persons, unless necessary to preserve life.

III. Prohibited Force

- A. Except in a situation where deadly force is authorized, members are prohibited from deliberately using the following tactics / techniques:

- Strangle / choke holds or lateral vascular neck restraints which restrict the ability of an individual to breathe or restrict the flow of blood to the brain;
 - The deliberate placement of body weight on any portion of the neck or airway; and,
 - Intentional direct blows to the head unless proportional to the threat.
- B.** The discharge of firearms for use as “warning shots” is prohibited.
- C.** The discharge of firearms at or from motor vehicles is prohibited unless necessary to protect the officer’s life or the life of another, and when no other reasonable options exist, and the member or others cannot avoid the path of the vehicle. Under no circumstances will members place themselves in a position where they make shooting at a vehicle necessary.
- D.** Deadly force is prohibited against a person who is a threat to only him/herself or to property.

IV. Duty to Intervene

- A.** If a member witnesses what he / she believes to be an excessive use of force or the deprivation of medical care, he / she has an affirmative duty to:
- Intervene immediately and stop the excessive force and/or provide medical care, and
 - Immediately report the excessive use of force or deprivation of medical care to a supervisor.
- B.** All members are obligated to ensure compliance by themselves and other members regarding general orders and the law.
- C.** Duty to intervene includes, but is not limited to, verbal intervention and/or taking physical steps to correct/stop the violation.
- D.** All interactions requiring such intervention shall be documented in detail on a memorandum to the highest-ranking commander by the end of shift.
- E.** The Chief or designee shall ensure that no retaliation is taken against a member that reports a violation of this policy.

V. Medical Attention

Once the scene is safe and as soon as practical, whenever an individual is unconscious, injured, complains of injury, or requests medical attention, members shall:

- A. Immediately request appropriate medical care for the injured person via official communication channels.
- B. Immediately provide appropriate medical care to the individual consistent with the member's training. This may include actions taken at the scene or by arranging transportation to the nearest emergency medical facility.
- C. Members shall treat all injured persons with dignity and respect, whether it is another officer or a member of the public.

VI. Less-Lethal Equipment

- A. Members will not be assigned or use any less lethal equipment until they have received the proper training and certification. Members must maintain any required certification to continue use of less lethal equipment.
- B. Collapsible Straight Baton (CSB) – Intentionally striking areas such as the subject's head, sternum, spine, groin, and neck is only authorized if the member is justified in using deadly force. Any time the CSB is used, officers shall complete an Incident Report and a Use of Force Form. Whenever the use of an CSB results in serious bodily harm or death, the CSB shall be placed into evidence.
- C. Conducted Energy Weapon (CEW) – The Conducted Energy Weapon is a less-lethal weapon that emits an electrical energy charge which causes neuro-muscular incapacitation that affects the sensory and motor functions of the central nervous system and may be utilized to gain control of a subject who is violent or who may imminently become violent. The authorized use of the CEW is outlined in the agency's CEW policy.
- D. Oleoresin Capsicum (OC) Spray – The Oleoresin Capsicum (OC) inflammatory agent (Spray) is considered a low-level control and restraint technique when applied in a manner consistent with agency training.
 - OC Spray shall not be used against a suspect in physical control of a vehicle in motion unless the driver poses an imminent threat of death or serious physical injury.
 - OC Spray shall not be used during peaceful protests or against subjects engaged in passive resistance.
 - Members utilizing OC Spray shall take immediate steps to decontaminate the subject when safe to do so, as per their training. Members shall notify Emergency Medical Services whenever requested by the individual and whenever the

individual appears to be in significant distress, is injured, or appears to be having a severe reaction to the agent.

- Members shall take reasonable precautions to prevent or minimize exposure of OC Spray to persons other than the target.
- Any time OC spray is used, officers shall complete an Incident Report and a Use of Force Form.

E. Less-Lethal Impact Munitions – The Less-Lethal Impact Munition system is a less-lethal weapon system that dispels a Kevlar-Cotton tube filled with 40g of #9 shot and is intended to control a suspect. The Less-Lethal Impact Munition system is used in high-risk encounters where suspect control is necessary and a minimal potential for death or serious injury is the desired result. The authorized use of the Less-Lethal Impact Munition system is outlined in the agency's Less Lethal Impact Munitions policy.

VII. Firearms

A. Handguns

- Members shall only carry, deploy and discharge their handguns consistent with training provided by a Firearms Instructor certified by the Maryland Police and Correctional Training Commission.
- Members shall take into consideration the following factors when deciding whether to use their handgun:
 - Reduced ability to use empty-hand control techniques at the same time;
 - Inability to handcuff the suspect until the handgun is holstered. Members shall not search or handcuff a suspect while holding their handgun;
 - The likelihood that rounds may pass through their backdrop and strike an inadvertent target; and,
 - The possibility of the weapon inciting or aggravating the situation, as opposed to being a protective measure.
- Members shall complete both an Incident Report and a Use of Force Form when they deploy or discharge their firearm at an individual.

B. Patrol Rifles

- Members shall only use the patrol rifle under appropriate circumstances in accordance with the rules and regulations set forth in the agency's patrol rifle program policy.
- The decision to deploy a patrol rifle shall be in conformance with the training provided by a Firearms Instructor certified by the Maryland Police and Correctional Training Commission and based upon the resources available to the officer at the time, the risks created using the patrol rifle, and the danger posed by the suspect.
- Members shall complete both an Incident Report and a Use of Force Form when they deploy or discharge their patrol rifle at an individual.
- Members shall consider the potential consequences/factors listed in Section II, Paragraph F of this policy when making the decision whether or not to use a patrol rifle.

C. Shotguns

- Members shall only carry, deploy and discharge their shotguns consistent with training provided by a Firearms Instructor certified by the Maryland Police and Correctional Training Commission.
- Members shall take into consideration the following factors when deciding whether to use their shotgun:
 - Reduced ability to use empty-hand control techniques at the same time;
 - Inability to handcuff the suspect until the shotgun is secured. Members shall not search or handcuff a suspect while holding their shotgun;
 - The likelihood that rounds may pass through their backdrop and strike an inadvertent target; and,
 - The possibility of the weapon inciting or aggravating the situation, as opposed to being a protective measure.
- Members shall complete both an Incident Report and a Use of Force Form when they deploy or discharge their shotgun at an individual.
- Members shall consider the potential consequences/factors listed in Section II, Paragraph F of this policy when making the decision whether to use a shotgun.

VIII. Reporting Use of Force

- A.** Any time a member is directly involved in a use of force incident, they shall complete, prior to the end of shift, an Incident Report and the appropriate Use of Force Forms that detail the facts regarding the use of force, and what actions were taken to de-escalate the situation. The Use of Force Form(s) and Incident Report shall be forwarded to the Chief or designee via the chain of command within 2 business days.
- B.** For each use of force, the Department will conduct an administrative review to determine whether the use of force by its member(s) was justified. A conclusion as to whether the use of force was justified will be based on whether the use of force was objectively reasonable under the circumstances, proportional to the threat, and consistent with constitutional principles. Information made available after the incident occurred may not be used to justify the employee's action.
- C.** Whenever an individual is injured, complains of injury, or requests medical attention as a result of an action taken by a Taneytown Police Department member, the member shall complete an Incident Report describing the injury, as well as how and when the injury occurred. All members present at the incident shall detail their actions and observations in supplement report by the end of their shift in addition to completing the appropriate Use of Force Forms as applicable.
- D.** Whenever a member deploys or discharges a Conducted Energy Weapon (CEW) at another person, the member shall submit an Incident Report and the appropriate Use of Force Form(s).
- Display: The visible presence of a CEW (including holding it at "low ready") shall be considered a "display" and no Use of Force report is required. When the simple display of a CEW serves as an effective deterrent in an escalating incident, members shall document this information in their Incident Report.
 - Deployment: Pointing a CEW at a subject shall be considered a "deployment." Members who deploy a CEW shall complete both an Incident Report detailing the actions of the member and the suspect, and the appropriate Use of Force Forms.
 - Discharge: The delivery of an electrical energy charge via probes or drive stun shall be considered a "discharge". Members who discharge a CEW shall complete both an Incident Report detailing the actions of the officer and the suspect, and the appropriate Use of Force Forms.
- E.** Whenever a member deploys or discharges a firearm at another person, the member shall submit an Incident Report and the appropriate Use of Force Form(s).
- Display: The visible presence of a firearm or simply removing it from the holster/case (including holding it at "low ready") shall be considered a "display" and no Use of Force report is required. When the simple display of a firearm serves as an effective deterrent in an escalating incident, members shall document this information in their Incident Report.

- Deployment: Pointing a firearm at a subject shall be considered a “deployment.” Members who deploy a firearm shall complete both an Incident Report detailing the actions of the member and the suspect, and the appropriate Use of Force Forms.
- Discharge: The firing of a firearm at another person or object (other than to euthanize an animal for humane or public safety reasons) shall be considered a “discharge”. Members who discharge a firearm shall complete both an Incident Report detailing the actions of the officer and the suspect, and the appropriate Use of Force Forms.

IX. Deadly Use of Force

- A.** Whenever a member shoots, or seriously injures another person, the Chief or highest-ranking commander shall be immediately notified:
- Direct at least one officer to remain with the body or the injured person. In cases where a suspect is taken to a hospital, the assigned officer shall remain with the suspect, securing any physical evidence until relieved.
 - Direct at least one officer to secure the scene.
 - Direct at least one officer to remain with the involved officer to assure his / her personal safety and well-being. The involved officer shall not be questioned unnecessarily.
 - Ensure that notification is made as soon as practical to:
 - The Chief or designee,
 - The Mayor and,
 - The City Manager.
 - If the involved officer was injured and taken to an emergency facility, an officer or supervisor shall be sent to the emergency facility to act as a liaison between medical and TPD personnel.
 - Secure the involved officer’s weapon(s), and in the case of firearms, all ammunition carried. Firearms are to be left loaded with magazine positions undisturbed. If appropriate, the Chief or his/her designee shall ensure that the involved officer’s weapon is replaced as soon as practical.
 - All personnel at the scene shall be directed to submit a detailed supplemental report describing their actions and observations. This report must be submitted prior to the end of their shift.
- B.** Upon learning of an Officer-Involved death or potential death the Chief or his/her designee

will respond to the scene. This includes death or serious injuries involving pursuits, transports, or any in custody injury in a law enforcement or detention center facility.

- The Chief or his/her designee, upon verifying the action, will contact the MSP headquarters duty officer at (410) 653-4900 and notify the duty officer of the situation and seriousness of injuries. The following information will be provided if known:
 - Date and time of incident
 - Location of the incident
 - Other crime scenes
 - Number of potential witnesses
 - Type of incident that occurred requiring officers to respond
 - Number of involved and witness officers
 - Status of media on scene or in route
- The on-scene supervisor/commander will make sure the crime scene is secure and will hold the crime scene until MSP completes the initial investigation and releases it.
- MSP Forensic Services Division (MSP-FSD) is responsible for the collection and processing of evidence at the scene. The only time the supervisor may decide to collect evidence prior to the arrival of MSP-FSD is if the evidence is in danger of being lost, destroyed, or contaminated unless action is taken. If the supervisor decides to collect the evidence, the normal evidence collection protocols of the department will be followed.
- If the supervisor has additional questions and MSP has not arrived on scene, the supervisor should contact the Independent Investigations Division at (410) 576-7070.

C. The following additional steps shall be taken whenever a use of force results in death or serious physical injury:

- Supervisory response. A police supervisor is required to respond to the scene of any incident during which an officer used physical force and/or caused serious physical injury and gather and review all known video recordings. In the event an officers uses deadly force, or force which results in serious physical injury, they or another member of the department shall notify a supervisor immediately and have them respond to the scene of the incident.
- The involved member shall be placed into an administrative assignment, pending an internal review of the incident and the member's ability to resume his/her normal assignment (independent of the internal investigation). The Chief or designee may order the officer to be placed on Administrative Leave with concurrence of the Mayor and/or City Manager until the Chief or his/her designee,

authorizes a status change.

- The involved member may return to full duty only after the following have been completed:
 - A preliminary review of the investigative facts by the Chief or designee;
 - A psychological assessment conducted with the involved member by a licensed and qualified mental health provider;
 - If the incident involved a firearm, the involved member is issued another firearm and must complete a firearm familiarization session with the new weapon under the direction of a Firearms Instructor certified by the Maryland Police and Correctional Training Commission
 - Authorization by the Chief or designee and Mayor after consultation with the Independent Investigations Division.
- Members shall not converse with the media or make statements to citizens about any part of a use of force investigation without authorization from the Chief or his/her designee.
- Following a shooting or critical injury incident, the Chief or his/her designee shall:
 - Contact the Carroll County Sheriff's office at 410-386-5900 and request a Critical Incident Stress Management (CISM) Team to assist the involved officer and department members as appropriate.
 - Ensure that follow-up mental health support is provided to the involved officer.

X. Training and Use of Force Analysis

- A.** Annually, all sworn members shall sign the "Sanctity of Life Pledge", Annex 401 (A), as a declaration to respect every human life and act with compassion toward others."
- B.** Annually, all sworn members shall sign the "Use of Force Completion Affirmation", Annex 401 (B), as a declaration to comply with the use of force policies and procedures of the Department.
- B.** All members authorized to carry a firearm shall receive entrance-level training in the use of the firearm and at least annual in-service training with the firearm and on use of force policies. Members must demonstrate proficiency with all approved firearms. This includes achieving the required qualification scores.
- C.** All members shall receive documented training/certification in the use of any issued less-

lethal equipment prior to being authorized to carry the weapon. Biennial in-service training will be required for OC Spray and CSB. Members issued a CEW shall be trained per the agency's CEW policy.

- D. All members shall receive training in approved weaponless control techniques and de-escalation techniques at entrance-level training and ongoing in-service training.
- E. All uses of force by members of the agency will be tracked by the Deputy Chief.
- F. The Major shall complete, in January, an annual analysis of all use of force incidents to reveal patterns or trends that could indicate the need for training modifications, equipment upgrades, and / or policy modifications, and for potential activation of Performance Monitoring. The Major shall produce a report to the Chief or designee and Mayor which includes a table with a list of all uses of force, the date, the involved members, any remedial training conducted, whether the use of force was within policy or not, and a recommendation regarding any potential problematic patterns.

XI. Cancellation

This written directive cancels and replaces prior Use of Force policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:



A/Chief Robert Mitchell

9/20/23

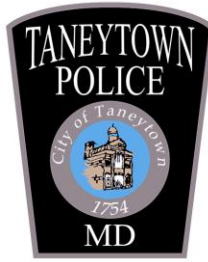
September 20, 2023

Indexed As:

Deadly Force
Fleeing Felon
Prohibited Use of Force
Use of Force
Use of Force Report
Duty to Intervene
Sanctity of Life Pledge
Use of Force Training Affirmation

TANEYTOWN POLICE DEPARTMENT

Robert S. Mitchell
MAJOR



Jessie Castellar
LIEUTENANT

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Vehicle Pursuit	GO 2023-06	9/20/2023

Policy: The Taneytown Police Department recognizes the inherent dangers in high-speed vehicle pursuits, and therefore restricts the use of this enforcement technique to situations involving Part I violent felonies (Murder, Forcible Rape, Robbery, First Degree Assault, Car Jacking, and Kidnapping) and personal injury hit and run vehicle accidents where serious injury or death has occurred. Vehicle pursuits will not be initiated for minor traffic violations, to include suspended and/or revoked drivers, suspected DUI drivers, or non-violent criminal acts, regardless of whether the suspect is known or unknown. A pursuit will only be initiated, or allowed to continue, when the threat the suspect poses to the public outweighs the danger created by the vehicle pursuit.

Purpose: To establish a policy limiting the use of high-speed vehicle pursuits to circumstances involving violent offenders and / or serious traffic violations. The on-duty supervisor must be made constantly aware of an extended or high-speed pursuit and has the authority and responsibility to terminate the pursuit when risk factors outweigh the necessity to immediately apprehend the offender. The primary consideration of the supervisor shall be the safety of the public and the officer.

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- IV. Pursuits into Neighboring Jurisdictions
- V. Pursuits from Neighboring Jurisdictions
- VI. When To Abandon Pursuit
- VII. Reporting & Review Responsibility
- VIII. Cancellation

I. Definitions

- A. **Vehicle Pursuit** - A vehicle pursuit occurs when an officer disengages from routine driving with the intention to pursue and stop a violator of the law who refuses to yield to or disregards the officer's signal to stop. The pursuit concludes when the fleeing driver stops, whether voluntarily or involuntarily, or the pursuit is discontinued by the officer. Any response to incidents, such as a bail out, occurring after the pursuit conclusion is not considered part of the pursuit.
- B. **Primary Pursuit Vehicle** – Generally, the unit that initiated the pursuit. Primary pursuit vehicle status may be changed by a supervisor for circumstances involving the pursuing or pursued vehicle.
- C. **Secondary Pursuit Vehicle** – Units involved in a pursuit whose immediate responsibility is to assist the primary pursuit vehicle.
- D. **Tire Deflating Device** – A device with hollow spikes that, when placed in the path of a vehicle punctures the tires and causes a gradual deflating of one or more tires.
- E. **Passive Pursuit** – Technique used in conjunction with pursuits where pursuing vehicles follow fleeing vehicles at safe distances and speed without emergency equipment activated. The purpose of this technique is to allow for the conclusion of a pursuit when a violator presents no immediate threat to citizens or police.
- F. **On-Duty Supervisor** – A supervisor of the Taneytown Police Department with the rank of Corporal or above, or in the absence of this member, the most senior ranking officer on duty at the time of the incident.

II. Limitations

Consistent with Section 21-106 of the Transportation Article, a deputy engaged in a vehicle pursuit may disregard traffic laws but is responsible to drive with due regard for the safety of others and is not protected from the consequences of reckless disregard for the safety of others.

- A. Factors to consider when deciding to begin and continue a pursuit include but are not limited to:
- The nature of the offense giving reason for the pursuit;
 - Vehicle speeds, road and weather conditions;
 - Traffic density, including pedestrian and other vehicular traffic;
 - Potential for loss of communications when pursuing over extended distances;
 - The characteristics and the officer's familiarity of the area;
 - The performance characteristics of the officer(s) vehicle and pursued vehicle;
 - The vehicle or operator can be identified and apprehended at a later time;
 - The danger to the public and other law enforcement officers.

B. Non-Pursuit Rated Vehicle(s)

Non-pursuit rated vehicle(s) may be operated above the posted speed limit while stopping a motor vehicle violator. Any operation above the posted speed limit will be consistent with the standards and limitations identified by the vehicle manufacturer. It is the operator's responsibility to understand and recognize any standards and limitations of a non-pursuit rated vehicle.

- Officers operating non-pursuit rated vehicles are not to engage in extended or prolonged high-speed pursuits unless the safety of a citizen or police officer is in immediate jeopardy. In such situations, active involvement in high-speed pursuits by non-pursuit rated vehicles will be terminated once pursuit rated vehicles are in a position to assume the primary pursuit role. In the interest of officer safety, it may be necessary for the operator of a non-pursuit rated vehicle to continue participating in a pursuit in a passive pursuit role.
- Officers assigned to or operating a covert or undercover vehicle (excluding un-marked issued pursuit or non-pursuit rated vehicles), are not to initiate or participate in pursuits unless there is an imminent risk to the life or safety of another person and with approval of the on-duty supervisor.

C. Whenever the risk of injury to the officer or to the public, from a motor vehicle pursuit, outweighs the perceived danger of not apprehending the suspect(s), a pursuit will not be initiated, or it will be discontinued.

- Officers shall not pursue motorcycles, all-terrain vehicles (ATVs), dirt bikes, or any other motorized, two-wheeled conveyances once the intent to flee is exhibited. A on-duty supervisor may allow an officer to pursue such a vehicle if there is knowledge the operator or passenger is committing, has committed, or is attempting to commit a Part 1 violent felony (Murder, Forcible Rape, Robbery, First Degree Assault, Car Jacking, and Kidnapping).

III. Procedures for Pursuit

A. The initiating officer will immediately notify the Maryland State Police dispatcher (MSP) and on-duty supervisor of the pursuit. They shall request that MSP notify the Carroll County Emergency Communications Center and relay the pursuit information to the Carroll County Sheriff's Office. The initiating officer will provide the following information to police dispatch:

- Location and direction of travel;
- Vehicle color, make and model, license number and State;
- Operator, and if applicable, suspect information
- Speed and road conditions;
- Information concerning number of occupants and weapons, if known;

- Reason for pursuit, including known laws violated.
- B.** The initiating officer shall remain the primary pursuit vehicle unless the on-duty supervisor designates another police unit as the primary pursuit vehicle. The primary pursuit officer shall maintain a clear narrative of the pursuit, providing speed and location to police dispatch.
- C.** An attempt to apprehend the violator will be made as soon as possible to minimize the hazards a pursuit poses.
- D.** Siren, headlights, and emergency lights will be used during pursuits.
- E.** Any police vehicle that becomes involved in a pursuit after the initiation of the pursuit shall be designated as secondary pursuit vehicles. When officers become involved in a pursuit as secondary vehicles, they shall immediately notify police dispatch. They shall limit radio transmissions to those essential to the pursuit or to acknowledge an inquiry. In most cases, the first secondary unit in a pursuit will be responsible for handling communications for the primary unit (e.g. speed, direction of travel, road conditions, etc.).
- F.** The on-duty supervisor shall acknowledge that he/she is monitoring the pursuit and will supervise its progress. The on-duty supervisor may limit or assign additional cars and any other resources available to assist with the pursuit. The on-duty supervisor will ensure that the pursuit is conducted within the confines of the Taneytown Police Department's policies and procedures. If the supervisor cancels the pursuit, all officers will immediately terminate their involvement in the pursuit. Upon request, an on-duty supervisor may authorize an officer to continue in a passive pursuit of a fleeing vehicle.
- G.** Only the on-duty supervisor may authorize units in the direct vicinity of the pursuit to operate with emergency equipment and siren in the area of the pursuit. Incoming units must exercise extraordinary caution when approaching the vicinity of the pursuit.
- H.** An officer operating a non-pursuit rated vehicle will permit pursuit rated vehicles to assume the primary pursuit vehicle role of a pursuit, if they are available.
- I.** Agency vehicles carrying prisoners/detainees will not become involved in a pursuit.
- J.** Agency vehicles carrying passengers will not be involved in a pursuit.
- K.** The use of weapons/firearms during pursuits may only be considered as a last resort, and only when deadly force is authorized in accordance with the Taneytown Police Department Use of Force Policy. Officers must consider the added danger associated with incapacitating the driver of a moving, or potentially moving, vehicle.
- L.** This section applies to deputy involvement in any pursuit regardless of initiating agency.

IV. Pursuits into Neighboring Jurisdictions

- A.** The Annotated Code of Maryland, Criminal Procedures Article, Section 2-301 authorizes police to engage in fresh pursuit, arrest the person anywhere in the State and return the person to the jurisdiction where the crime alleged was committed. Officers are authorized to pursue vehicles into neighboring Maryland counties when there is probable cause to believe that the operator or suspect within the vehicle was involved in a Part I violent felony (Murder, Forcible Rape, Robbery, First Degree Assault, Car Jacking, and Kidnapping). No more than two (2) TPD Officers, including the primary pursuit vehicle shall be involved in a pursuit into a neighboring Maryland County unless authorized by the on-duty supervisor.
- B. Pursuits into Pennsylvania shall conform to Pennsylvania law, 42 Pa.C.S.A. § 8923:**
- “If an arrest is made in this Commonwealth by an officer of another state, in accordance with the provisions of this subchapter, he shall, without unnecessary delay, take the person arrested before an issuing authority, who shall conduct a hearing for the sole purpose of determining if the arrest was in accordance with the provisions of this subchapter and not of determining the guilt or innocence of the arrested person. If such issuing authority determines that the arrest was in accordance with this subchapter, he shall commit the person arrested to the custody of the officer making the arrest, who shall without unnecessary delay take him to the state from which he fled. If such issuing authority determines that the arrest was unlawful, he shall discharge the person arrested.”
 - If possible, a Pennsylvania law enforcement officer should effect an arrest based on crimes committed during the pursuit in Pennsylvania and TPD should then proceed with a warrant and extradition for the crime(s) alleged to have been committed in Maryland. If a Pennsylvania law enforcement officer does not effect an arrest, then the deputy who initiated the pursuit shall make the arrest and immediately take the subject to the local magistrate in Pennsylvania where the arrest occurred for a determination of whether the arrest was in accordance with Pennsylvania “Interstate Hot Pursuit” laws. Thereafter, if the magistrate commits the subject to the custody of the arresting TPD officer, the subject shall then be immediately taken to the Carroll County Detention Center for processing.
- C.** Vehicle pursuits outside of the State of Maryland are limited to situations where the officers have probable cause to believe that the suspect(s) committed or attempted to commit a Part I violent felony (Murder, Forcible Rape, Robbery, First Degree Assault, Car Jacking and Kidnapping). The on-duty supervisor will evaluate the necessity of allowing a pursuit to continue across the state line and will allow the pursuit to continue on his/her authority. No more than two (2) TPD units, including the primary pursuing officer, will be involved in a pursuit across a state line unless authorized by the on-duty supervisor.
- D.** If a pursuit continues across a state line, all TPD units will become secondary units when the jurisdiction with local authority engages in the pursuit. Once sufficient units have joined the pursuit, all TPD units will terminate the pursuit except the primary pursuing officer.

Termination of the pursuit should be considered when law enforcement officers of the neighboring jurisdiction are not available or do not enter into the pursuit.

V. Pursuits from Neighboring Jurisdictions

Pursuits into the City of Taneytown from a neighboring jurisdiction will only be joined by TPD officers if the circumstances of the pursuit fall into a pursuit category as outlined in this policy. The same criteria for approval of pursuits inside the jurisdiction of the TPD will be used by the on-duty supervisor to determine involvement in the pursuit from neighboring jurisdictions.

- TPD Officers shall immediately discontinue any pursuit which initiated from a neighboring jurisdiction once sufficient county or state units have joined the pursuit.

VI. When to Abandon Pursuit

The decision to abandon pursuit will remain, in most instances, with the primary pursuit officer. However, the on-duty supervisor shall monitor the course of the pursuit and will have the prerogative to terminate the pursuit based on input from the primary pursuit officer and the on-duty supervisor's personal knowledge of the area, road, and traffic conditions.

A. Generally, pursuits shall be discontinued when:

- The risk to the officer and the public are unnecessarily high;
- The risk is inconsistent with the severity of the violation
- The highway, traffic and environmental conditions are not conducive to continue safe pursuit of the vehicle.
- There is a reasonable expectation that the violator(s) can be identified and apprehended later.
- An alternative to the vehicular pursuit exists or is developed. This may include, but is not limited to aerial surveillance, covert vehicle observation, passive pursuit, etc.

B. Risk Factors - Risk factors may indicate the degree of danger or hazard to the public and law enforcement as a result of the pursuit.

- Low Risk - Clear weather, dry roads, effective radio communications, and light traffic density.
- High Risk - Residential, school, and commercial areas during hours of activity, operation or business present a high risk. Traveling against the flow of traffic, poor visibility or illumination, heavy traffic density, curves in roadway, pedestrian traffic, frequent and/or at grade intersections, narrow roadways, inclement weather, the likely

loss of effective radio communications, the unavailability of immediate and/or adequate back-up, the number of apparent suspects, and unfamiliarity with out-of-jurisdiction geography.

- C. Assessing Risk - At all times during an active pursuit, the officer shall reassess whether the suspect(s) presents a clear and present danger to the safety of others, and if the necessity of immediate apprehension outweighs the level of danger created by the pursuit.
- D. Officers involved in a pursuit will notify the on-duty supervisor of any change in a risk factor and shall also utilize risk factors in determining whether to continue or discontinue a pursuit.

VII. Reporting & Review Responsibility

- A. All pursuits will be captured on an incident report which is to be completed by the end of shift.
 - Audio recordings of the radio communications that occurred during the pursuit may be obtained from police dispatch if needed.
- B. All pursuits involving a member of the agency shall be reviewed by the Deputy Chief or his/her designee.
- B. The purpose of the review is to evaluate and comment on the following areas:
 - Tactical considerations
 - Training considerations
 - Quality of supervision
 - Adequacy of the TPD policy on vehicular pursuit
 - Adherence to policy
- C. **Annual Analysis** - Each January, the Deputy Chief will conduct an analysis of all incidents of vehicle pursuits during the previous year to identify patterns or trends that indicate training needs and/or policy modifications. The Deputy Chief will submit a written report documenting the analysis to the Chief or designee no later than January 30th.

VIII. Cancellation

This written directive cancels and replaces prior Vehicle Pursuit policies and general orders and supersedes any directives in conflict therewith.

AUTHORITY:



A/Chief Robert Mitchell

9/20/23

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Tire Deflating Device
Vehicle Pursuit