



Oakland Police Department Policy Manual

Chief William C. Thomas

Chapter 1 *Policy*

1. Evidence/Property Room.....	2
2. Body Armor.....	19
3. LEOSA Certification.....	22
4. Extradition.....	23
5. Parking Meter.....	26
6. Victim/Witness Assistance.....	29
7. FTO Policy.....	36
8. Disciplinary Policy for FBI and CJIS Systems.....	55
9. Disposal of CJIS Media Policy.....	59
10. CJIS Media Protection Policy.....	61
11. CJIS Media Transport Policy.....	65
12. 12. Body camera Policy.....	67

Chapter 2 *General Orders*

1. X2 Taser.....	72
2. Use of Force.....	85
3. Firearms.....	194
4. Criminal Citations.....	100

Chapter 3 *Rules and Regulations*

1. Rules of Conduct.....	102
2. OC Spray.....	124
3. Vehicle Pursuits.....	127
4. Identity Theft/Fraud.....	130

Chapter 4 *Standards*

1. Incident/Accident Reports.....	142
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Chapter 5. *Procedures*

1. Hits to Wants.....	145
2. NCIC Entry/Clearing/Validation.....	146
4. Rape and Sexual Offenses.....	147



OAKLAND POLICE DEPARTMENT		Policy
SUBJECT: Evidence/Property Room / Collection and Handling	NUMBER: 1	
EFFECTIVE DATE: 4 September 2012	REVIEW DATE: 4 September 2014	
AMENDS/SUPERSEDES: All previous editions. 2nd in series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

A. Purpose

To establish the rules and methods of collecting, transporting, securing, storage and disposing of property acquired in the course of law enforcement operations.

B. Policy

The proper collection, preservation and handling of physical evidence is becoming increasingly important. The courts are carefully scrutinizing the “Chain of Evidence” from recovery to the time of the Court presentation. Thus, the proper handling of physical evidence may be the determining factor in the successful prosecution of criminal cases.

To insure that the physical evidence collected by Department personnel will meet the requirements of the courts, it is necessary to establish standard procedures that will permit the proper collection and preservation of evidence.

All evidence/confiscated property shall be the responsibility of the person accepting the property until such time as the property is delivered to the Evidence Custodian.

The Chief of Police shall appoint an Evidence Custodian and Assistant Evidence Custodians as needed, for the Department. The Evidence Custodian will train, direct, and supervise the Assistant Evidence Custodians. Evidence Custodians will maintain all records/files necessary for the proper disposition and security of evidence and confiscated property. It shall also be their responsibility to maintain a security storage area/locker for the storage of same.

The designated Evidence Custodian for the Oakland Police Department is the Chief of Police, and in the absence of a duly appointed Chief of Police, the Officer In Charge of the department shall fulfill all of the duties as the Evidence Custodian.



C. Definitions

1. For the purpose of this policy, the following definitions apply:

- a. **EVIDENCE** - Any item of property seized by an officer that is directly related to a case under investigation: the seizure of which is intended for use in the identification of a suspect, evidence of a crime, and/or in court presentations of that case.
- b. **CONFISCATED PROPERTY** - Any item of property seized by an officer that does not meet the criteria above for evidence.
- c. **SAFEKEEPING** - Any item that would require temporary storage until such time the owner can take custody of it. This may include items of specific value, which are found as lost or abandoned that can be returned to the rightful owner or otherwise handled with appropriate documentation.
- d. **CHAIN OF EVIDENCE** - The transferring of evidence from one person to another as defined by court, which includes preparing a Chain of Custody form and properly marking the evidence so that it can be positively identified.
- e. **INVENTORY** - The detailed written description of property within the interior and trunk of a vehicle, or at the scene of a crime, or that, which is turned into the Division as Found Property.

D. Procedure

1. The Garrett County Sheriff's Office maintains investigators on a 24-hour on-call basis to respond as needed. He/she will be requested to evaluate, photograph and process crime scenes when needed. An investigator from the Garrett County Sheriff's Office should be contacted when certain crimes occur - I. e., armed robberies, auto theft, hit and run, sexual assaults, homicides and other suspicious deaths.

- a. Other incidents at the request of the Shift Supervisor.

E. Collecting, Marking, and Packaging Physical Evidence

1. Guidelines and Procedures for Collecting, Processing and Preserving Evidence in the Field:

- a. There are three kinds of physical evidence to be collected: the fruits of the crime; the instruments of the crime; and other evidence identifying the elements of the crime.



b. Officers involved in the evidence collection process should use discretion in collecting evidence items. Evidence storage space is critical; therefore, only items of sound evidentiary value should be collected.

c. It is the responsibility of the first officer at the scene to secure the scene as soon as possible to prevent loss or contamination of evidence. The officer securing the scene shall initiate a log listing the time, name and reason for any and all personnel who enter the crime scene. Should the situation arise, it becomes the responsibility of this officer to mark, seal, tag and preserve the evidence. This officer will remain at the scene until released by a responding Investigator, or should an investigator not respond, this officer shall remain on scene until the scene is thoroughly processed.

d. The progression of crime scene processing tasks is photograph and/or sketch, fingerprinting, collect, mark, and label evidence.

e. The individual assuming responsibility for the scene (investigator or uniformed officer) is responsible for the complete processing of the crime scene and safeguarding of evidence.

f. The Maryland State Forensic laboratory request form will be completed for all evidence that requires comparison or analysis.

g. Evidence Envelopes and Labels will be filled out with all information available at the time of collection, and will contain the collection officer's name.

h. No explosives, dangerous chemicals, nuclear material or ammunition greater than .50 cal will be submitted to the evidence room. These items will be photographed, documented and the Maryland State Police Explosives Ordnance Technician will be contacted.

i. Drugs will be listed on the evidence sheet by item, and count. All drugs will be submitted in a sealed envelope or bag. If pills, tablets, etc., are submitted the total count of each will be indicated on the bag and property receipt. Marijuana and all other drugs are to be submitted to be tested by personnel of the Maryland State Police Forensic Laboratory; If drugs are field tested, this fact and the results should be noted on the investigative report. Used field test kits need not be kept, but disposed of in the proper manner.

j. All firearms must be submitted on a separate property tag, unloaded and with the ammunition packaged separately. All firearms will be checked for stolen status and a copy of the NCIC report attached to the evidence sheet. Firearms being sent to Maryland State Police Forensic Laboratory for fingerprint processing are to remain LOADED. The packing container will be marked as



LOADED WEAPON and evidence custodian at the Maryland State Police Forensic Laboratory also notified.

k. Wet items taken into evidence will be placed in paper bags so as not to contaminate the evidence. If wet clothing is to be retained as evidence, notify the Evidence Custodian.

l. All documents taken into evidence will be placed into Evidence Envelopes. Each document should be placed in a separate envelope. When handling the documents, be very careful as fingerprints can still be obtained.

m. Juvenile Evidence will be handled the same as Adult Evidence.

n. When projectiles are recovered from victims by the Garrett Memorial Hospital, an officer will accomplish an evidence report. It will include: Name of the Doctor removing the projectile, all available information on the victim, the law enforcement agency having jurisdiction over the incident (if possible), and all other information normally filed with an Incident Report. The Evidence Custodian will make every possible effort to have the responsible agency pick up the projectile. In cases where the police agency having jurisdiction is unknown, a message will be transmitted through NCIC to all agencies - advising that the evidence is being held by our office. The message will include a requirement that this office be contacted within **thirty (30) days**, otherwise the property will be disposed of according to existing policy. **NOTE: All available information on the victim will be transmitted (i.e., Name, Date of Birth, Race, Sex, and Place of Incident).**

o. All contraband, or suspected controlled substances seized during routine procedures, will be handled the same as evidence.

p. All confiscated property will be handled the same as evidence.

q. Money will be counted by the reporting officer and a second officer or witness. Money will be listed by denomination and the property receipt signed by both officer and witness.

r. When items are too large for the temporary evidence locker, notify the Evidence Custodian.

1) Officers are prohibited at all times from storing property in their personal desks, lockers, vehicles, homes or other places that are not secure or would interrupt the chain of custody. Personal use of any property is strictly prohibited.



s. When a substance is found on the street or any other place where there is no subject/suspect, the following procedure will be followed:

1. Place in an evidence envelope. If it is a needle, place in a sharps container and place in evidence locker at headquarters
2. Accomplish a Property Disposition Report and state the circumstances under which the substance was found.
3. The Chief Investigator or his representative will field-test and weigh the substance.
4. The Chief Investigator will keep a record listing the test results, weight, date of disposal and how the substance was disposed of.

t. Seizure of Computer Equipment:

a) Whenever it becomes necessary to seize computer equipment that is in an operational state and information is suspected to be contained in such equipment qualifying as evidence the officer will contact the Department's Evidence Custodian prior to:

- Energizing/de-energizing equipment; or
- Removing any disks or peripheral equipment.

2. Latent Prints

a. The following general guidelines will be followed when processing a crime scene for latent prints:

- 1) The investigator or officer will use fingerprint powder to develop the fingerprint. Latent impressions developed with fingerprint powder should be photographed prior to lifting.
- 2) The lifted print is to be placed on a card with the following information: incident report number; event (type incident); time & date; location; officer (reporting officer); description of item processed; and signature of processing officer.
- 3) A Maryland State Police Forensic Laboratory request form will accompany all completed latent print cards. All latent print cards will be sent to Maryland State Police Forensic Laboratory.



b. When requesting a comparison of latent prints with fingerprints of known suspect(s), the requesting officer will include inked fingerprint cards, if available.

3. Blood and Other Body Fluids

a. Blood and other specimen containers must be sealed with tape or label that displays the following information: Name of suspect; date & time of collection; name of individual collecting the sample; incident type and report number; and the name of officer.

b. All such samples will be placed in a refrigerator until taken to Maryland State Police Forensic Laboratory with a properly prepared evidence sheet.

c. Latex gloves and other blood borne pathogen protective equipment will be used, as appropriate, during collection.

d. Suitable plastic or glass containers will be used to collect samples.

4. Sexual Assault/Abuse Kits

a. The Sexual Assault kit will be used during the investigation of sexual assaults and sexual abuse cases.

b. Using the kit to obtain necessary evidence and samples, a licensed physician will conduct the sexual assault protocol of the victim.

c. The investigating officer will take custody of the kit and place it in the temporary storage refrigerator.

5. Collection of Known Source Evidence for Comparison

a. When the following types of physical/trace evidence are collected from a crime scene, a known source sample must be collected for comparison by Maryland State Police Forensic Laboratory: Blood; Hair; Fibers; Paint; Wood; Metal; Soil; Tool marks; and Footwear/prints.

b. The location from which the samples are taken is critical for the Maryland State Police Forensic Laboratory and shall be documented on the lab request report.

c. All evidence for comparison will be collected from a known source, if available, by investigators and/or qualified medical personnel in accordance with procedures established by Maryland State Police Forensic Laboratory.



d. All evidence collected by the Oakland Police Department as a result of their response to a serious crime will be processed as required by their Policies and Procedures.

6. Crime Scene Photography and Videotaping.

- a. Photography of major crime scenes, serious traffic accidents and other incidents will be the responsibility of the senior officer on scene or an investigator. The officer/investigator will photograph all aspects of the crime scene, traffic accident or incident using a 35 mm and/or digital camera which is set to maximum resolution.
- b. Digital photographs may be taken in situations requiring immediate access to the photographs.
- c. When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development for life-size prints. A second photograph of the item will be taken without the scale, using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view.

d. If the evidence to be photographed is a fixed object, the dimensions of that object should be recorded to provide a scale of reference.

e. Upon completion of the photography and scene processing, the officer/investigator will submit the film to the appropriate lab for processing and prints or download the images to their computer. Negatives and prints will be entered as evidence and the following notations will be made on the reverse of each print:

PHOTO TAKEN BY: _____

DATE TAKEN: _____

INCIDENT REPORT #: _____

f. Videotaping of a crime scene may be done in addition to still photography. The videotape will have a label attached with the information required in 6e above noted. The videotape will be entered as evidence.

7. Marking

a. Using the engraver or indelible ink for metal objects, permanent and distinctive marks should be placed directly on the objects collected, if possible, without damaging the evidence. If the object cannot be marked, place the evidence in a vial, envelope, or other container and mark/label the container.



1) When marking Evidence/Property for later identification, be sure to use Date and Officer's initials. Do not use an "X". In court, it may be impossible to prove that the "X" belongs to any particular officer.

2) Firearms should be marked in at least three (3) places. It is critical that each portion, which may be removed and replaced with a like part, be marked. This allows each part to be identified as belonging to the suspect weapon.

3) Cartridges should be marked on the sides, so as not to mar the rim, head or primer of the cases.

4) Fired bullets should be marked on the base or tip. Marks on the sides could mar striations used in matching projectiles to weapons.

b. The officer collecting the evidence must clearly mark the evidence by firmly attaching an evidence tag with his/her name, date, time, and case number. If possible, the evidence should be bagged, sealed, and the officer should sign his/her name on the bag/container signifying chain of custody. This will positively identify the evidence and prove the chain of custody.

8. Packaging

a. Packaging Materials:

1) All materials used to package evidence should come as close as possible to the correct size of the object to be packaged.

2) All material used to package evidence should be suited to the type of evidence collected (i.e., wet items should not be stored in plastic bags). Packaging materials are provided by the Evidence Custodian. If there is a problem in packaging any evidence, notify the Evidence Custodian.

3) All sharps (needles, broken glass etc.) will be placed in a sharps container prior to placing into the evidence locker.

4) Blood stained articles other than sharps, will be double bagged in red BIO HAZARD bags prior to placing in evidence locker or double bagged in paper bags. If wet, notify Evidence Custodian so items can be properly dried in a secured area. A note will be attached to the outside of the



evidence locker in order to notify the Evidence Custodian that sharp evidence items or items with blood on them are inside the locker.

b. Evidence/Property Envelopes

1) The first person, who obtains the evidence, is placed on the line, "Obtained By". It does not make any difference if the evidence was first obtained by a Security Officer or citizen. Each person who touches the evidence will sign the envelope. If all steps are followed, the Court can rule the "Chain of Custody" intact; otherwise, the evidence may be thrown out. Do not sign the name of anyone who cannot testify to the fact that they really saw/handled the evidence.

9. Evidence Supplies

a. Evidence bags, tags, labels, containers, tamper proof tape and other such evidence storage equipment will be maintained by the department.

10. Crime Scene/Traffic Collision Reporting

a. An accurate record of events that transpire at the scene of a major crime, in connection with the investigation, is required at the time of trial. It is the responsibility of the officer who processes the scene to submit detailed reports describing the sequence of events associated with a crime scene investigation as related to evidence. The evidence report form will be used to inventory all evidence that is collected.

b. In major crime scenes, the officer/investigator will complete an investigative narrative that shall contain the following information: location of incident; date and time of arrival at the scene; Incident Report Number; name of victim(s) (if known); name of suspect(s) (if known); and narrative of the officer's/investigator's actions at the scene.

c. If a specialist is called to the scene (Maryland State Police Forensic Laboratory personnel or Garrett County Sheriff's Office detective), a note of this and the results of their action will be included with the officer's report.

d. All certified officers of this department will be responsible for investigations and documentation of all traffic collisions authorized to be investigated by this Department. Documentation will be accomplished by using Mobile Synch and MAARS reports.

F. Evidence Procedures



1. As previously stated, all evidence collected will be reported on an Evidence Sheet, Chain of Custody and/or Property Disposition Report. The Evidence Sheet will be completed and signed, as appropriate, by the officer taking the property/evidence. Evidence will then be secured in the evidence room or temporary evidence locker located in the police department. Arrangements will be made with the Evidence Custodian to secure perishable items (blood, fluids, etc.). Evidence procedures should be in accordance with Department policy covering Evidence and Property Control.
2. Responsibility and Conditions for Submitting Evidence to Maryland State Police Forensic Laboratory.
3. The assigned officer/investigator is responsible for submitting items to Maryland State Police Forensic Laboratory for examination and processing (i.e., Ballistics Testing, AFIS examination, Blood Scans, etc.).
4. The items to be transported to a lab will be signed out of the evidence room. The officer shall complete the Maryland State Police Forensic Laboratory Lab Services Request and Evidence Sheet. In the case of fluids, rape kits, etc., they will be transported to Maryland State Police at the McHenry Barracks on the first working day after they are collected. Other items may be transported to the Maryland State Police at the McHenry Barracks on a weekly basis, depending on the urgency of the results.
5. Maryland State Police Forensic Laboratory will submit a written report detailing their findings to the requesting officer. This report will be filed with the case jacket.
6. When an evidence change of custody is required it will be documented on the Property Disposition Report.

G. Evidence Preservation, Storage and Release

1. Evidence or potential evidence shall be preserved in the same condition as when seized, whenever possible, in order to preserve a defendant(s) right to a fair trial and to assist the States Attorney in the presentation of the case. This will be accomplished by maintaining an unbroken chain of custody by officers who control the handling of evidence or potential evidence.
2. The number of officers within the Chain of Custody of an article of evidence or potential evidence shall be kept at a minimum.
3. All evidence shall be listed in detail on a Chain of Custody form, (to include a written report detailing the circumstances by which the property came into the agency's possession and describing each item of property obtained) and signed



by the officer taking receipt and responsibility of said property. If the property is money or illegal drugs, a second officer should witness the amount and initial the form along side the first officer's signature.

a. All evidence, and the completed Chain of Custody form, will be placed under the control of the Evidence Custodian prior to the end of the officers tour of duty. To be considered under the control of the Evidence Custodian, the evidence must be relinquished to the evidence custodian or be locked in the appropriate evidence locker. The evidence room will be secured with a lock. Only the evidence custodian, or persons escorted by the evidence custodian will be permitted into the evidence room.

4. Evidence will be given an Evidence Inventory Number and logged into agency records as soon as possible. If the evidence custodians are not available, the evidence is to be secured in an temporary evidence locker. Evidence in an unsecured locker will not be accepted by the evidence custodian. If the item is too large to fit in a locker, the Evidence Custodian will be notified and advised of the situation.

5. All evidence, which requires refrigeration, such as blood, urine, or Criminal Sexual Assault kits, will be transported to the Maryland State Police Forensic Laboratory by an Officer/Investigator, as soon as possible.

6. It is required that an effort to identify and notify the owner or custodian of property taken into custody be made (as soon as it is appropriate to do so) by the Evidence Custodian.

7. All evidence secured within the evidence room shall be logged in and out each time it is removed and replaced. The names of the Relinquishing and Receiving officer(s) will be written and signed in the appropriate sections of the Chain of Custody Sheets.

a. Officers may remove evidence from storage for court purposes and/or investigations.

1) Officers removing evidence for any purpose will sign the Evidence Envelope or evidence tag to keep the "Chain of Custody".

2) All evidence removed from evidence storage will be returned by the officer, who removed it. In the event it is necessary to leave the evidence with the court, the officer removing the evidence, will secure a signed receipt from an official of the court and return it to the Evidence Custodian.



b. On those occasions when an officer attempts to return evidence that has previously been checked out for court, or other purposes, and the Evidence Custodian is out, the officer will contact the Evidence Custodian for instructions.

9. In the event that evidence or property is transported to court, released to another agency, or permanently released from the Department, a signature of the Evidence Custodian will be required on a property disposition report form. The officer, agency representative, lawful owner, or legally appointed representative of the owner will also sign the form indicating that they have taken possession of the property previously held by the evidence function.

10. An officer charged with custody of evidence or potential evidence shall insure that no person has an opportunity to tamper with said evidence.

11. All officers having custody of evidence or potential evidence shall be prepared to testify in court as to the conditions of the article while under his/her control and the precautions taken to insure that the evidence remained in the same condition as when it was taken into custody.

12. The evidence custodian will photograph all perishable evidence that cannot be preserved in its original condition at the time of seizure. The evidence custodian, or assistant, will be prepared to testify in court as to the accuracy of what the photographs portray.

13. No evidential items shall be used for personal reasons by any member of the Department and the evidence custodian must approve its final disposition.

14. All property obtained for evidence will be properly handled in accordance with applicable laws. All evidence will remain in the custody of the evidence custodian until the case is properly adjudicated or it's destruction or return is ordered by the States Attorney.

15. All evidence, not defined as illegal to own or possess, shall be relinquished to the rightful owner as soon as possible after the case has been adjudicated by the court. A receipt for the property will be retained.

16. All motor vehicles taken into custody as evidence will be inventoried and the vehicle information will be placed on both an impound record and a Chain of Custody form. The vehicle is to be secured within the impound lot and keys placed under the control of the evidence custodian. Any towing fees must be paid to the towing service and a receipt furnished to the Department prior to the vehicle being released. Any officer releasing a vehicle without proper proof of towing fee payment may be held responsible for that fee.



H. Lost or Abandoned Property

Lost or abandoned property relinquished to the Department by citizens or officers, shall be handled in accordance with the following procedure:

1. Lost or abandoned property will be examined for identifying marks in an attempt to determine the rightful owner. If identifying marks or serial numbers are present, they should be used to contact the owner. The officer shall return the described property to the rightful owner and obtain the owner(s) signature on a property disposition report. If no identifying marks are present, and the item has no apparent monetary value, the property may be transported to the lost and found located in the lobby area of the department.
2. Expensive and/or sensitive item(s) can be temporarily stored for safekeeping in the property room. The property will be tagged or labeled, and placed into the evidence drop-off locker. The officer shall note the item in an incident report a detailed description of the property and note the item is held for safekeeping. Remarks should be included in the incident report as to whom the property may be released and if under specified circumstances.

I. Exceptional, Valuable, or Sensitive Items Seized as Evidence

Exceptional, Valuable, or Sensitive Items seized as evidence shall be handled exactly as other evidence, with the exception that a second officer shall witness the listing of the item(s) on the property receipt and initial along side the original officer's signature.

- a. If a large amount of money is taken into evidence, notify the Evidence Custodian immediately. All monies will be separated by denominations (i.e. 5's, 10's, 20's, etc...).

J. Guidelines for Disposition or Destruction of Property

1. The Investigative officer has the responsibility for authorizing the disposal of evidence items collected after consultation with the States Attorney. Arrest cases, officers are responsible for requesting court disposition of evidence items that are involved in their cases. In cases that do not reach judicial authority, the officer/Investigator shall authorize disposition after consultation with the States Attorney. A Supplemental Report must be written before the items are released. A copy of the Supplemental report must be sent to the Evidence Custodian.

- a. Disposition of evidence is mandated by statute, specific court order or Departmental policy. Items of no value, or unlawful items, will be



destroyed. Items of value will be returned to the rightful owner, if the determination of ownership can be established.

b. Evidence items will be disposed of at periodic intervals, depending upon the type of case. In major cases, officers will be advised that the evidence is going to be disposed of by the Evidence Custodian. The officer will then advise the Custodian if there is a need for continued retention. If there is a need to hold the evidence longer, the officer and Chief Investigator shall justify the need. If there is no need for further retention, officers must sign the property disposition report approving disposal.

1) In Misdemeanor Cases, when no arrests have been made, evidence items will be disposed of after **180** days.

2) In felony cases, where no arrests have been made, evidence will be disposed of after **two** years.

3) Liquor evidence collected in cases of arrest, for illegal consumption or similar simple liquor offenses, will be disposed of after disposition from the court is received, without notifying the officer.

4) Found unlawful items, such as alcoholic beverages and controlled substances turned in as confiscated property, will be disposed of after **ten (10)** days, without notifying the officer.

5) Suspected controlled substances taken in conjunction with searches or arrest will be tested by the Maryland State Police Forensic Laboratory held as evidence until such cases are cleared. ie: arrest-conviction or exceptionally cleared. In these cases, an Investigator will complete a property disposition report giving the disposition of the case and substances taken in the case. The evidence custodian will inventory each item. The controlled substances will be placed in a cardboard box and sealed with evidence tape prior to transportation to the laboratory.

2. Evidentiary property will be held for a period of 90 days following the lawful disposition of the case. Found or Recovered property will be held for a period of 90 days, the period shall begin from the date it is received by the Department.

a. If the owner of the property is known, the Department shall make reasonable efforts to locate the owner. The Department will document its efforts (registered mail) to notify the owner to claim his/her property.



b. If an owner cannot be determined, or if the property is abandoned following the prescribed time period, the following procedures will be followed:

1) If the property is determined by the Evidence Custodian to be of value or use to the Department in the accomplishment of the Department's goals and operation, then the use of such property by the Department is beneficial to the State and may be authorized.

2) If the property is determined by the Evidence Custodian or his designee to be of value to another law enforcement agency or charitable organization, then such property may be transferred, with property receipt, to that entity.

3) Property having no useful value may be destroyed.

4) Records for the disposition or destruction of property shall be maintained in accordance with the same timetable as incident reports.

5) This policy does not apply to contraband, cash, or unlawful property that by law may not be returned to the owner, or if the disposition of the evidence is defined by law.

3. Confiscated Property Handling Procedures

a. Confiscated property items will be handled with the same care as evidence.

b. General collection, packaging, preservation and storage of confiscated property will follow the same procedures as in this policy for evidence, with the following exceptions:

1) A case report, titled "Miscellaneous - Confiscated Property", will be filed stating the conditions of the seizure. The seizing officer conduct a follow-up.

2) The Investigative Officer will insure that a follow-up investigation is conducted, and that proper disposition of the property is made. Within six (6) months after the seizure, the property will be:

a) Changed to evidence under an active case number, or

b) Returned to its rightful owner, or



c) Retained for further follow-up upon the authorization of the States Attorney, or

d) Disposed of by destruction.

K. Inventory and Evidence Log-In Policy

1. All evidence shall be examined and inventoried by the accepting evidence custodian and compared to the item(s) listed on the Chain of Custody Form. If the inventory and description of the evidence is correct, the evidence custodian shall sign to acknowledge receipt of all listed evidential items and then assign the property the appropriate Evidence Inventory Number.

2. Officers shall receive a copy of the Chain of Custody Report signed by the custodian which contains the Evidence Inventory Number. Officers will retain the forms as a means of reference to items logged into the Evidence Room.

3. As soon as officers and investigators become aware of the final disposition of their case(s), they will notify the Evidence Custodian to facilitate prompt disposal of all evidence connected with that case.

L. Inspections, Reports, and Records

1. At least semi-annually for evidence and semi-annually for property, the evidence custodian shall conduct an inspection to determine adherence to procedures listed above.

2. A complete inventory of property will occur whenever a custodian is assigned to or transferred from the position and is conducted jointly by the newly designated property custodian and a designee of the police committee to ensure that records are correct and properly annotated. This inventory will assure the continuity of custody.

3. An audit of the Evidence and Property Room will be conducted annually by a designee of the Police Committee (not routinely or directly connected with control of evidence or property).

4. Periodically throughout the year, there shall be unannounced inspections of property storage areas and the Evidence Room, as directed by the Police Committee.

5. The evidence/property custodians will maintain records indicating the status of all evidentiary and property held by the agency.

M. Vehicle Inventory:



1. At the time of every arrest in which a vehicle is involved, the arresting officer shall determine if the vehicle should be impounded. If it is deemed necessary to impound the vehicle, the following procedures shall apply:

a. After the subject has been arrested and any allowable searches of the vehicle have been completed, at least two officers shall complete a written inventory of the vehicle at the scene when possible.

b. All property contained within the vehicle, including the trunk and glove compartment areas, shall be inventoried. Locked and sealed luggage, boxes or other containers may not be opened but will be appropriately described and identified. If personnel have cause to believe that there is a threat to the safety of the public, officers shall notify appropriate Department personnel and secure the area.

c. After the inventory has been completed, the officers will release the vehicle to the towing service. The officer shall then submit the inventory record and the Vehicle Report to his/her supervisor for proper filing.

d. The arrested subject shall be provided a receipt for any property removed from the vehicle by Department personnel.

2. A vehicle taken into custody as evidence:

a. The inventory procedure as described in Paragraph M(1)(a thru d) will be followed with the following additions:

1) The Garrett County Sheriff's Office Crime Scene personnel will be contacted to process the vehicle.

3) The Incident Report will indicate the above action, to include the Detective's name, date and time.

Policy Note: All evidence to be submitted for forensic analysis to the Maryland State Police Laboratory must be submitted on Maryland State Police forms. Oakland Police Department forms are used by department officers for investigative purposes.



OAKLAND POLICE DEPARTMENT		POLICY	
SUBJECT: Body Armor	NUMBER: 2		
EFFECTIVE DATE: April 27, 2013	REVIEW DATE:	27 April 2015	
AMENDS/SUPERSEDES: 1 st In Series	APPROVED:		
	<hr/> <p style="text-align: center;">Chief of Police</p>		
CALEA STANDARDS:			

PURPOSE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use and care of body armor.

POLICY

It is the policy of this law enforcement agency to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures. The Town of Oakland will provide personal body armor (bulletproof vest) to each full-time police officer. The following procedures provide guidance in the use the equipment. Officers shall wear only agency-approved body armor.

DEFINITIONS

Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

I. Uniformed Patrol Officers

All uniformed patrol officers will wear the department issued body armor at all times while in uniform, unless specifically exempted by these regulations or granted a temporary exemption by the Chief of Police or department supervisor.



1. While attending court in an off-duty capacity an officer may choose not to wear the body armor.

II. Administrative Personnel

A. Uniformed Administrative Personnel

Uniformed personnel assigned to administrative duties that generally require them to remain in police headquarters may elect not to wear the body armor. However, when those personnel respond to any call for service or perform any normal patrol duties, they shall wear the body armor.

B. Detectives/Plain Clothed Personnel

Not applicable.

C. Off-duty personnel

When normally off-duty personnel participate in any police activity, they must wear their personal body armor, just as they would if on duty.

IV. Specialized body armor

When appropriate, the department may issue specialized body armor. Specialized body armor includes bullet resistant "raid" jackets or tactical armor. When police officers are wearing this type of armor, they will not be required to wear personal body armor. This section does not allow uniformed patrol officers to substitute specialized armor for their personal body armor.

V. Procedures

A. Issuance of Body Armor

1. All body armor issued must comply with protective and related requirements

Prescribed under current standards of the National Institute of Justice.

2. All officers shall be issued agency-approved body armor.

3. Body armor that is worn or damaged shall be replaced by the agency.

Body armor

that must be replaced due to misuse or abuse by the officer shall be paid for by the

Officer.



B. Inspections of Body Armor

1. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic inspections.
2. Annual inspections of body armor shall be conducted for fit, cleanliness, and signs of damage, abuse and wear.

C. Care, Maintenance and Replacement of Body Armor

1. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.
2. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
3. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer's instructions.
4. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and/or the individual responsible for the uniform supply function.
5. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.



OAKLAND POLICE DEPARTMENT		Policy
SUBJECT: LEOSA CERTIFICATION FOR RETIRED OFFICERS	NUMBER: 3	
EFFECTIVE DATE: August 1, 2011	REVIEW DATE: August 1, 2013	
AMENDS/SUPERSEDES: 1 st in Series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

I. Purpose:

The purpose of this policy is to establish guidelines for officers who have retired from the Oakland Police Department to obtain weapons certification under the Law Enforcement Officers Safety Act of 2004 (LEOSA)

II. Policy:

The Oakland Police Department does not have an established LEOSA program. All retired Oakland Police Department officers wishing to obtain certification under LEOSA are deferred to the Maryland State Police for application and certification. Applications are to be using MSP Form 29-40. See example attached.

III. Relevant Law:

- A. Law Enforcement Officers Safety Act of 2004 (“LEOSA”), 18 U.S.C., § 926.
- B. Police Training Commission Firearms Training and Instructor Certification Regulations, COMAR §12.04.02.01 – 12.04.02.21.



OAKLAND POLICE DEPARTMENT		Policy
SUBJECT: Extradition	NUMBER: 4	
EFFECTIVE DATE: 22 September 2011	REVIEW DATE: 22 September 2013	
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

Purpose:

The purpose of this policy is to set forth the procedure for extraditing wanted persons that are located in any state outside the State of Maryland.

Policy

The Oakland Police Department does not have a formal extradition procedure. In all cases where a person is who is the subject of an active warrant is living in another state other than the State of Maryland, the investigating officer or Chief of Police shall consult with the Maryland States Attorney for Garrett County on a case-by-case basis. The investigating officer or Chief of Police shall inform the States Attorney of the crime type and details of the case. It shall be the State Attorney’s decision after all the facts of the case have been presented as to whether extradition will be authorized. In the event that extradition is granted for wanted persons, the investigating officer shall follow all guidelines and limitations that are set forth by the States Attorney.

Currant Extradition Policy, Maryland States Attorney for Garrett County, Dated 7 April 2011

Excerpt: (See original memo in Chapter 8 of this manual)

“In accord with applicable laws concerning extradition of fugitives, I am advising as to the following:”

1. For certain crimes enumerated below, it is the general policy of this office that persons wanted for these crimes shall be subject to extradition from **anywhere** in the continental United States:
 - a. Murder or attempted murder in any degree;
 - b. Manslaughter;
 - c. Rape in the first or second degree;
 - d. Sexual Offenses in the first or second degree;
 - e. Armed Robbery;



- f. Robbery;
- g. Sexual Child Abuse;
- h. Physical child abuse with injuries requiring hospitalization;
- i. Assault in the first degree;
- j. Arson or attempted arson;
- k. Felony drug cases¹, except for prescription and marijuana cases;
- l. Manslaughter by automobile; and
- m. Homicide by motor vehicle while under the influence or impaired.

¹ Felony drug cases include manufacturing, distribution and possession with intent

- 2. For those crimes enumerated below, it is the general policy of this office that the persons wanted for these crimes shall be subject to extradition from any location east of the Mississippi River:
 - a. First of Second Degree Burglary;
 - b. Felony thefts (loss at least \$1,000.00);
 - c. Forgery and/or uttering (loss over \$1000.00);
 - d. Physical child abuse (injuries with no hospitalization); and
 - e. Felony marijuana cases involving 2 or more pounds.

- 3. For those crimes listed below, it is the general policy of this office that the persons wanted for these crimes shall be subject to extradition from surrounding jurisdictions (Delaware, Pennsylvania, Virginia, Washington D.C. and West Virginia) only.
 - a. Thefts (loss between \$500.00 and \$1000.00);
 - b. Forgery and/or uttering (loss under \$1000.00);
 - c. Identity fraud/theft (loss under \$1000.00);
 - d. Felony bad checks;
 - e. Third degree sex offenses;
 - f. Third and Fourth degree burglary;
 - g. Felony drug cases involving under 2 pounds marijuana and/or prescriptions; and
 - h. Driving Under the Influence or While Impaired for third or subsequent offenses.

Bench warrants for failure to appear shall be treated as original crimes.

When a Warrant for VOP is received, the State's Attorney's Office should be contacted to discuss possible extradition. If this cannot occur immediately, it can be entered to extradite if the convicted offense for which probation was violated is listed in sections 1 or 2 above. If extradition is authorized for a VOP Warrant, it cannot have any restrictions placed on it.



The lists above are not exhaustive and are to be used as a general guideline. Under some circumstances, restrictions may be modified or authorization may be granted for other misdemeanors. As always, please feel free to contact the office with any questions.



OAKLAND POLICE DEPARTMENT		Policy
SUBJECT: Parking Meters	NUMBER: 5	
EFFECTIVE DATE:	REVIEW DATE:	
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

I. Purpose

The purpose of this policy is to establish guidelines for the effective operation of the town's parking meters.

II. Policy

On a regular, reoccurring basis, officers of this department are confronted with situations involving vehicles parking at parking meters, parking meter care, money collection, parking meter citations and parking meter bags. It shall be the policy of the Oakland Police Department to enforce overtime parking in accordance with the procedure set forth below.

III. Procedure

A. Issuing Parking Citations

1. Officers shall check parking meters for overtime parking and document all vehicles found in violation.
2. An additional fifteen (15) minutes shall be afforded each overtime-parked vehicle prior to any parking citation being written.
3. Only vehicles that have been properly documented on OPD Form 31, and have been provided an additional fifteen (15) minutes will be cited.
 - a. Complete the citation and place the payment envelope under the windshield wiper of the offending vehicle.
 - b. Retain the receipt tab of the citation for departmental records.
 - c. Enter issued parking citations into the department parking citation database upon return to police headquarters.
 - d. Place citation receipts in the appropriate citation folder.

Exceptions: *No vehicle displaying a handicapped plaque or handicapped registration will be cited.*

The Maryland Vehicle Law Annotated, Transportation Article, Title 13, Subtitle 6 §13-616(i)(2).

B. Parking Meter Bags



1. Persons wishing to obtain parking meter bags shall complete a Meter Bag Request/Issue form prior to any bag being provided.
2. Unless prior arraignments have been made in advance, parking meter bags shall be recovered from any person or organization in possession of meter bags that have not paid for the use of the bags, or have exceeded their paid time limit.

C. Parking on Sidewalks

1. Parking on sidewalks is prohibited under The Maryland Vehicle Law Annotated, Title 21 Vehicle Laws, Subtitle 10 Stopping, Standing and Parking §21-1003(b)
2. Citations are to be issued using State of Maryland Uniform Complaint and Citation.
3. In the event that a vehicle is unattended and no driver can be located for the vehicle parked on a sidewalk, the registered owner of the vehicle shall be cited.
- 4.

The Maryland Vehicle Law Annotated, Title 26 Vehicle Laws, Subtitle 2 Citation and Arrest § 26-201.

D. Meter Collection

1. Money shall be collected on a monthly basis, or more frequently should circumstances warrant collection. Some examples of circumstances that would require more frequent collection are:

- a. Heavy shopping in the downtown business district.
- b. Special events such as Autumn Glory.
3. The money from the parking meters will be collected the week prior to Thanksgiving, regardless of the meter money having been collected earlier in November.
4. Parking meter money collection will resume in February each year as the parking meters are bagged annually to facilitate shopping in the downtown business district during the holiday shopping season.

NOTE: *The parking meters are bagged annually near the Thanksgiving Federal holiday. The parking meters remain bagged until the week of January 1st each year, with the bags being removed as close as possible, but after January 1st.*

IV. Fees

The applicable fees are as follows:

1. Overtime Parking: \$5.00
2. Parking Meter Bags: Parking meter bags will be rented at the normal meter rates:
.25 cents per two hours



\$1.00 per day
\$5.00 per week

3. Parking on Sidewalk: Fines for parking on sidewalks will be dictated by set fine according to the current fine schedule.

Applicable Laws and Ordinances:

Annotated Code of Maryland Transportation Article, Title 13, §13-616(i)(2)
Annotated Code Of Maryland Transportation Article, Title 21, §21-1003(c)
Code of The Town of Oakland, §275-2
Code of The Town of Oakland, §275-6

Attachments:

Annotated Code Of Maryland Transportation Article, Title 21, §21-1003(c)
Code of The Town of Oakland, §275-2
Code of The Town of Oakland, §275-6



OAKLAND POLICE DEPARTMENT		POLICY
SUBJECT: Victim/Witness Assistance	NUMBER: 6	
EFFECTIVE DATE: 28 June 2013	REVIEW DATE:	
AMENDS/SUPERSEDES:	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

I. COMMITMENT TO VICTIM & WITNESS ASSISTANCE

The Oakland Police Department is committed to the development, implementation and continuation of appropriate victim/witness assistance programs and activities. All members of the department will treat victims and witnesses with fairness, compassion, and dignity.

Law enforcement officers are often in a unique position to provide assistance to victims of crime and other traumatic incidents that may have both immediate and long-term impact on victims' emotional recovery. It is the policy of this department to enhance the treatment of victims by providing the assistance and services necessary to speed their physical and emotional recovery, and to support and aid them as they continue to interact with the criminal justice system.

II. LEGAL GUIDELINES

Guidelines for the treatment of and assistance to crime victims and witnesses have been established in the MARYLAND CODE ANNOTATED, CRIMINAL PROCEDURE ARTICLE Section 11-1001 - 11-1002)(Chapter 125, SB 274). Under these guidelines, a crime victim or witness should:

1. Be treated with dignity, respect, courtesy and sensitivity;
2. Receive emergency help as needed;
3. Be notified in advance of dates and times of trial court proceedings and cancellations of these dates;
4. Be advised of the protection available, and on request, to be protected by criminal justice agencies, to the extent reasonable, practicable, and necessary, from harm or threats of harm arising out of the crime victim's or witness's cooperation with law enforcement and prosecution efforts;
5. Be provided a waiting area apart from the accused during investigative and court proceedings;
6. Be informed of financial assistance, criminal injuries compensation, and any other social services available;



7. Be kept reasonably informed by the police or State's Attorney of the apprehension of a suspect, closing of the case, and an office to contact for information about the case;
8. Have stolen or other property promptly returned by law enforcement agencies when means can be employed to otherwise satisfy evidentiary requirements for prosecution unless there is a compelling law enforcement reason for retaining it;
9. For a crime of violence, on written request and completion of a one-step form, be kept informed by pretrial release personnel, the State's Attorney or Attorney General, as appropriate, of any proceeding that affects the crime victim's interests, including bail hearing, dismissal, nolle pros, or setting of charges (MARYLAND CODE ANNOTATED, CRIMINAL PROCEDURE ARTICLE Section 11-104)(Chapter 641, SB 699/HB 975);
10. On request of the State's Attorney, and in the discretion of the judge, be permitted to address the judge or jury or have a victim impact statement read by the judge or jury at sentencing before the imposition of the sentence or at any hearing to consider altering the sentence (MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-402)(Chapter 297, SB 132);
11. Be informed of the right to request restitution and be provided with assistance in requesting and collecting restitution (MD. CODE ANN., CRIMINAL PROCEDURE ARTICLE Section 11-603 - 11-614)(Chapter 487, SB 417) and Section 11-603 - 11-614)(Chapters 385 & 386);
12. On written request to the parole authority, be informed any time there is to be a hearing on provisional release from custody and any time the offender is to receive such a release (MD. CODE ANN., CORRECTIONAL SERVICES ARTICLE Sections 7-305, 7-401, 7-804, 7-805)(Chapter 139, HB 263) ;
13. On written request to the Garrett County Detention Center, or Parole Commission, as appropriate, have a victim impact statement read at any hearing to consider temporary leave status or a provisional release; and
14. On written request to the agency that has custody of the offender after sentencing, be informed by the agency any time the offender escapes or receives a mandatory supervision release.

III. VICTIM/WITNESS PROCEDURES

A. Communications Section

Communications is responsible for providing the following victim/witness assistance information between victimization and preliminary investigation, either directly or on a cooperative basis with other area agencies:

1. Information, available 24 hours daily, regarding victim/witness assistance supplied by the department, including instructions to call 911 if the victim/witness requires an emergency response;
2. Referral information, available 24 hours daily, regarding services offered in Garrett County by other organizations (governmental or private sector) for



victims/witnesses in need of medical attention, counseling, and emergency financial assistance.

This policy applies in those instances when neither a patrol officer nor an investigator can be assigned to the case in a timely manner, thereby creating a significant delay between victimization and initial contact with the victim/witness by officers conducting the preliminary investigation.

B. All Personnel

1. Officers will provide assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization. Officers will provide appropriate assistance as determined by the nature of the case. At a minimum, officers should calm and assist frightened victims by allowing victims to express their feelings by understanding their reactions, providing reassurance that their feelings are normal and understandable, and by offering words of encouragement.
2. Officers will provide each victim/witness, regardless of the type of offense, with a copy of the brochure entitled "CRIME VICTIMS AND WITNESSES: Your Rights and Services." This does not just apply to victims of domestic violence – ALL victims and witnesses should be given this brochure. If necessary, officers should arrange to have threatened victims placed in protective custody. **(Please note that there is a State Compliance Initiative that monitors the distribution of these brochures to ensure that all police officers distribute them to all crime victims and witnesses.)**
3. When officers become aware of danger to a victim/witness, the officer will promptly attempt to contact and alert the victim/witness. If the victim/witness is located in an outside jurisdiction, the officer will contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken.

C. Preliminary Investigators

1. Officers will not leave a distraught victim alone. Arrangements will be made to have a relative, friend, family member, crisis center representative, or clergyman join the victim for emotional support and comfort, or arrange for transportation of the victim to a friend, family member or other appropriate service provider.
2. The officer in charge of the preliminary investigation will take the following steps necessary to meet victims' needs for support and information:
 - a. Give information to the victim/witness about applicable services (i.e., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy);
 - b. Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;



c. Inform victims/witnesses about the case number and subsequent steps in the processing of the case



- d. Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.
- e. Distribute the "Crime Victims and Witnesses" brochure to victims and witnesses and point out that the above information is included in the brochure.

D. Follow up Investigators

1. If, in the opinion of the investigator, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, the investigator will recontact the victim/witness periodically to determine whether needs are being met;
2. If not an endangerment to the successful prosecution of the case, the follow-up investigator will explain to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures;
3. If feasible, the investigator will schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness and, if necessary, provide transportation;
4. If feasible, the investigator will return promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence;
5. If feasible, the investigator will contact the State's Attorney's Office, Victim/Witness Assistance Unit to arrange for assigning a victim advocate to the victim/witness during follow-up investigation.

E. Post-Arrest Procedures

Upon arrest and during post-arrest processing of the suspect, the officer in charge of the investigation will notify the victim/witness of the arrest, the charges, and the arrestee's custody status and changes thereto.

1. VINE (Victim Information and Notification Everyday) is a free, anonymous, automated telephone service that provides victims of crime with two important services: information and notification. VINE will provide victims and police with vital court case and custody information for an offender currently involved in the criminal justice system in Maryland. For offender information, call the statewide VINE program at 1-866-MD4VINE (1-866-634-8463). There is also a website at www.vinelink.com.
2. Maryland Sex Offender Alert Line: Call 1-866-559-8017 (toll free) to find out if a registered sex offender has moved into a certain area. Call the alert line and enter a phone number and zip code. There is also a website for more information at www.socem.info.



IV. FUNCTIONAL RESPONSIBILITIES

The director of the **Juvenile-Victim/Witness Assistance Section** is responsible for coordinating the department's victim/witness assistance activities. Specific functional responsibilities include:

A. Administering and coordinating the department's role in victim/witness assistance.

B. Completing (or obtaining) an analysis of victim/witness needs and available services within Garrett County, at least once every two years. The analysis will include the following elements:

1. The extent and major types of victimization in Garrett County;
2. An inventory of information and service needs of victims/witnesses in general (including homicide and suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers;
3. Victim assistance and related community services available within Garrett County; and
4. Identification of all unfulfilled needs, and selection of those needs that are appropriate for the Police Department to meet.

It is recommended that this analysis be coordinated with the State's Attorney's office.

C. Developing goals and objectives regarding the department's role in victim/witness assistance, based on the analysis described above.

D. Based on the analysis described above, developing policies and procedures that achieve at least the following:

1. Govern the implementation and delivery of victim/witness assistance services by department personnel;
2. Ensure the confidentiality of records and files of victims/witnesses and their roles in case development consistent with applicable law; and
3. Govern department efforts to inform periodically the public and the media about the department's victim/witness assistance services.

E. Maintaining liaison with the State's Attorney's Office, other criminal justice agencies, and other agencies and organizations concerned with victim/witness needs and rights. The director of the **Juvenile-Victim/Witness Assistance Section** will meet periodically with such agencies to maintain ongoing channels of communication by which to offer and receive suggestions about how the department can work more effectively to better serve the victim/witness.



F. Maintaining an up-to-date list of existing department and community victim/witness assistance programs, and ensuring that all newly hired non-sworn employees are informed of these available programs.



OAKLAND POLICE DEPARTMENT	
SUBJECT: Field Training and Evaluation Program (FTEP)	NUMBER: 7
EFFECTIVE DATE: 7/1/16	REVIEW DATE:
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. TABLE OF CONTENTS

- A. Background/Discussion
- B. Purpose and Scope
- C. Legal Authority
- D. Definitions
- E. Policy Statement
- F. Selection of/Designation as FTO
- G. FTEP Coordinator
- H. Field Training and Evaluation Program [FTEP]
- I. Field Training Required
- J. Supervision of Trainee during FTEP
- K. FTEP Critique/Debriefing
- L. Maintenance of FTEP Documentation/Records
- M. FTEP AUDIT

II. BACKGROUND/DISCUSSION:

For more than thirty years, law enforcement agencies throughout the United States, including agencies in Maryland, have used various field training and evaluation programs to prepare newly hired law enforcement officers to function on their own at the conclusion of their academy training. It is widely held that the “San Jose” Field Training and Evaluation Program was one of the first standardized programs to be recognized as a model program by law enforcement agencies and has since been adopted by many agencies as their own. Since those early days of field training, several other models of field training programs have been developed and introduced to the law enforcement community such as the “Police Training Officer Program,” a problem solving training model (Reno Nevada Model) and the “Proficiency” Model (Mesa Arizona Model). In the end, all field training and evaluation programs have as their ultimate goal to assist the newly hired and trained recruit officer in making an effective transition from the highly structured setting of an entry-level academy to the fluid and often complex environment that serves as the backdrop for daily law enforcement activities and operations. Additionally, with the increasing numbers of law enforcement officers moving from one law enforcement agency to another, law enforcement executives have recognized the benefits of providing even experienced officers with an opportunity to be introduced to their “new” agency and the community that they will serve under the guidance and



direction of another experienced officer during a modified field training and evaluation program.

On July 1, 2016 Code of Maryland Regulation [COMAR] 12.04.01.17 – Field Training Required, is amended so that each law enforcement agency will need to ensure that its field training program covers certain administrative and operational issues in the following areas:

- when field training is required;
- when field training is to be completed;
- the minimum number of hours for field training;
- identifying who will monitor and coordinate the agency's field training program;
- identifying the requirements to become a Field Training Officer;
- identifying the application and training requirements to become a Field Training Officer;
- requiring that a Field Training Officer be approved by the Maryland Police Training Commission;
- requiring that each agency have a written policy on its field training program based on a model policy approved by the Commission;
- identifying the supervision of a newly hired officer that is needed during a field training program;
- identifying the documentation that needs to be maintained as part of an agency's field training program; and,
- the Commission's review and audit responsibilities as regards an agency's field training program.

The following policy and procedure will describe the **Oakland Police Department Field Training and Evaluation Program**.

III. PURPOSE AND SCOPE

The purpose of this policy and standing operating procedure is to communicate to all Oakland Police Department personnel the administrative and operational requirements associated with the **OAKLAND POLICE DEPARTMENT FIELD TRAINING AND EVALUATION PROGRAM [FTEP]**.

The **OAKLAND POLICE DEPARTMENT FIELD TRAINING AND EVALUATION PROGRAM** is intended to help newly hired sworn officers apply the agency's various policies and procedures, the laws of Maryland and the ordinances of the Town of Oakland as they perform their policing duties and fulfill their responsibilities to the community. It is also intended to familiarize newly hired officers with the neighborhood that they will be responsible for policing and also, whenever possible, to meet various members of the community with whom they will come in contact. Successful completion of FTEP will allow them to be certified by the Commission as law enforcement officers. **ALL** newly hired sworn officers [entry-level recruits/lateral-entry officers/officers who complete comparative compliance training] will be required to participate in either a full Field Training and Evaluation Program or, as permitted by COMAR regulations and approved by the Chief of the Oakland Police Department, a modified Field Training and



Evaluation Program prior to being certified/recertified as law enforcement officers by the Commission and being eligible to be assigned to law enforcement duties on their own.

IV. LEGAL AUTHORITY:

Code of Maryland Regulations [COMAR]: Title 12 – Subtitle 04 – Chapter 01 – Regulation 17 (A-I) “Field Training.”

Public Safety Article § 3-201 (e) (3) (i) (ii) [Police Officer does not include...].

V. DEFINITIONS:

The following terms used in this policy and procedure have the meanings as indicated:

CODE OF MARYLAND REGULATIONS [COMAR] is the official compilation of all administrative regulations issued by agencies of the State of Maryland. [State Government Article § 10-101 et al. applies.]

COMMISSION means the Maryland Police Training Commission as established in PS § 3- 201, et al.

FIELD TRAINING AND EVALUATION PROGRAM [FTEP] means the program adopted and/or developed by the Oakland Police Department that is intended to assist newly hired sworn officers with the agency’s various policies and procedures, the laws of Maryland and the laws and ordinances of this jurisdiction as they perform their policing duties and fulfill their law enforcement responsibilities to the community. It is also intended to familiarize newly hired officers with the neighborhood(s) that they will be responsible for policing and also, whenever possible, to allow them to meet various members of the community with whom they will come in contact. Successful completion of FTEP is required before certification/recertification as a law enforcement officer is given by the Commission. For purposes of this policy and procedure, a newly be hired officer will be required to participate in a full FTEP or a modified FTEP as determined by the Chief of the Oakland Police Department prior to certification/recertification as a law enforcement officer by the Commission.

FIELD TRAINING OFFICER [FTO] means a sworn officer who meets the requirements set forth in this policy, is designated by the Chief of the Oakland Police Department as an FTO and is approved by the Maryland Police Training Commission as a Field Training Officer. A FTO will supervise, observe, evaluate, train and otherwise be responsible for an assigned newly hired officer, hereinafter referred to as a TRAINEE, during the Field Training and Evaluation Program as described in this policy. A FTO shall meet the requirements set forth in COMAR 12.04.01.17 (D) and (E).

FIELD TRAINING AND EVALUATION PROGRAM COORDINATOR is the Chief of the Oakland Police Department who is responsible for coordinating, monitoring and otherwise overseeing the Oakland Police Department’s Field Training and Evaluation Program. The FTEP Coordinator shall meet the standards set by the Commission for designation as an FTEP Coordinator as established in COMAR: 12.04.01.17 C, i.e. shall have attended a Commission-approved supervisor training course and field training officer training course.

FTEP PERFORMANCE EVALUATION REPORT refers to any written document used by a FTO to record or otherwise note the performance of a TRAINEE during FTEP as described in this policy.



TRAINEE refers to any newly hired sworn law enforcement officer of the Oakland Police Department.

A **TRAINEE** may be:

- a) a newly hired recruit who has successfully completed a Commission-approved entrance level law enforcement training program; or
- b) an officer who was previously a certified officer with another Maryland law enforcement agency and has been recertified by the Commission and has joined the Oakland Police Department (lateral entry officer); or
- c) an officer from another state or federal agency who has been granted a waiver from attending a full entrance level law enforcement training program by the Commission but is required to attend a comparative compliance training program prior to receiving full certification by Maryland (comparative compliance officer)

VI. POLICY:

It is the policy of the Oakland Police Department that:

a. ALL newly hired sworn officers, hereinafter referred to as TRAINEES, conform with COMAR regulation 12.04.01.17 (A) which states in part:

- (1) ...an individual shall successfully complete Commission-approved field training as required under this regulation before receiving police officer certification or recertification under this chapter.
- (2) ...as provided by this regulation, field training shall be successfully completed by an individual for each law enforcement agency employing that individual.

EXCEPTION:

(3) An individual hired by the agency for a position identified in PS § 3-201 (e) (3) (i) or (ii) may be certified/recertified as a police officer without participating in the agency's FTEP per the approval of the Head of the agency.

b. the Field Training and Evaluation Program will meet, at least minimally, the requirements established by the Maryland Police Training Commission and listed in COMAR – Title 12 – Subtitle 04 – Chapter 01.17 including the administrative, coordination and record keeping requirements of set forth in that regulation.

VII. SELECTION AND DESIGNATION AS A FIELD TRAINING OFFICER [FTO]:

The selection, training, and oversight of Field Training Officers [FTOs] are key elements to a successful field training and evaluation program. The Chief of Police shall develop, maintain, and oversee the selection process for FTOs. Administrative guidelines as well as minimum qualifications for individuals to be considered for the position of FTO are established and set forth below.

VII. SELECTION OF FTOs:

FTO candidates will be evaluated, selected, approved, and certified according to the below listed procedures:

1. Candidates for the position of FTO must be a law enforcement officer for at least two (2) years immediately prior to applying for the position.
2. Candidates for the position of FTO must possess outstanding interpersonal communication skills as demonstrated by their performance during their daily work



activities including interaction with other members of the agency as well as the public. They should also possess a thorough knowledge of agency policy and procedure as demonstrated to their supervisor by their daily work activities and performance. Additional consideration will be given to officers who have demonstrated an aptitude for instructing, training, and motivating adults in the acquisition of job-related knowledge and skills.

3. Sworn officers who desire to be designated as a FTO shall submit a request, through official channels, to the Chief of Police requesting that they be considered for the position of FTO.

4. A FTO candidate's supervisory chain of command will indicate their concurrence/non-concurrence with the request based on their knowledge of the candidate's performance and daily activities and forward all requests to the FTEP Coordinator.

5. In order to determine if each FTO candidate is minimally qualified for the position of FTO, the FTEP Coordinator shall review each candidate's job performance evaluations, agency disciplinary record and other personnel records to include such records as:

- a. annual performance evaluation during the past two (2) annual rating cycles:
 - all FTO candidates must have received, at a minimum, satisfactory performance ratings;
- b. agency medical leave records:
 - all FTO candidates must maintain a medical leave use rate that is in keeping with or below the agency average;
 - Exception: The Chief of the Oakland Police Department may make an exception for a FTO candidate who exceeds the agency average but was injured in the line of duty or was on extended medical leave for an unusual medical condition/circumstance;
- c. agency driving record:
 - had only one (1) preventable, non-personal injury, vehicular accident during the previous year;
- d. has no pending/outstanding disciplinary or administrative action;
- e. has not received an official reprimand or disciplinary action for:
 - using unnecessary or excessive force;
 - a violation of an agency equal employment opportunity (EEO) policy or an equivalent federal law or regulation;
 - willingly and knowingly making an untruthful statement, falsified an official record or report;
 - misuse of one's official position or unlawful coercion of an employee for personal gain or benefit;
 - unwarranted law enforcement action;
- f. has successfully completed all agency in-service training courses during the past two (2) years including skills training;

6. After completing a review of above files, the Chief of Police shall establish a list of qualified FTO candidates.

7. If more qualified FTO candidates apply for the position than FTO positions exist:



- a. the FTEP Coordinator shall convene an oral interview board consisting of current FTOs to interview, evaluate and rate the qualified FTO candidates as per agency-established oral interview procedures ;
 - b. the FTEP Coordinator shall notify all qualified FTO candidates of the date, time and place of this interview;
 - c. the FTEP Coordinator shall develop a series of job-related questions that will be asked of each qualified FTO candidate;
 - d. the FTEP Coordinator shall then forward a ranked list, based on the ranking of the oral interview board, to the chief of Police for action.
8. Officers who are designated as FTOs shall be scheduled to attend a Commission approved FTO Training Course by the FTEP Coordinator at the agency's convenience but prior to serving as a FTO.
9. Officers who are selected to be FTOs must, at a minimum, meet the following standards as listed In COMAR 12.04.01.17 D:
- a. meet the requirements established under COMAR 12.04.01.17 D and by the Commission;
 - b. be approved by the Commission as a Field Training Officer;
 - c. successfully complete a Commission-approved field training officer course unless excused by the Deputy Director of the Commission because:
 - the individual has successfully completed training that is equivalent to all or the minimum requirements for a Commission-approved FTO training course; and
 - the documentation accompanying the request verifies the completed training is equivalent to all or the portion of the minimum requirements for a Commission-approved FTO training course;
 - d. successful completion of an initial FTO training course requires that an individual:
 - attend a minimum of 90% of the total hours of instruction established for the FTO training course;
 - achieve at least a score of 70% on each test given as part of the FTO training course;
10. The FTEP Coordinator shall forward a completed copy of "APPLICATION FOR INSTRUCTOR CERTIFICATION - FIELDTRAINING OFFICER" to the Commission in order to have the individual approved as a FTO.

VII – B. MAINTENANCE OF FTO DESIGNATION:

An officer who is designated as a FTO shall:

- a. maintain satisfactory performance as a FTO as determined by the FTEP Coordinator;
- b. within every 3 years following initial completion of a FTO training course successfully complete a minimum of 7 hours of cumulative instruction that have been approved by the Commission to be provided to an individual who has been approved as an FTO.

VII – C. FTO TRAINING COURSE:



COMAR 12.04.01.17 A (1) (d) requires that a FTO attend and successfully complete a Commission-approved FTO Training Course consisting of at least twenty-one (21) hours of instruction. The Oakland Police Department FTO's will attend a training course approved by the Commission.

VII – D. DOCUMENTATION OF ATTENDANCE AT FTO TRAINING COURSE:

An individual who attends an FTO training course approved by the Commission that is conducted by an outside law enforcement agency shall provide the FTEP Coordinator with a signed certificate of successful completion of the course (if available) and written documentation from the host agency that indicates successful completion of the FTO training course. This documentation shall contain the Commission approval number for the FTO training course and all test scores that the individual received as part of the FTO training course. If available, the FTO shall also provide a copy of the syllabus of the FTO training course.

VII – E. LOSS OF FTO STATUS:

Following the conclusion of FTEP, the FTEP Coordinator, in concert with the FTO's supervisors, will evaluate the performance of the FTO during the field training and evaluation program just concluded. The FTO will be apprised of the results. As indicated above, in VII – B. MAINTENANCE OF FTO DESIGNATION, continued designation as a FTO requires satisfactory performance of all duties and responsibilities of an FTO as determined by the Oakland Police Department. This performance evaluation is separate from the FTEP Critique and Debriefing described in FTEP Critique/Debriefing of this policy.

Notwithstanding the above, officers who are designated by the Chief of the Oakland Police Department as a FTO serve at the pleasure of the agency and can be suspended or removed from FTO status at any time at the discretion of the Chief of the Oakland Police Department. The Commission will be notified by the FTEP Coordinator when any individual is removed from FTO status for any reason.

VIII. FTEP COORDINATOR:

COMAR 12.04.01.17 C requires that either the head of a law enforcement agency or an individual designated by the head of the agency coordinate and monitor the agency's FTEP. Given the various duties that a FTEP Coordinator may be expected to perform as part of

FTEP, it is reasonable that the head of an agency will normally designate an individual other than him/herself to act as FTEP Coordinator.

The FTEP Coordinator shall have attended a Commission-approved supervisor training course and field training officer training course.

The role of the FTEP Coordinator is to ensure that the standards and objectives of the agency's FTEP are adhered to.

In order to meet this responsibility, the FTEP Coordinator will often be required to perform such tasks as:

- a. assist in the selection of FTOs;



- b. ensure that FTOs receive the FTO training required by COMAR regulations including initial and in-service training;
 - c. assign TRAINEEs to FTOs;
 - d. provide orientation regarding FTEP to the TRAINEEs [may include development of FTO Manuel);
 - e. schedule alternate FTOs in the event that a TRAINEE's FTO is unavailable;
 - f. periodically observe the interaction between TRAINEEs and FTOs and provide feedback to the FTO regarding those observations;
 - g. mediate/arbitrate any significant/serious disagreements/conflicts between a TRAINEE and assigned FTO;
 - h. review as appropriate all TRAINEE performance reports generated by FTOs;
 - i. coordinate any remedial training necessary for a TRAINEE:
 - (1). FTO delivered;
 - (2). agency training staff delivered;
 - j. maintain liaison with the agency's training staff in order to respond to any remedial training needs;
 - k. ensure FTOs are provided with any major changes to the TRAINEE's academic or skills training;
 - l. maintain liaison with field supervisors who have a TRAINEE/FTO team assigned to them;
 - m. extend FTEP participation for any TRAINEE as warranted by his/her performance;
 - n. maintain all documentation/correspondence/records associated with FTEP;
 - o. debrief the TRAINEEs and FTOs at the conclusion of FTEP;
 - p. make recommendations for change and/or make changes to FTEP as warranted;
 - q. ensure the agency's FTEP is in compliance with the standards established by the Commission;
 - r. make recommendations for the termination of a TRAINEE to the Chief of the Oakland Police Department as warranted based on the performance evaluations of the TRAINEE's FTO and supervisor:
 - (1). provide performance documentation to the Chief of the Oakland Police Department as required;
 - s. participate in the periodic audits of FTEP as conducted by the Commission;
- and
- t. complete any other FTEP-related task as needed.

IX. FIELD TRAINING and EVALUATION PROGRAM [FTEP]:

The Oakland Police Department FIELD TRAINING AND EVALUATION PROGRAM (FTEP) is a standardized, structured training technique that exposes newly hired (and trained) members of this agency to a variety of actual law enforcement activities and situations under the guidance and direction of an experienced Field Training Officer (FTO). The Oakland Police Department FTEP will contain, at a minimum, the performance elements identified in Section IX of this policy.



Participation in the FTEP should ensure that the “on-the-street” performance of each TRAINEE will be monitored, evaluated and discussed with the TRAINEE by his/her assigned Field Training Officer as described in this policy. If warranted, remedial training will be provided to TRAINEES in areas that require attention. FTEP is intended to facilitate the transition of a TRAINEE from an academy setting to the performance of general law enforcement duties for the Oakland Police Department so as to result in his/her certification as a law enforcement officer by the Commission.

Likewise, participation in the Oakland Police Department FTEP is also intended to facilitate the assimilation into the agency of individuals with previous law enforcement training and experience whom the agency may, from time to time, hire. In the case of an individual with prior law enforcement experience who is hired as a sworn officer by the Oakland Police Department FTEP is intended to introduce the new officer to the Oakland Police Department policies and procedures, and its philosophy of community service commitment.

Participation in the Oakland Police Department FTEP is MANDATORY for all newly hired sworn members of the agency whether they are entry-level recruits or officers with previous law enforcement training and experience according to the schedule laid out in this policy.

A. PRE-FTEP OVERVIEW:

Prior to the commencement of FTEP, the FTEP Coordinator shall conduct an OVERVIEW class for all newly hired officers who will be participating in FTEP.

B. FTEP OUTLINE:

The FTEP Coordinator shall obtain initial approval for the Oakland Police Department Field Training and Evaluation Program from the Commission by submitting a Program Approval Application and obtaining Commission approval before FTEP begins. Once obtained, Commission approval for FTEP will remain valid unless the content of the Oakland Police Department FTEP changes. If there is a substantive change to the Oakland Police Department FTEP Commission approval must be obtained.

The following OUTLINE for the Oakland Police Department FTEP contains twenty-seven (27) major law enforcement areas/elements for which TRAINEES shall be evaluated during FTEP. These areas/elements have been determined to be of critical importance to officers assigned to the Oakland Police Department as they perform their daily duties:

1. FTEP Orientation;
2. Agency Policies/Procedures;
3. Law Enforcement Ethics;
4. Professional Demeanor;
5. Officer Safety;
6. Use of Force;
7. Radio Communications;
8. Vehicle Operations:
 - Routine



- Emergency;
- 9. Post/Assignment Familiarization;
- 10. Response to Calls;
- 11. Report Writing;
- 12. Patrol Functions & Procedures;
- 13. Criminal Law/local laws and ordinances;
- 14. Civil Offenses;
- 15. Control of Persons:
 - Prisoners and
 - Mentally Ill;
- 16. Juvenile Procedures;
- 17. Search and Seizure;
- 18. Community Oriented Policing/Problem Solving Policing:
 - Interaction with members of the community;
 - Problem identification/solving;
- 19. Tactical Communications:
 - Conflict Resolution;
- 20. Investigations;
- 21. Interviews:
 - Victim;
 - Witness;
 - Suspect;
- 22. Interrogations;
- 23. Evidence Handling/Processing;
- 24. Charging Documents;
- 25. Traffic:
 - Enforcement;
- Accident Investigation;
 - Control/Direction;
- 26. Case/Court Preparation;
- 27. Self-initiated Activity.

Each major area/element contains numerous objectives or tasks that will be observed and evaluated by a FTO. These objectives/tasks must be successfully understood, demonstrated, and completed by each TRAINEE during FTEP as each area/element is completed, the FTO and TRAINEE will document its satisfactory completion on the agency's various FTEP performance reports.

C. PHASES OF FTEP:

As is stated in section XI - Field Training Required, of this policy and procedure, the Oakland Police Department FTEP for entry-level recruits will be a minimum of 240 hours.

TRAINEES will participate in FTEP as outlined in the: FTEP PERFORMANCE EVALUATION PROCESS & SCHEDULE of this policy and procedure.

Based on the 240 hours of FTEP, the FTEP Coordinator shall determine how many separate PHASES will be included in FTEP. Each PHASE will coincide



with the amount of independence of action and responsibility that a FTO has determined the TRAINEE merits based on the TRAINEE's performance to date. Based on the 240 hours of FTEP, the FTEP Coordinator shall determine the sequence in which the FTEP areas/elements shall be addressed. Based on the circumstances occurring during a FTO's and TRAINEE'S tour of duty, FTOs shall attempt to address the areas/elements in the sequence developed by the FTEP Coordinator whenever practical.

After each phase of FTEP the FTO shall complete the FTEP evaluation contained and described in FTEP PERFORMANCE EVALUATION DOCUMENTATION.

D. TRAINEE FTEP PERFORMANCE EVALUATION PROCESS:

TRAINEES will be formally evaluated by their FTOs at regular intervals using the agency's FTEP performance evaluation reports.

Any FTEP performance evaluation report completed by a FTO will be reviewed as soon as practically possible with the TRAINEE. TRAINEES are required to sign and date each FTEP Performance Evaluation Report acknowledging that they have received

The form and discussed the FTEP Performance Evaluation Report with their FTO.

After review and signing ALL FTEP performance evaluation reports will be forwarded to the FTEP Coordinator who will ensure that those reports become a part of the TRAINEE's training file maintained by the agency. If a TRAINEE disagrees with a FTEP performance evaluation report, the TRAINEE shall sign the FTEP evaluation report prepared by the FTO and note the reason for his/her disagreement with the FTO's rating on the report. The TRAINEE may appeal the FTEP evaluation to the FTO's supervisor who may agree with, comment on or disagree with the FTO's initial assessment. In the event that the supervisor supports the initial evaluation and the TRAINEE wishes to further appeal the rating, the TRAINEE, through the FTEP Coordinator, may schedule an appointment with the FTO and the FTO's supervisor's commanding officer for review and discussion of the matter. The decision of the FTO's supervisor's commanding officer regarding the evaluation is final and no further appeal is available to the TRAINEE.

E. REMEDIAL FTEP TRAINING:

FTOs shall report the need for REMEDIAL TRAINING as described in REMEDIAL TRAINING & DOCUMENTATION to the FTEP Coordinator.

After reviewing the TRAINEE's performance evaluations submitted by the FTO and consulting with the FTO and members of the agency's training staff, the FTEP Coordinator shall determine the appropriate REMEDIAL TRAINING steps/program that the TRAINEE will participate in:

- a. the contents and method used for any FTEP REMEDIAL TRAINING program, including but not limited to, any lesson plan, exercises, tests/quizzes or other material will be documented and maintained by the FTEP Coordinator;
- b. the results of any TRAINEE testing shall be documented and maintained in the TRAINEE's FTEP file. Any TRAINEE determined to need REMEDIAL TRAINING



shall participate in such training as determined by the FTEP Coordinator. Any “homework” assignment given as part of REMEDIAL TRAINING is time-sensitive and must be completed in the manner and in the timeframe established by the FTEP Coordinator. Successful/satisfactory completion of REMEDIAL TRAINING shall be determined by the FTEP Coordinator in consultation with the TRAINEE’s FTO and any participating member of the agency’s training staff. Successful/satisfactory completion of REMEDIAL TRAINING is required before a TRAINEE can advance in FTEP.

F. LATERAL ENTRY OFFICERS/COMPARATIVE COMPLIANCE OFFICERS:

Newly hired officers who are required to attend comparative compliance training or those who are lateral entry officers are required to participate in FTEP as outlined in Section XI – FIELD TRAINING REQUIRED.

These officers will participate in a modified version of FTEP under the direction and guidance of a FTO. The FTEP Coordinator shall be responsible for developing a modified FTEP schedule for the Lateral Entry Officers/Comparative Compliance Officers and obtain Commission approval for the modified FTEP using the Program Approval Application form in ATTACHMENT A. [refer to wording in – “successfully complete COMMISSION-APPROVED field training...] The modified FTEP outline, schedule and Commission approval number used for each Lateral Entry Officer/Comparative Compliance Officer shall be retained in their FTEP file. Because a modified FTEP will normally be of a limited duration, FTOs will be only required to complete an END OF PHASE EVALUATION REPORT and a RELEASE FROM FTEP form for each Lateral Entry Officer/Comparative Compliance Officer unless the FTEP Coordinator determines that the Lateral Entry Officer’s/Comparative Compliance Officer’s FTEP should be extended.

G. EXTENSION OF FTEP:

At the direction of the FTEP Coordinator, a TRAINEE’s participation in the agency’s FTEP may be extended. Extension of FTEP shall be for cause cited by the TRAINEE’s FTO on the latest END OF PHASE EVALUATION with the concurrence of the FTO’s supervisor. The TRAINEE shall be advised of the reason for the extension of FTEP and will be given REMEDIAL TRAINING to ensure that steps have been taken to correct the cited performance deficiency(ies). The TRAINEE will also be informed of the anticipated length of the FTEP extension if possible. Following the FTEP EXTENSION PHASE the FTO shall complete another END OF PHASE EVALUATION. The FTO’s supervisor will review the END OF PHASE EVALUATION and either concur/not concur with the FTO’s assessment of the TRAINEE’s performance and make a recommendation as to whether the TRAINEE should continue with or be terminated from the agency. The END OF PHASE EVALUATION will then be forwarded to the FTEP Coordinator who will review the evaluation and recommendation of the FTO’s supervisor and make his/her own recommendation. The FTEP Coordinator will then forward the END OF PHASE EVALUATION along with any additional relevant FTEP documentation to the Head of the agency or his designee for a final decision.



H. CONCLUSION OF/RELEASE FROM FTEP/CERTIFICATION OF COMPLETION:

At the conclusion of FTEP, the FTEP Coordinator shall ensure that a CERTIFICATION OF COMPLETION/RELEASE FROM FTEP form has been completed as described in ATTACHEMENT G: CERTIFICATION OF COMPLETION/RELEASE FROM FTEP by each FTO and TRAINEE. The CERTIFICATION OF COMPLETION/RELEASE FROM FTEP attests that the TRAINEE has demonstrated the ability to perform the duties required of an officer of this agency and is able to perform them by him/herself. This assurance is based on the TRAINEE's demonstrated ability to satisfactorily perform all of the functional areas or categories listed in the agency's FTEP.

The FTO shall complete the CERTIFICATION OF COMPLETION/RELEASE FROM FTEP and review it with the TRAINEE who shall sign and date the form. Each CERTIFICATION OF COMPLETION/RELEASE FROM FTEP form shall then be reviewed and signed by the chain of command for each FTO and TRAINEE prior to releasing each TRAINEE to full service. The CERTIFICATION OF COMPLETION/RELEASE FROM FTEP form shall then be forwarded to the FTEP Coordinator. After review by the FTEP Coordinator, ALL completed CERTIFICATION OF COMPLETION/RELEASE FROM FTEP forms shall be forwarded to the agency Head or designee for his/her review, signature and date:

1. a copy of the CERTIFICATION OF COMPLETION/RELEASE FROM FTEP form shall be sent to the Commission;
2. the original, signed CERTIFICATION OF COMPLETION/RELEASE FROM FTEP form shall be maintained in the TRAINEE'S training file.

I. FTO/TRAINEE RELATIONSHIP:

During FTEP, the relationship between the FTO and the TRAINEE will remain professional at all times. It is a teacher-student/supervisor-subordinate relationship with all the restrictions that those relationships imply. As part of this relationship the following is expected of the **FTO**:

A. The hallmark of a FTO-TRAINEE relationship will be mutual respect. TRAINEEs will be treated with respect at all times, and they will be expected to respect the FTO and to follow his/her directions. TRAINEEs will not be harassed, intimidated, intentionally embarrassed, or treated in a demeaning manner. Name-calling or the use of derogatory terms by the FTO towards a TRAINEE are not acceptable.

B. While TRAINEEs are participating in FTEP FTOs will not associate with/socialize with any TRAINEE during off-duty hours except for FTO and TRAINEEs who have a blood or marital relationship prior to FTEP . Any relationship between non-related FTOs and TRAINEEs will be strictly professional; FTO personnel will neither date, no attempt to date, any TRAINEE while the TRAINEE is in FTEP.

C. If a FTO or FTO Supervisor is related to a TRAINEE, or if he/she has had a special relationship (friendship, romantic interest, etc.) with a TRAINEE prior to when the TRAINEE was hired by the Oakland Police Department, the FTEP Coordinator will be notified as soon as practicable so that consideration can be



given to placing the TRAINEE with a FTO and/or Supervisor with no apparent or perceived conflict of interest.

D. FTOs/FTO supervisors will not make discriminatory or sexist remarks towards any TRAINEE, as per agency policy.

E. FTOs/FTO supervisors will not make sexual remarks or sexual advances toward any TRAINEE, as per agency policy.

F. FTOs/FTO supervisors will neither live with nor rent a habitat to any TRAINEE while they are in FTEP and will refrain from entering into any financial transactions or arrangements with them while they are in FTEP.

G. FTOs/FTO supervisors will neither accept gifts from nor give gifts to any TRAINEE while they are participating in FTEP.

H. While on-duty, a TRAINEE is always under the direct supervision of his/her assigned FTO while in the field. In the event that the TRAINEE's assigned FTO is unavailable, the TRAINEE will be assigned to another FTO. In the event no other FTO is available a sworn member of the agency with supervisory standing will temporarily supervise the TRAINEE.

I. While on duty, a FTO shall always maintain visual contact with a TRAINEE while the TRAINEE is performing a law enforcement function/activity.

TRAINEE:

A. TRAINEEs are to be respectful to all members of the Oakland Police Department.

B. A FTO is a TRAINEE's direct supervisor during FTEP. During FTEP, a FTO's directions are to be followed at all times, in particular during emergency situations. If a TRAINEE believes that a specific instruction or order was improper or that a performance evaluation is not fair, the TRAINEE should request a meeting with the FTO's Field Supervisor to discuss the matter. If this meeting can practicably be conducted prior to completing the assigned task, the FTO's Field Supervisor's may intervene in the matter. However, if the assigned task must be completed by the TRAINEE immediately then the TRAINEE will follow the directions and orders of his/her FTO, criminal conduct excepted, and question the order's appropriateness at a later time with the FTO's supervisor. If after discussing the matter with the FTO's supervisor, the TRAINEE still has a concern or problem, he/she may request a meeting with the FTEP Coordinator to discuss the matter. The FTO's Field Supervisor will notify the FTEP Coordinator and a meeting will be convened to discuss and evaluate the situation. The decision of the FTEP Coordinator is final.

C. TRAINEEs will complete all assignments in a prompt, timely manner and will follow all applicable agency policies and procedures, directives and orders.

D. With the approval of the FTEP Coordinator, TRAINEEs may be given homework assignments, at the discretion of their FTOs, in order to assist in accomplishing a training objective. Such assignments will be completed in the manner prescribed by and according to the time table established by the FTO. Homework assignments are viewed the same as academic assignments given during entry-level training.



E. Incident reports pertaining to calls for service that occurred during a tour of duty may be completed by a TRAINEE on overtime as long as the FTO can justify a training need or concern. Such justification may be based on the TRAINEE's phase of training, performance, the complexity/length of the report/incident and/or the level of the TRAINEE's experience in such cases. The FTO will be held accountable for any abuses of overtime.

F. While off-duty, TRAINEEs in FTEP will not respond to police calls or initiate any law enforcement action except in a situation that is life-threatening or involves the potential for serious injury and occurs in the TRAINEE's presence. In such cases, they are authorized to take action necessary to stabilize the situation. Once the situation has been stabilized they are then to immediately notify the agency of jurisdiction for assistance. They are to stand-by until relieved by the officer who responds to handle the situation. Additionally, they are to notify their FTO/FTO's supervisor/FTEP Coordinator as soon as possible of their involvement in this emergency situation. If unavailable, the TRAINEE will notify the on-duty agency supervisor of the situation. If encountering a non-life threatening incident that calls for law enforcement action, a TRAINEE will contact 911, identify him/herself and request law enforcement response. The TRAINEE shall remain at the scene until a law enforcement officer of jurisdiction arrives and then provide information or assistance as directed by the on-duty law enforcement officer. The TRAINEE shall report his involvement in the incident to his/her FTO/FTO's supervisor/FTEP Coordinator upon return to duty.

G. While off-duty, TRAINEEs will not conduct investigations or perform routine enforcement activity.

H. TRAINEEs will be receptive to counseling given by FTOs. They may verbalize an explanation for their actions; however, repeated rationalization, excessive verbal contradictions, becoming argumentative and/or hostile with their FTO is not acceptable behavior.

I. TRAINEEs are prohibited from participating in agency social functions and/or functions in which FTOs might be present until they have either completed FTEP or have received authorization from the FTEP Coordinator.

J. Information regarding the performance and/or progress of a TRAINEE while in FTEP should not be shared with individuals outside of FTEP.

K. All TRAINEEs will abide by all policy, procedures, regulations and directives of the Oakland Police Department.

J. VIOLATIONS OF FTEP RULES:

Violations of FTEP policy and/or any directives of the Oakland Police Department by a TRAINEE may result in disciplinary action, up to and including removal from FTEP and/or termination from the agency. If a violation is observed by a FTO, the FTO shall document the violation and report it to his/her direct Supervisor. The FTO's Supervisor shall then review the documentation of the violation and forward the report along with his/her recommendation to the FTEP Coordinator. After reviewing the documentation, and if necessary conferring with the FTO and FTO's Supervisor, the FTEP Coordinator shall determine if administrative action



is warranted and follow through as per established agency policy and procedure. Any formal disciplinary action taken against a TRAINEE during FTEP will be documented and maintained in the TRAINEE's training file. Any violation of FTEP policy by a FTO shall be reported to the FTEP Coordinator and shall be handled in accordance with existing agency disciplinary policy and procedure if warranted.

X. FIELD TRAINING REQUIRED: COMAR 12.04.01.17 – A (1) requires, in part, that an individual successfully complete Commission-approved field training before receiving police officer certification or recertification. Additionally, it also requires that field training be successfully completed by an individual for each law enforcement agency employing the individual unless that individual holds a position listed under Public Safety Article, § 3-201 (e)(3)(i) or (ii). [COMAR 12.04.01.17 – A (3)] Newly hired sworn RECRUIT officers shall participate in the Oakland Police Department Field Training and Evaluation Program immediately upon graduation from their entrance level training program. Recruit officers shall participate in FTEP for a minimum of 240 hours as established by the agency. Participation may be extended in FTEP for cause on the recommendation of the TRAINEE's FTO with the concurrence of the FTEP Coordinator and the approval of the Head of the agency. The length of a FTEP extension shall be determined by the FTEP Coordinator. Based on documentation of the TRAINEE's performance provided by the FTO and his/her recommendation and the recommendation of the FTO's chain of command, the FTEP Coordinator shall recommend to the Head of the agency whether the TRAINEE has successfully completed FTEP.

Newly hired sworn officers who have been granted a waiver by the Commission regarding entrance level training shall participate in a modified version of FTEP for a minimum of 80 hours unless extended for cause by the FTEP Coordinator with the approval of the Head of the agency. The FTEP Coordinator, based on the FTO's documentation of the newly hired officer's performance and the FTO's recommendation, shall recommend to the Head of the agency whether the newly hired officer has successfully completed FTEP. [COMAR 12.04.01.17 (B) - When is Field Training to be Completed and the Minimum Number of Hours for Field Training.]

Sworn officers who serve with another law enforcement agency and who are seeking certification as an officer with the Oakland Police Department shall also participate in FTEP for a minimum of 80 hours unless extended for cause by the FTEP Coordinator with the approval of the Head of the agency. The FTEP Coordinator, based on the FTO's documentation of the officer's performance and the FTO's recommendation, shall recommend to the Head of the agency whether the officer has successfully completed FTEP. [COMAR 12.04.01.17 (B)]

Sworn officers who are granted a waiver for entrance level training by the Commission because of an individual's "unique circumstances" shall participate in FTEP for a minimum of 80 hours unless extended for cause by the FTEP



Coordinator with the approval of the Head of the agency. The FTEP Coordinator, based on the FTO's documentation of the officer's performance and the FTO's recommendation, shall recommend to the Head of the agency whether the officer has successfully completed FTEP. [COMAR 12.04.01.17 (B)]

XI. SUPERVISING A TRAINEE DURING FTEP:

During FTEP, a TRAINEE shall normally be under the direct supervision of his/her assigned FTO. In the event that a TRAINEE cannot be directly supervised by his/her assigned FTO, the FTEP Coordinator shall be notified. After consultation with the FTO's supervisor, the FTEP Coordinator shall temporarily assign the TRAINEE to the direct supervision of:

- A. another available FTO; or
- B. a member of the agency who holds a supervisory rank; or
- C. under unusual/extenuating circumstances a TRAINEE may be under the direct supervision of an individual who is not a FTO or who does not hold a supervisory rank for a brief period of time:

- 1. this exception cannot exceed ten percent (10%) of the total amount of time in FTEP:

- 2. under the unlikely event that a FTO or a member who holds a supervisory rank is not available to directly supervise a TRAINEE for at least eighty-nine percent (89%) of FTEP the agency Head will seek a waiver from the

Commission to allow another member of the agency to conduct FTEP with the TRAINEE: for a limited period of time and under certain conditions.

- 3. During FTEP, a TRAINEE may participate in specialized training or orientation that does NOT entail enforcement activity for up to five percent (5%) of FTEP such as dispatcher duty, administrative duties ["desk" duty, etc.] or other non-enforcement duties. During such assignments the TRAINEE does not have to be under the direct supervision of a FTO or member holding a supervisory rank.

XII. FTEP CRITIQUE/DEBRIEFING

- A. The FTEP Coordinator shall ensure that a FTEP CRITIQUE/DEBRIEFING form is completed by each TRAINEE as soon as practical after FTEP has been completed as described in. ATTACHMENT H: FTEP CRITIQUE/DEBRIEFING.
- B. The FTEP CRITIQUE/DEBRIEFING form should be submitted directly to the FTEP Coordinator. In an effort to improve FTEP, the FTEP Coordinator shall review each FTEP CRITIQUE/DEBRIEFING. In the event that there are any negative comments or observations about the agency's FTEP or suggestions for significant changes to the program, the FTEP Coordinator shall contact the TRAINEE who made the comments/suggestions to clarify the comments/suggestions
- C. The FTEP Coordinator shall bring to the attention of the agency Head or his/her designee any negative comments made on the forms or the need for any significant changes to the agency's FTEP.
- D. Each FTEP CRITIQUE/DEBRIEFING shall be maintained by the FTEP Coordinator for a minimum of three (3) years following each FTEP and be



available for inspection by members of the agency command staff or the Commission as required.

- E. The FTEP Coordinator may also request that participating FTOs and FTO supervisors to summarize their experiences during FTEP.
- F.

XIII. MAINTENANCE OF FTEP DOCUMENTATION/RECORDS

- A. The FTEP Coordinator shall be responsible for collecting and maintaining ALL FTEP evaluations and correspondence pertaining to the TRAINEE in the TRAINEE's FTEP file.
- B. For a minimum of three (3) years the following documentation related to the agency's FTEP shall be maintained in file:
 - 1. a copy of the agency's current FTEP policy and procedure
 - 2. rosters of the individuals (TRAINEEs) participating in FTEP;
 - 3. tests, test scores and evaluations of individuals (TRAINEEs) participating in FTEP;
 - 4. a description of the evaluation process used for individuals (TRAINEEs) participating in FTEP;
 - 5. any FTEP lesson plan and/or guides;
 - 6. an outline of the training for individuals (TRAINEEs) participating in FTEP;
 - 7. at least two-week summaries of the individual's (TRAINEE's) performance during FTEP;
 - 8. the FTO's FINAL COMPETENCE REPORT for each individual (TRAINEE) participating in FTEP;
 - a. a copy of the RELEASE FROM FTEP signed and dated by the head of the agency or designee;
 - b. any other documentation required by the Commission.

XIV. FTEP AUDIT

- A. Both the agency's FTO Training Course and its FTEP is subject to review and audit by the Commission.
- B. The Commission may suspend or revoke approval of the agency's FTO Training Course or its FTEP if the Commission determines that the FTO Training Course or its FTEP fails to meet the Commission's requirements.
- C. The FTEP Coordinator is responsible for ensuring that the agency's FTO Training Course and its FTEP remain in compliance with the Commission's requirements as described in COMAR.
- D. REFERENCES:
 - 1. Code of Maryland Regulations [COMAR]: Title 12 – Subtitle 04 – Chapter 01 – Regulation 17 (A-1) "Field Training," et al.
 - 2. "FTP Field Training Program Guide" by the California Commission on Peace Officers Standards and Training, 2014.
 - 3. "Field Training for Police Officers: State of the Art" by Michael S. McCampbell, U.S. Department of Justice, April 1987.



4. "The Field Training and Evaluation Program" by Glenn F. Kaminsky, Boulder Colorado, 1988.
5. "Training for the Field Training Officer" Student Manual – Maryland Police and Correctional Training Commissions, 2008.

XV. FTO Training Course

- A. All Oakland Police Department Field training Officers will attend an a Police Training Commission approved FTO course



OAKLAND POLICE DEPARTMENT	
SUBJECT: Disciplinary Policy for FBI and CJIS Systems	NUMBER: 8
EFFECTIVE DATE: 01 April 2016	REVIEW DATE:
AMENDS/SUPERSEDES: All previous policies	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. Purpose

The purpose of this policy is to establish a Disciplinary Policy for the use of FBI and CJIS Systems.

II. Policy

In support of Oakland Police Department’s mission of public service to the city of Oakland, MD citizens, the Oakland Police Department provides the needed technological resources needed to personnel to access FBI CJIS systems and information in support of the agency’s mission. All agency personnel, with access to FBI Criminal Justice Information (CJI) or any system with stored FBI CJI, have a duty to protect the system and related systems from physical and environmental damage and are responsible for correct use, operation, care and maintenance of the information. All technology equipment: computers, software, copiers, printers, MDTs, software to include RMS/CAD, operating systems, etc., used to process, store, and/or transmit FBI CJIS media is a privilege allowed by Oakland Police Department, state CSO, and the FBI. To maintain the integrity and security of the Oakland Police Department’s and FBI’s CJIS systems and data, this computer use privilege requires adherence of relevant federal, state and local laws, regulations and contractual obligations. All existing laws and Oakland Police Department regulations and policies apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply to personal conduct.

Misuse of computing, networking or information resources may result in temporary or permanent restriction of computing privileges up to employment termination. In some misuse situations, account privileges will be suspended to prevent ongoing misuse while under investigation. Additionally, misuse can be prosecuted under applicable statutes. All files are subject for search. Where follow-up actions against a person or agency after an information security incident involves legal action (either civil or criminal), the evidence shall be collected, retained, and presented to conform to the rules for evidence laid down in the relevant jurisdiction(s). Complaints alleging misuse of Oakland Police Department’s computing and network resources and FBI CJIS systems and/or data will be directed to those responsible for taking appropriate disciplinary action.



III Examples of Misuse with access to FBI CJI

1. Using someone else's login that you are not the owner.
2. Leaving computer logged in with your login credentials unlocked in a physically unsecure location allowing anyone to access Oakland Police Department systems and/or FBI CJIS systems and data in your name.
3. Allowing unauthorized person to access FBI CJI at any time for any reason.
Note: Unauthorized use of the FBI CJIS systems is prohibited and may be subject to criminal and/or civil penalties.
4. Allowing remote access of Oakland Police Department issued computer equipment to FBI CJIS systems and/or data without prior authorization by Oakland Police Department.
5. Obtaining a computer account that you are not authorized to use.
6. Obtaining a password for a computer account of another account owner.
7. Using the Oakland Police Department's network to gain unauthorized access to FBI CJI.
8. Knowingly performing an act which will interfere with the normal operation of FBI CJIS systems.
9. Knowingly propagating a computer virus, Trojan horse, worm and malware to circumvent data protection or compromising existing security holes to FBI CJIS systems.
10. Violating terms of software and / or operating system licensing agreements or copyright laws.
11. Duplication of licensed software, except for backup and archival purposes that circumvent copyright laws for use in Oakland Police Department, for home use or for any customer or contractor.
12. Deliberately wasting computing resources to include streaming audio, videos for personal use that interferes with Oakland Police Department network performance.
13. Using electronic mail or instant messaging to harass others.
14. Masking the identity of an account or machine.
15. Posting materials publicly that violate existing laws or Oakland Police Department's codes of conduct.
16. Attempting to monitor or tamper with another user's electronic mail or files by reading, copying, changing, or deleting without explicit agreement of the owner.
17. Using Oakland Police Department's technology resources to advance unwelcome solicitation of a personal or sexual relationship while on duty or through the use of official capacity.



18. Unauthorized possession of, loss of, or damage to Oakland Police Department's technology equipment with access to FBI CJI through unreasonable carelessness or maliciousness.
19. Maintaining FBI CJI or duplicate copies of official Oakland Police Department files in either manual or electronic formats at his or her place of residence or in other physically non-secure locations without express permission.
20. Using Oakland Police Department's technology resources and/or FBI CJIS systems for personal or financial gain.
21. Deliberately failing to report promptly any known technology-related misuse by another employee that may result in criminal prosecution or discipline under this policy.
22. Using personally owned devices on Oakland Police Department's network to include personally-owned thumb drives, CDs, mobile devices, tablets on wifi, etc. is prohibited. Personally owned devices should not store Oakland Police Department data, State data, or FBI CJI.

The above listing is not all-inclusive and any suspected technology resource or FBI CJIS system or FBI CJI misuse will be handled by Oakland Police Department on a case by case basis. Activities will not be considered misuse when authorized by appropriate Oakland Police Department officials for security or performance testing.

IV Privacy Policy

All agency personnel utilizing agency-issued technology resources funded by Oakland Police Department expressly acknowledges and agrees that such service, whether for business or personal use, shall remove any expectation of privacy. Use of Oakland Police Department systems indicates consent to monitoring and recording. The Oakland Police Department reserves the right to access and audit any and all communications including electronic and physical media at rest, in transit and at end of life. Oakland Police Department personnel shall not store personal information with an expectation of personal privacy that are under the control and management of Oakland Police Department.

V Personal Use of Agency Technology

The computers, electronic media and services provided by Oakland Police Department are primarily for business use to assist personnel in the performance of their jobs. Limited, occasional, or incidental use of electronic media (sending or receiving) for personal, non-business purposes is understandable and acceptable, and all such use should be done in a manner that does not negatively affect the systems' use for their business purposes. However, employees are expected to demonstrate a sense of responsibility and not abuse this privilege.

VI Misuse Notification

Due to the increase in the number of accidental or malicious computer attacks against both government and private agencies, Oakland Police Department shall: (i) establish an operational incident handling capability for all information systems with access to FBI



CJIS systems and data. This includes adequate preparation, detection, analysis, containment, recovery, and user response activities; (ii) track, document, and report incidents to appropriate agency officials and/or authorities.

ISOs have been identified as the POC on security-related issues for their respective agencies and shall ensure LASOs institute the CSA incident response reporting procedures at the local level.

All Oakland Police Department personnel are responsible to report misuse of Oakland Police Department technology resources to appropriate Oakland Police Department officials.

Local contact-LASO: Chief William C. Thomas oaklandmdpolice@gmail.com
Phone: 301-334-2100

I have read the policy and rules above and I will abide in the Oakland Police Department's Disciplinary policy.

Signature: _____ Date: _____/20_____
Date: _____/20_____



SUBJECT: Disposal of Media Policy and Procedures	NUMBER: 9
EFFECTIVE DATE: 4/1/16	REVIEW DATE:
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. Purpose

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at Oakland Police Department. These rules are in place to protect sensitive and classified information, employees, and the Oakland Police Department. Inappropriate disposal of Oakland Police Department and FBI Criminal Justice Information (CJI) and media may put employees, the Oakland Police Department and the FBI at risk.

II. Scope

This policy applies to all Oakland Police Department employees, contractors, temporary staff, and other workers at the Oakland Police Department, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by the Oakland Police Department.

III. Policy

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of in accordance with measures established by the Oakland Police Department

Physical media (print-outs and other physical media) shall be disposed of by one of the following method:

- 1) shredding using Oakland Police Department issued shredders.

Electronic media (hard-drives, tape cartridge, CDs, printer ribbons, flash drives, printer and copier

Hard-drives, etc.) shall be disposed of by one of the Oakland Police Department methods:

- 1) **Overwriting (at least 3 times)** - an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write



(1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.

- 2) **Degaussing** - a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.
- 3) **Destruction** – a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from the Oakland Police Department's control until the equipment has been sanitized and all stored information has been cleared using one of the above methods.

IV. Enforcement

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination.



OAKLAND POLICE DEPARTMENT	
SUBJECT: Media Protection Policy	NUMBER: 10
EFFECTIVE DATE: 4/1/16	REVIEW DATE:
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. Purpose

The intent of the Media Protection Policy is to ensure the protection of the Criminal Justice Information (CJI) until such time as the information is either released to the public via authorized dissemination (e.g. within a court system or when presented in crime reports data), or is purged or destroyed in accordance with applicable record retention rules.

This Media Protection Policy was developed using the FBI’s Criminal Justice Information Services (CJIS) Security Policy 5.1 dated 7/13/2012. The Oakland Police Department may complement this policy with a local policy; however, the CJIS Security Policy shall always be the minimum standard. The local policy may augment, or increase the standards, but shall not detract from the CJIS Security Policy standards.

II. Scope:

The scope of this policy applies to any electronic or physical media containing FBI Criminal Justice Information (CJI) while being stored, accessed or physically moved from a secure location from the Oakland Police Department. This policy applies to any authorized person who accesses, stores, and / or transports electronic or physical media. Transporting CJI outside the agency’s assigned physically secure area must be monitored and controlled.

Authorized Oakland Police Department personnel shall protect and control electronic and physical CJI while at rest and in transit. The Oakland Police Department will take appropriate safeguards for protecting CJI to limit potential mishandling or loss while being stored, accessed, or transported. Any inadvertent or inappropriate CJI disclosure and/or use will be reported to the Oakland Police Department Local Agency Security Officer (LASO). Procedures shall be defined for securely handling, transporting and storing media.

III. Media Storage and Access:

Controls shall be in place to protect electronic and physical media containing CJI while at rest, stored, or actively being accessed. “Electronic media” includes memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash



drives, external hard drives, or digital memory card. "Physical media" includes printed documents and imagery that contain CJI.

To protect CJI, the Oakland Police Department personnel shall:

1. Securely store electronic and physical media within a physically secure or controlled area. A secured area includes a locked drawer, cabinet, or room.
2. Restrict access to electronic and physical media to authorized individuals.
3. Ensure that only authorized users remove printed form or digital media from the CJI.
4. Physically protect CJI until media end of life. End of life CJI is destroyed or sanitized using approved equipment, techniques and procedures. (See Media Disposal Policy)
5. Not use personally owned information system to access, process, store, or transmit CJI unless the Oakland Police Department has established and documented the specific terms and conditions for personally owned information system usage.
6. Not utilize publicly accessible computers to access, process, store, or transmit CJI. Publicly accessible computers include but are not limited to: hotel business center computers, convention center computers, public library computers, public kiosk computers, etc.
7. Store all hardcopy CJI printouts maintained by the Oakland Police Department in a secure area accessible to only those employees whose job function require them to handle such documents.
8. Safeguard all CJI by the Oakland Police Department against possible misuse by complying with the Physical Protection Policy, Personally Owned Device Policy, and Disciplinary Policy.
9. Take appropriate action when in possession of CJI while not in a secure area:
 - a. CJI must not leave the employee's immediate control. CJI printouts cannot be left unsupervised while physical controls are not in place.
 - b. Precautions must be taken to obscure CJI from public view, such as by means of an opaque file folder or envelope for hard copy printouts. For electronic devices like laptops, use session lock use and /or privacy screens. CJI shall not be left in plain public view. When CJI is electronically transmitted outside the boundary of the physically secure location, the data shall be immediately protected using encryption.
 - i. When CJI is at rest (i.e. stored electronically) outside the boundary of the physically secure location, the data shall be protected using encryption. Storage devices include external hard drives from



computers, printers and copiers used with CJI. In addition, storage devices include thumb drives, flash drives, back-up tapes, mobile devices, laptops, etc.

- ii. When encryption is employed, the cryptographic module used shall be certified to meet FIPS 140-2 standards.
10. Lock or log off computer when not in immediate vicinity of work area to protect CJI. Not all personnel have same CJI access permissions and need to keep CJI protected on a need-to-know basis.
11. Establish appropriate administrative, technical and physical safeguards to ensure the security and confidentiality of CJI. (See Physical Facility Protection Policy)

IV. Breach Notification and Incident Reporting:

The agency shall promptly report incident information to appropriate authorities. Information security events and weaknesses associated with information systems shall be communicated in a manner allowing timely corrective action to be taken. Incident-related information can be obtained from a variety of sources including, but not limited to, audit monitoring, network monitoring, physical access monitoring, and user/administrator reports.

V. Roles and Responsibilities:

If CJI is improperly disclosed, lost, or reported as not received, the following procedures must be immediately followed:

1. Oakland Police Department personnel shall notify his/her supervisor or LASO, and an incident-report form must be completed and submitted within 24 hours of discovery of the incident. The submitted report is to contain a detailed account of the incident, events leading to the incident, and steps taken/to be taken in response to the incident. (Agency Discretion)
2. The supervisor will communicate the situation to the LASO to notify of the loss or disclosure of CJI records.
3. The LASO will ensure the CSA ISO (CJIS System Agency Information Security Officer) is promptly informed of security incidents.
4. The CSA ISO will:
 - a. Establish a security incident response and reporting procedure to discover, investigate, document, and report to the CSA, the affected criminal justice agency, and the FBI CJIS Division ISO major incidents that significantly endanger the security or integrity of CJI.
 - b. Collect and disseminate all incident-related information received from the Department of Justice (DOJ), FBI CJIS Division, and other entities to the appropriate local law enforcement POCs within their area.
 - c. Act as a single POC for their jurisdictional area for requesting incident response assistance.



VI. Penalties:

Violation of any of the requirements in this policy by any authorized personnel will result in suitable disciplinary action, up to and including loss of access privileges, civil and criminal prosecution and / or termination.

VII. Acknowledgement:

I have read the policy and rules above and I will:

- Abide by the Oakland Police Department’s Media Protection Policy. I understand any violation of this policy may result in discipline up to and including termination.
- Report any Oakland Police Department CJI security incident to Supervisor and / or LASO as identified in this policy.

Signature: _____ Date: _____

Questions

Any questions related to this policy may be directed to the Oakland Police Department’s LASO:

LASO Name: William Thomas	LASO Phone: 301-334-2100	LASO email: oaklandmdpolic@gmail.com
State C/ISO Name:	C/ISO Phone:	C/ISO email:

Other Related Policy Reference:

- Media Disposal Policy
- Physical Protection Policy
- Media Transport Policy



OAKLAND POLICE DEPARTMENT	
SUBJECT: Media Transport Procedure	NUMBER: 11
EFFECTIVE DATE: 4/1/16	REVIEW DATE:
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. Purpose

The purpose of this policy is to establish procedures for the transport of FBI and CJIS media.

II. Media Transport:

Controls shall be in place to protect electronic and physical media containing CJI while in transport (physically moved from one location to another) to prevent inadvertent or inappropriate disclosure and use. "Electronic media" means electronic storage media including memory devices in laptops and computers (hard drives) and any removable, transportable digital memory media, such as magnetic tape or disk, backup medium, optical disk, flash drives, external hard drives, or digital memory card.

Dissemination to another agency is authorized if:

1. The other agency is an Authorized Recipient of such information and is being serviced by the accessing agency, or
2. The other agency is performing personnel and appointment functions for criminal justice employment applicants.

The Oakland Police Department personnel shall:

1. Protect and control electronic and physical media during transport outside of controlled areas.
2. Restrict the pickup, receipt, transfer and delivery of such media to authorized personnel.

The Oakland Police Department personnel will control, protect, and secure electronic and physical media during transport from public disclosure by:

1. Use of privacy statements in electronic , .and paper documents.
2. Limiting the collection, disclosure, sharing and use of CJI.
3. Following the least privilege and role based rules for allowing access. Limit access to CJI to only those people or roles that require access.
4. Securing hand carried confidential electronic and paper documents by:
 - a. Storing CJI in a locked briefcase or lockbox.
 - b. Only viewing or accessing the CJI electronically or document printouts in a physically secure location by authorized personnel.
 - c. For hard copy printouts or CJI documents:



- i. Package hard copy printouts in such a way as to not have any CJI information viewable.
 - ii. That are mailed or shipped, agency must document procedures and only release to authorized individuals. DO NOT MARK THE PACKAGE TO BE MAILED CONFIDENTIAL. Packages containing CJI material are to be sent by method(s) that provide for complete shipment tracking and history, and signature confirmation of delivery. (Agency Discretion)
5. Not taking CJI home or when traveling unless authorized by Oakland Police Department LASO. When disposing confidential documents, use a shredder.



OAKLAND POLICE DEPARTMENT	
SUBJECT: Body Worn Camera Policy	NUMBER: 12
EFFECTIVE DATE: 01 July 2016	REVIEW DATE:
AMENDS/SUPERSEDES: All previous policies	APPROVED: _____ Chief of Police
CALEA STANDARDS:41.3.8	

I. Purpose

The purpose of this policy is to establish a policy for the utilization of the Oakland Police Department’s Body-Worn Camera System.

II. Policy

- A. It is the policy of the Oakland Police Department to utilize Body-Worn Camera System (BWCS) for the purpose of documenting evidence and accurately recording, through video and audio, interactions that occur between officers and members of the public. All (BWCS) equipment and recordings are the property of the Oakland Police Department.

III. Definitions

- A. Body-Worn Camera System (BWCS) – a camera system worn on the person of a uniformed law enforcement officer that is capable of recording video and intercepting oral communications.

IV. Legal Considerations

- A. Pursuant to the “State Wiretap Act” under sections 10-401, et seq. of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, it is unlawful for any person to willfully intercept, endeavor to intercept, disclose, or endeavor to disclose, use, or endeavor to use any oral communications. “Oral communication” is defined as any conversation or words spoken to or by any person in private communication.
- B. The State Wire Tap Act makes it lawful for a law enforcement officer, in the course of 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:
 1. The law enforcement officer is in uniform or prominently displaying the officer’s badge or other insignia;
 2. The law enforcement is party to the oral communication;
 3. The law enforcement officer notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and
 4. The oral interception is being made as part of a videotape or digital recording.



- C. The State Wiretap Act also makes it lawful for a law enforcement officer to intercept an oral communication where the officer is party to the communication and where all parties to the communication have given prior consent to the recording.

V. General Operating Procedures

- A. Only officers trained in the proper use of the BWCS will use the system
- B. **Testing:** Prior to beginning each shift, the assigned police officer shall perform a function test of the BWC in accordance with the manufacturer's recommendations and Oakland Police Department policy.
- C. **Malfunctions:** Upon discovering a malfunction, the police officer shall promptly report the malfunction to the Chief of Police in an expeditious and timely manner and as soon as practicable.
- D. Officers will wear their BWCS in a manner consistent with their training at all times.
- E. Officers are only authorized to wear a BWCS while in uniform.
- F. Officers will only wear an Oakland Police Department BWCS.

VI. Mandatory Activation of the Body-Worn Camera System

- A. Subject to paragraph three below, officers shall begin recording with their BWCS in the below circumstances unless doing so would be unsafe, impossible, or impractical. If officers are unable to begin recording with their BWCS due to circumstance making it unsafe, impossible, or impractical to do so, officers should begin recording with their BWCS at the first opportunity to do so. At no time should an officer jeopardize his own safety or the safety of another in order to activate their BWCS.
 - 1. At the initiation of a call for service or other activity that is investigative or enforcement in nature, or an encounter between the officer and a member of the public that is investigative or enforcement in nature; and
 - 2. Any encounter that becomes confrontational after the initial contact.
 - 3. When victims, witnesses or other individuals wish to make a statement or share information, but refuse to do so while being recorded, or request that the camera be turned off, officers may turn the BWCS off in order to obtain the statement or information. If the encounter begins when the BWCS is not actively recording, the officer may, but is not required to, temporarily activate the BWCS for the sole purpose of documenting the person's refusal to be recorded.

VII. Discretionary Activation

- A. When not otherwise prohibited by law or Oakland Police Department policy, officers may begin recording with their BWC in circumstances when they determine that doing so would be beneficial to the public interest.

VIII. Prohibited Activation



- A. An Oakland Police Officer shall not activate a camera to record:
 - 1. Oakland Police Department personnel during routine administrative activities;
or
 - 2. Non-work personal activity.

IX. Ending a Recording

- A. Once recording with the BWCS has been initiated, Oakland Police Department officers shall not end the recording until:
 - 1. The event or encounter has fully concluded; or
 - 2. The officer leaves the scene and anticipates no further involvement in the event; or
 - 3. A supervisor or agency policy has authorized that a recording may cease because the officer is no longer engaged in a related enforcement or investigative activity; or
 - 4. When victims, witnesses or other individuals wish to make a statement or share information but refuse to do so while being recorded, or request that the camera be turned off, Oakland Police Department officers may turn off the BWCS in order to obtain the statement or information. In this situation, the officer must record a brief verbal explanation for the deactivation prior to turning off the BWCS.

X. Notification

- A. Except as otherwise exempted by law, an Oakland Police Department officer shall notify as soon as is practicable, the individual is being recorded, unless it is unsafe, impractical, or impossible to do so.
- B. The notice provision is satisfied even if another individual becomes a party to the communication after the initial notice has been provided.

XI. Reporting/Documentation

- A. Whenever a BWCS recording is made of an event that results in a police report, the reporting officer must note in his incident report that the recording exists.
- B. All BWCS recording must be downloaded by the officer at the end of his assigned shift, unless an exception is authorized by a supervisor. The officer will be responsible for properly categorizing and tagging the recording at the time of the download.
- C. In a critical incident (such as an officer involved shooting, in-custody death or other officer involved incident that results in serious injury or death) a supervisor may immediately take custody of the BWCS, and in such case, will be responsible for the download.

XII. Review of Recordings

- A. Recordings may be reviewed by:
 - 1. An officer to make sure the BWCS is working properly.
 - 2. An officer to assist with the writing of a report, statement of charges, or other official document.



3. An officer to prepare for court.
 4. An officer or supervisor to review/critique his performance.
 5. A person authorized by the Oakland Police Department for the purpose of reviewing evidence.
 6. A supervisor.
 7. A person authorized by the Oakland Police Department participating in an official investigation such as a personnel complaint, administrative inquiry, or a criminal or civil investigation.
 8. Authorized Oakland Police Department personnel to assess possible training value.
- B.** Recording may be used to:
1. To review victim, witness, or suspect statements.
 2. To review crime scenes.
 3. For performance review.
 4. For Maryland Public Information Act (MPIA) requests.
 5. For policy compliance.
 6. For disclosures required by law.
- C.** Additional considerations
1. A BWCS 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.
 2. The stored video and audio data from a BWCS may not:
 - a. Be used to create a database or pool of mug shots
 - b. Be used as fillers in photo arrays
 - c. Be searched using facial or voice recognition software.
 3. This section does not prohibit the Oakland Police Department using recognition software to analyze the recording of a particular incident when a supervisory law enforcement officer has reason to believe that a specific suspect or person in need of assistance may be subject of a particular recording.
- D.** A log will be kept to record access to all recordings. The log will include:
1. Name of the employee accessing the recording.
 2. Reason for access
 3. Date recording was accessed.

XIII. Confidentially

- A.** All Oakland Police Department BWCS equipment and all recordings are the property of the Oakland Police Department. Only BWCS equipment approved by the Oakland Police Department shall be worn.
- B.** Except as authorized by Oakland Police Department policy, copying, releasing, altering, erasing, or allowing unauthorized viewing of Oakland Police Department video recording (or any portion thereof) is prohibited and may be subject an officer to disciplinary procedures.

XIV. Storage and Maintenance of BWCS Recordings



- A.** All BWCS video will be saved and stored in accordance with Oakland Police Department policy.
- B.** A log will be kept to record access to all recordings. The log will include the following:
 - 1. Name of the employee accessing the recording;
 - 2. Reason for access;
 - 3. Date the recording and time the recording was accessed;
 - 4. Note if the recording was copied or edited.
- C.** Retention of Data/Records
 - 1. All original BWCS recordings are the property of the Oakland Police Department and shall be retained consistent with state law and existing evidence protocols, unless a specific request is made to store them for a longer period of time by a person authorized by the Oakland Police Department.
 - 2. All recordings will be destroyed after 120 days, unless the Oakland Police Department deems it necessary to retain the recording for a longer period of time. A recording will be retained if an officer or the officer's representative provides notice to the Oakland Police Department within 120 days of the date of the recording of its potential use in an administrative hearing.
 - 3. BWCS recordings that can be used in an investigation or captures a confrontational encounter between an officer and a member of the public will be deemed "evidentiary" and tagged and categorized according to the type of incident. Recording that do not contain evidence or capture routine, non-confrontational encounters will be tagged "non-evidentiary".

XV. Training and Discipline

- A.** The Oakland Police Department will ensure that all officers are trained on the BWCS Policy and the operation of BWC equipment prior to use in the field. Training shall include alternative methods for effective notification of recording to persons with special needs or limited English proficiency.
- B.** Violations of the Oakland Police Department BWCS Policy may result in discipline.



OAKLAND POLICE DEPARTMENT		General Order	
SUBJECT: TASER® X26		NUMBER: 1	
EFFECTIVE DATE: 4 September 2012		REVIEW DATE: 4 September 2014	
AMENDS/SUPERSEDES: Supercedes: All previous editions. 3 rd in Series		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			
History: Originally adopted in 2009. Policy revision made 1 August 2011. Readopted by Council 4 September 2012.			

Addition to Use of Force Policy, Oakland Police Department Standard Operating Procedure.

This rule or regulation is for internal use only, and does not enlarge an officer’s civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this direction, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

GENERAL:

The purpose of this procedure is to authorize the use of a Conducted Energy Weapon as a control measure. All sworn officers must meet and comply with the requirements of this procedure. The device authorized for use is the X-26 manufactured by Taser International. The X-26 is a Conducted Energy Weapon (CEW), an electronic incapacitation device. It is a defensive weapon, which is listed in the force continuum at the same level as aerosol chemical sprays. Department members are not authorized to draw or display the TASER®, except for training, unless the circumstances create reasonable belief that it may be necessary to use it. The TASER® will be handled in the same manner as a firearm and will be secured prior to entering any detention facility.

INFORMATION:

The TASER® is deployed as an additional police tool and is not intended to replace firearms or self-defense techniques. The TASER® may be used to control dangerous or violent subjects when physical force does not appear to be justified or necessary, or attempts to subdue the subject by other conventional tactics have been or will likely be, ineffective in the situation; or there is reasonable expectation that it will be unsafe for the officer(s) to approach within contact range of the subject.

Each TASER® falls into the category of less than Lethal Technology and equipment, defined as:

- 1) Those items, when used properly, are less likely to result in death or serious physical injury than force commonly referred to as "deadly".



- 2) Less lethal force is defined as force used to subdue or render a subject non-threatening, with the lower probability of effecting fatal consequences.

The TASER® fires 2 probes up to a distance of 35 feet with extended range cartridge from a replaceable cartridge. The probes are connected to the TASER® by high voltage insulated wire. When the probes make contact with the target, the TASER® transmits powerful electrical pulses along the wires and into the target through up to 2 inches of clothing. The pulses send 26-watt electric signals to temporarily override the central nervous system and directly control the skeletal muscles. This causes an uncontrollable contraction of the muscle tissue, allowing the TASER® to cause temporary physical debilitation to a person or animal, regardless of pain tolerance or mental focus.

The use of TASER technology causes incapacitation and strong muscle contractions making secondary injuries a possibility. These potential injuries include but are not limited to: cuts, bruises, impact injuries, and abrasions caused by falling, and strain-related injuries from strong muscle contractions such as muscle or tendon tears, or stress fractures. These injuries are secondary in nature and not directly attributable to the electric output of the TASER device, but are possible consequences of the strong muscle contractions the TASER device induces to produce incapacitation. Some of the effects may include:

1. Subject can fall immediately to the ground and be unable to catch him/herself.
2. Subjects located in the water may drown if their ability to move is restricted.
3. Subject may yell or scream.
4. Involuntary, strong muscle contractions.
5. Subject may freeze in place with legs locked.
6. Subject may feel dazed for several seconds/minutes.
7. Potential vertigo.
8. Temporary tingling sensation.
9. May experience critical stress amnesia (may not remember any pain).

There are three separate types of reportable TASER® applications

1. Spark Display - A non-contact demonstration of the TASER® 's ability to discharge electricity. This is conducted only when the cartridge has been removed from the weapon. The purpose of this display is to convince the subject to comply with a lawful order and avoid the TASER® being deployed in the Drive Stun or Probe mode.

2. Drive Stun - Contact is made by pressing the front of the TASER® (cartridge installed or removed) into the body of a subject resisting lawful orders, and activating the TASER®. The Drive Stun causes significant localized pain in the area touched by the TASER® but does not have a significant effect on the central nervous system. The Drive Stun does not incapacitate a subject but may assist in taking a subject into custody. If a TASER® is fired using the cartridge, at a distance of less than three feet, the effect will be very similar to a Drive Stun. Although authorized, Drive Stunning is to be a last resort TASER® application technique.

3. Probe - The TASER® is most effective when the cartridge is fired and the probes/darts make direct contact with the subject. Proper application will result in temporary immobilization of the subject and provide the officer a "window of opportunity"



in which to take the subject safely into custody. Optimum range for probe deployment is 7 to 15 feet with a 25-foot maximum distance. Deployment of the TASER® cartridge at distances of less than three feet will not result in temporary immobilization or central nervous system disruption.

The TASER® is one of the options available to officers. The TASER®, like the baton, OC spray or empty hand techniques may not be effective in every situation. Officers must assess the effectiveness of each application and determine whether further applications are warranted or a different tactic should be employed. The decision to use the TASER® will be dependent upon the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding the incident. The TASER® may be used when a subject is displaying active, aggressive or aggravated aggressive resistance to an officer attempting to conduct legal law enforcement activities.

I. POLICY

It is the policy of this department to authorize the use of the TASER® as a use of force option and is considered a non-lethal use of force. To ensure the safety of officers and the public, trained personnel may use authorized electronic control devices, know as **TASER®**. A TASER® may be used on subjects where there is a need to cause the immediate, temporary cessation of aggressive behavior or acts.

Officers are confronted daily with the situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is only justified when the officer reasonably believes that it is necessary. Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The department expects officers to observe the following two guidelines in all applications of force:

- A. Employ the minimum force reasonably necessary to accomplish a legal purpose.
- B. Officers may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

Police officers shall not unreasonably or unnecessarily endanger himself or herself or the public when applying this policy.

II. PURPOSE:

To establish guidelines governing the use of TASER® and its limitations, and to clearly describe prohibited activities.

III. DEFINITIONS

TASER®: An electro-muscular disruption weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skill



dysfunction to a subject. For the purpose of this policy, TASER® is intended to refer to the X26 TASER® manufactured by TASER® International. All other similar or like weapons are prohibited.

Neuromuscular Incapacitation (NMI): Electrical impulses that cause stimulation of the sensory and motor nerves. Neuromuscular Incapacitation (NMI) occurs when a device is able to cause involuntary stimulation of both the sensory nerves and the motor nerves. It is not dependent on pain and is effective on subjects with a high level of pain tolerance.

ECD: Electronic Control Device; TASER®. For the purpose of this policy, refers only to the TASER® X26.

Drive Stun: A secondary function of the TASER® is to stun a subject by making direct contact with the body after the air cartridge has been expended or removed.

Cartridge: A replaceable cartridge for the TASER® which uses compressed nitrogen to fire two barbed probes on thin connecting wires sending a high voltage/low current signal into a subject.

Non-Deadly Force: Force employed, which is neither likely nor intended to cause death or serious physical injury.

Reasonable Belief: When facts or circumstances the officer knows are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury: A physical injury, which creates a substantial, risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

Excessive Force: Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in Graham v. Connor, has set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by the on-scene officer.

IV. CARRYING OF TASER® WHILE ON DUTY

While on duty, an officer may carry a department issued X26 TASER®. No officer shall carry or operate a TASER® unless they have attended and successfully completed the authorized training session approved by the Chief of Police, and are currently certified by a TASER® International certified instructor. Officers will carry and/or have access to the TASER® as authorized by the Chief of Police.

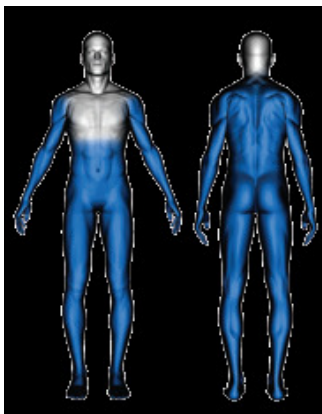
1. The TASER® shall only be carried in approved holster device attached to duty belt or leg holster.
2. The TASER® shall be carried on support side (non-firearm side)
3. The TASER® will only be carried by an on-duty officer.

It is recommended that TASER® be carried during shift, however it is not a requirement.



V. USE OF TASER®

1. Prior to discharge, a verbal warning should be given, but is not required.
2. TASER® should be aimed lower center mass of subject (below chest) for front shots, and below the neck for back shots, and not aimed at face or groin.



3. **Immediately** begin control and restraint procedures, including restraining the subject during ECD exposure, as soon as reasonably safe and practical to do so in order to minimize total ECD exposure. The ECD User, and those individuals assisting the User, should avoid touching the probes, wires, and the area between the probes to avoid accidental or unintended shock during ECD electrical discharge.
4. TASER® can be used with either the cartridge or "drive-stunned" where TASER® is placed in direct contact with the subject. It is strongly recommended that in close quarters use of TASER®, the probes be deployed and the TASER® placed in contact with the subjects person at another location thereby creating a similar effect as to probe deployment at a greater distance.
5. Reasonable efforts should be made to minimize the number of ECD exposures. ECD Users should use the lowest number of ECD exposures that are objectively reasonable to accomplish lawful objectives and should reassess the subject's resistance level before initiating or continuing the exposure.

VI. PROHIBITED ACTS/USE

1. When the subject is visibly pregnant, unless deadly force is the only other option.
2. When the officer knows a subject has come in contact with flammable liquids or is in a flammable atmosphere.
3. TASER® shall not be used on small children unless all other means have failed or could not be attempted.
4. When the subject is in a position where a fall may cause substantial injury or death.
5. Punitively for purposes of coercion, or in an unjustified manner.
6. When a prisoner is handcuffed.
7. To escort or jab individuals
8. To awaken unconscious or intoxicated individuals.



The TASER® should not be used in the following circumstances (unless there are compelling reasons to do so which can be clearly articulated):

1. When the subject is operating a motor vehicle.
2. When the subject is holding a firearm.
3. When the subject is at the extremes of age or physically disabled.
4. In a situation where deadly force is clearly justifiable unless another officer is present and capable of providing deadly force to protect the officers and/or civilians as necessary.

VII. POLICE DEPARTMENT DEPLOYMENT ONLY

Patrol Officer

1. Gives a warning, when practical, to the subject and other officers before firing the TASER® at the subject.
2. When fired the X26 TASER® emits a sound similar to small caliber gunfire, although it is significantly lower in volume. Thus to reduce the likelihood of an accidental discharge of a backup officer due to a “sympathetic fire response” the officer deploying the X26 TASER® should take appropriate steps to ensure safety. Anytime the X26 TASER® is to be deployed in a tactical setting, the officer using the X26 TASER® shall announce that he/she is about to deploy by saying “Taser!” in a clear and audible tone, so that other officers will be aware that the shot is from a X26 TASER® and not a firearm. This will further decrease the likelihood of an accidental discharge of a backup officer should he/she be present at the time of the X26 TASER’s® utilization and deployment.
3. *Center mass of body should be primary target area; particularly the center mass of the back, as clothing tends to be tighter on this part of the body.*
4. *When encountering subjects wearing heavy or loose clothing on the upper body, the legs should be considered as a target.*
5. Attempts to avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin, or female breast area, however probes penetrating these areas will be removed by medical personnel at a medical facility.
6. Ensures the probes are removed from the subject’s skin by Medical Personnel.
7. *Use of the “Drive Stun” is discouraged except in situations where the “probe” deployment is not possible and the immediate application of the “Drive Stun” will bring a subject displaying active, aggressive or aggravated aggressive resistance safely under control. Multiple “Drive Stuns” are discouraged and must be justified and articulated on the Use of Force form. If initial application is ineffective, officer will reassess situation and consider other available options.*
8. Notifies detention personnel, at the time of booking, that the subject has been struck with TASER®
probes or received a drive stun. Medical personnel will conduct an examination whether the individual has suffered any injury, either directly from the TASER® discharge or indirectly, such as by falling after incapacitation.
9. Makes notification to immediate supervisor whenever the TASER® has been used.



VIII. TOTALITY OF THE CIRCUMSTANCES REGARDING THE USE OF FORCE

The officer must always consider the totality of the circumstances when deciding what would be a reasonable amount of force. Some of the factors to consider include:

- 1) Officer/subject size disparity
- 2) Officer/subject strength disparity
- 3) Officer/subject skill disparity
- 4) Officer/subject age disparity
- 5) Officer's perception of the subject's willingness to resist
- 6) Officer's perception of the immediate threat to the subject, officers and others
- 7) Suspect's criminal/violent history if known by the officer
- 8) Officer's location is a hostile environment
- 9) Officer's perception of the subject being under the influence of CNS (central nervous system) stimulants and other narcotics/alcohol that effect pain tolerance and violence

Nothing in this policy and procedure shall be interpreted as requiring a member to initiate a response to an act of resistance or aggression at a level other than that which corresponds to the level of resistance or aggression, which is reasonably perceived, by the member.

IX. USE OF FORCE ISSUES

The use of the TASER® constitutes use of force. The TASER® is placed on the force continuum as firm grip pain compliance techniques. The TASER® can be deployed up to 35 feet away (extended Range) from the subject if the subject is:

- A.
 1. Punching, kicking.
 2. Threatening to punch or kick.
 3. Lesser force options are ineffective.
 4. Lesser force options are likely to be ineffective.
 5. The officer reasonably believes the subject is a credible threat.
 6. The suspect is a threat from a distance and the officer is at risk of injury if he/she attempts to close the gap.
- B. Other deployment considerations include:
 1. Imminent threat to officer or others.
 2. Suspect actively resisting arrest.
 3. Circumstances are tense, uncertain and rapidly evolving.
 4. Severity of offense.
 5. Attempts by suspect to evade by fighting.

X. TRAINING AND CERTIFICATION



1. A certified TASER® Instructor, who is certified by TASER® International, will conduct training.
2. Training will consist of classroom instruction, practical and written examination as required by TASER® International.
3. Training and Yearly Certification will require that all officers fire at least two cartridges at approved target in different firing positions.
4. Initial certification should include TASER® being used on officer. This allows the officer to feel the effects of the TASER® and be able to testify in court to its capabilities.
5. Officers will be re-certified yearly by approved TASER® Instructor, who is certified by TASER® International. Officers must successfully complete all testing prior to certification or re-certification.

No officer shall carry or operate a TASER® unless they have attended and successfully completed the authorized training session approved by the Chief of Police, and are currently certified by a TASER® International Certified Instructor. Officers will carry and/or have access to the TASER® as authorized by the Chief of Police.

XI. POST DEPLOYMENT PROCEDURE

1. Officers shall document any application of force, except for those arising in training or departmental demonstrations.
2. Officer shall recover spent cartridge, wires, probes and as many AFID tracking devices as practicable. The wires should be wrapped around the cartridge and the probes placed inverted inside the cartridge. This will prevent the sharp ends from penetrating the bag.
3. All spent items will be placed in evidence bag, marked as Biohazard and stored for 2 years in evidence.
4. Complete and submit a TASER® Use of Force report no later than 24 hours of TASER® deployment, to the Chief of Police in addition to any other written incident report. A copy of the required Use of Force report is included at the end of this policy.
5. Submits the used TASER® for data transfer to the Chief of Police or his designee. A copy of this data shall be attached to the TASER® Use of Force Report, however, may be submitted to the Chief of Police at a time later than the use of force report submission.
6. Discharges of the TASER® during approved training will not be routinely completed unless an injury occurred during the training.

XII. TREATMENT OF PERSONS SUBJECTED TO TASER®



Once the subject is in custody, the arresting officer shall advise the emergency medical responders that the person has been subjected to the TASER® and relate time of incident, along with number of cycles of electrical current. If the probes penetrated the skin, the location shown to the personnel. Only trained medical personnel may remove the probes. No person shall be taken to the detention center until cleared by medical personnel. Photographs shall be taken of the probe penetration sites and any secondary injuries caused by falling to the ground, or any other incident that may have caused physical injury to the subject.

XIII. IN CUSTODY DEATH SYNDROME

After TASER® deployment, all officers shall monitor subjects for symptoms of sudden in-custody death syndrome, and report any suspicious conditions to medical personnel immediately. Symptoms include:

1. Increased body temperature in association with a great deal of sweating (sometimes the other extreme is present).
2. Increased heart rate and hypertension.
3. Increase tolerance of pain.
4. Aggressive and apparent psychotic behavior.

Avoid leaving subjects laying face down while handcuffed.

EXCITED DELIRIUM SYNDROME

This disorder is usually drug-related (cocaine or "crack", PCP or "angel dust", methamphetamine, amphetamine), but can occur in non-drug users as well. The presentation of excited delirium occurs with a sudden onset, with symptoms of bizarre and/or aggressive behavior, shouting, paranoia, panic, violence toward others, unexpected physical strength, and hyperthermia. Hyperthermia is a harbinger of death in these cases.

XIV. SAFETY

Never aim the TASER® at the eyes or face. The TASER® is laser sighted. The top probes will follow the front and rear sights and the laser sight. The bottom probe will travel at an 8-degree angle downward below the aimed laser light. The bottom probe will drop approximately one foot for every seven feet it travels to target.

Keep hands away from the front of TASER® at all times.

Do Not fire the TASER® near flammable liquids or fumes. Some self-defense sprays (OC Pepper) are flammable and should not be used in conjunction with the TASER®. Do Not deploy TASER® in suspected Meth. Labs.



Officers shall check TASER® before shift and at the end of shift. Officers shall also check cartridges and note any deficiencies. Any TASER® with deficiency shall be placed out of service until the TASER® can be repaired by authorized repair shop.

All TASER® usage shall be reported to Chief of Police or his designee as soon as practicable by phone or person.

XV. TASER® USE OF FORCE REPORT (EXAMPLE)

Date/Time: _____ Report # _____

TASER® Officer's Name: _____ Other Officers Involved _____

On Scene Supervisor: _____

Air Cartridge Type(s): ___ 25ft ___ 21ft ___ 15 ft

TASER® Unit # _____ TASER® Serial #: _____ Medical Facility: _____

Doctor: _____

Nature of the Call or Incident: _____ Charges: _____ Booked: Y / N

Type of Subject: ___ Human ___ Animal

Location of Incident: () Indoor () Outdoor () Jail () Hospital () Other _____

Type of Force Used (Check all that apply): () Physical () Baton () Impact Munition () Chemical () Firearm

Nature of the Injuries and Medical Treatment Required: _____

Admitted to Hospital for Injuries: Y / N Admitted to Hospital for Psychiatric: Y / N

Medical Exam: Y / N Suspect Under the influence: Alcohol / Drugs (specify): _____

Was an officer/law enforcement employee injured other than by TASER®? Y / N

Incident Type (circle appropriate response(s) below):

Civil Disturbance Suicidal Suicide by Cop Violent Suspect Barricaded
Warrant Other

Age: _____ Sex: _____ Height: _____ Race: _____ Weight: _____

TASER® use (circle one): Success / Failure

Suspect wearing heavy or loose clothes: Y / N

Number of Air Cartridges fired: _____

Number of cycles applied: _____

Usage (check one): () Arc Display Only () Laser Display Only () TASER® Application

TASER®: Is this a dart probe contact: Y / N Is this a drive stun contact: Y / N



Approximate target distance at the time of the dart launch: _____ feet

Distance between the two probes: _____ inches. Need for an additional shot? Y / N

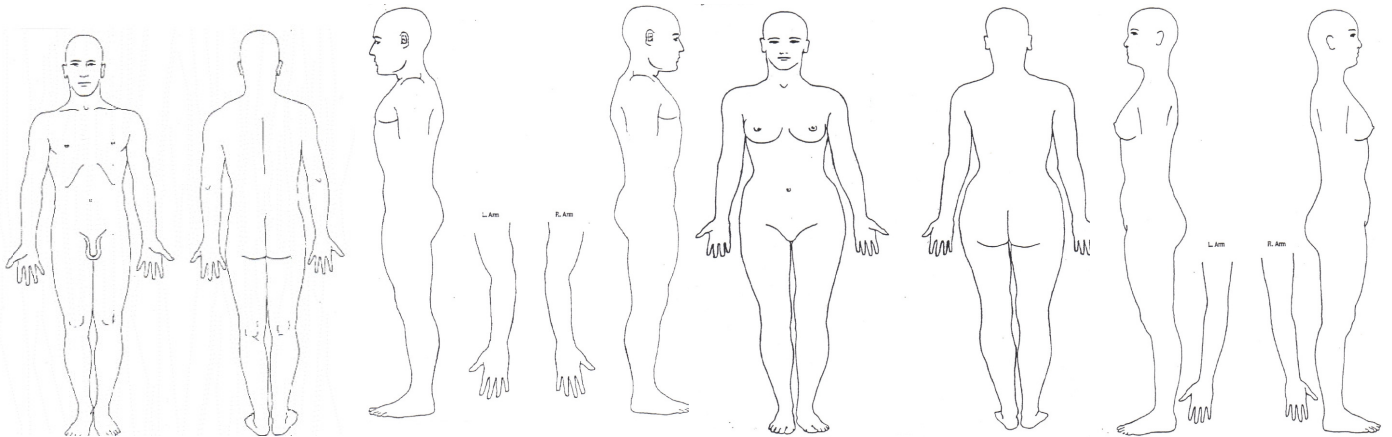
Did dart contacts penetrate the subject's skin? Y / N Probes removed on scene: Y / N

Did TASER® application cause injury: Y / N If yes, was the subject treated for the injury: Y / N

DESCRIPTION OF INJURY:

APPLICATION AREAS

(Place "X's" where probes hit suspect AND "O's" where stunned)



SYNOPSIS:



Need for additional applications? Y / N Did the device respond satisfactorily? Y / N

If the TASER® deployment was unsuccessful was a DRIVE STUN follow-up used? Y / N

Describe the subject's demeanor after the device was used or displayed?

Chemical Spray: Y / N Baton or Blunt Instrument: Y / N

Authorized control holds: Y / N If yes, what types:

Describe other means attempted to control the subject:

Photographs Taken: Y / N Report Completed by:

ADDITIONAL INFORMATION

Report must be completed and submitted to supervisor no later than 24 hours following the date of TASER® deployment.



Signature of Officer: _____

Date Submitted: _____



OAKLAND POLICE DEPARTMENT		General Order
SUBJECT: Use of Force	NUMBER: 2	
EFFECTIVE DATE: 12 September 2012	REVIEW DATE: 12 September 2013	
AMENDS/SUPERSEDES: 2nd in Series Supercedes all previous editions	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

NOTE:

This rule or regulation is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this direction, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY:

Officers are confronted daily with the situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the officer perceives as reasonable under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is only justified when the officer reasonably believes that it is necessary.

- A. To prevent the escape from custody, make an arrest or an investigative detention of a person the officer believes has committed a crime; or
- B. To defend himself or herself or another from what the officer believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.

Facts or circumstances unknown to the officer shall not be considered in later determining whether the force was justified. The department expects officers to observe the following two guidelines in all applications of force:

- A. Employ the minimum force necessary to accomplish a legal purpose.



- B. Officers may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.

The escalation in the use of force typically follows a pattern: verbal control, compliance techniques (control holds), chemical weapons, defensive tactics (e.g., Taser - collapsible baton), and finally deadly force. Officers must understand how to recognize increasing or decreasing levels of threat and respond appropriately.

When applying deadly force, officers' objective must be to stop or incapacitate the suspect, and not to injure severely, unless no other choice presents itself. The objective of the use of any force is to overcome the suspect's resistance to an officer's lawful purpose: officers shall avoid unnecessary or excessive applications of force.

Police officers shall not unreasonably or unnecessarily endanger themselves or the public when applying this policy.

II. PURPOSE:

To establish guidelines governing the use of force and its limitations, and to clearly describe prohibited activities.

III. DEFINITIONS

A. DEADLY FORCE INCLUDES:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm.
2. Any force applied in any manner by any means that could reasonably be expected to cause death or great bodily harm.
 - a. "Great bodily harm" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

B. NON-DEADLY FORCE:

Force employed which is neither likely nor intended to cause death or serious physical injury.

C. FIREARMS:



Any weapon from which a projectile is forcibly ejected by an explosive.

D. REASONABLE BELIEF:

When facts or circumstances the officer knows are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

E. SERIOUS PHYSICAL INJURY:

A physical injury, which creates a substantial, risk of death, or which causes death or serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

F. EXCESSIVE FORCE:

Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in Graham v. Connor, has set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

1. The severity of the crime;
2. The nature and extent of the threat posed by the suspect;
3. The degree to which the suspect resists arrest or detention; and
4. Any attempts by the suspect to evade arrest by flight.

In evaluating the reasonable application of force, officers may consider their own age, size, strength, skill level with department weapons, state of health, and the number of officers opposing the number of suspects.

IV. PROCEDURES FOR APPLICATION OF NON-DEADLY FORCE:

The department's policy is to employ the use-of-force continuum, emphasizing the recognition of and response to increasing levels of threat. Most instances in which force is applied is non-deadly. Officers shall assess the incident to determine which technique will best defuse the situation and bring it under control. The following discussion reinforces key principles from training.



A. VERBAL CONTROL:

Verbal control refers to the manner in which the officer speaks to a person, which of itself can effectively manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the officer's speech may also contribute to control without having to resort to another method of force.

B. COMPLIANCE TECHNIQUES:

At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, takedowns, control holds, or come-along with sufficient force to make the lawful arrest. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to officers, bystanders, or the person being placed in custody. Where lesser levels of force appear ineffective, officers may employ hand control methods as appropriate.

C. Pepper Spray/Chemical Agents:

The use of pepper spray is restricted to situations where higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only pepper spray authorized for patrol personnel is that issued by the department. Pepper Spray shall be used only to the extent necessary to overcome the resistance of the suspect, and within training standards. Only personnel trained in their application shall use specialized chemical agents.

D. Electronic Control Device/Taser

The use of an electronic control device is restricted to higher levels of force are unnecessary and lesser levels are inappropriate or ineffective. The only electronic control device authorized for personnel is that issued by the department, namely the X26 Taser manufactured by Taser International. Electronic control devices shall only be used to the extent necessary and only within training standards.

E. IMPACT WEAPONS

The department authorizes the carrying and use of a certain impact weapon as the only striking weapon for officers: all other forms of striking



or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjacks, slapjacks, nunchacku and similar sticks, and brass knuckles. Officers must be certified in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.



V. **DEADLY FORCE:**

A. FIREARMS - GENERAL:

An employee of the Oakland Police Department may discharge his firearm in the performance of his duties only under the circumstances hereinafter specified.

1. Firearms may be used:
 - a. In self defense, or to defend others who has, or from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
 - b. To effect an arrest or prevent the escape of a fleeing felon whom the officer has probable cause to believe will pose a significant threat to human life should escape occur, or has probable cause to believe has committed a felony where the felon may not otherwise be apprehended and where the felon actually used or threatened the use of deadly force in the commission of a crime, or when the employee reasonably believed the felon would use deadly force against the employee or others if not immediately apprehended.

Deadly force must never be used on mere suspicion that the person being pursued committed the crime, no matter how serious. An employee should either have witnessed the crime or should have sufficient probable cause to know, that the suspect had committed, is committing, or is about to commit an offense for which the use of deadly force is permissible. Consistent with Paragraphs A1.a and A1.b, firearms may be discharged at or from a moving vehicle but the employee shall be liable to exercise reasonable prudence to insure that no innocent person is injured as a result of such action.

- (1) In evaluating a “significant threat,” the officer must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the officer or others if apprehension is delayed.
 - (2) Officers shall identify themselves and give a verbal warning before shooting, if the situation permits.
- c. To kill seriously injured or dangerous animals when no other disposition is reasonably practical, or 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, the employee may use discretion in deciding whether or not to kill an animal to relieve it’s suffering.
 - d. In routine firearm training or practice at an approved range.



- e. To alarm or call when no other means are available.
- f. In instances where an employee of this agency is involved in the immediate pursuit of a dangerous felon outside the State of Maryland, he/she may, consistent with the rules prescribed herein, use his firearm to effect the arrest of the felon providing, that his actions are consistent with the laws within the asylum state.

VI. LIMITATIONS ON FORCE/PROHIBITED ACTS:

The following acts associated with the use of force are prohibited, and shall not discharge a firearm under the following circumstances

- A. Firing a warning shot.
- B. In any felony case, which does not involve a threatened attack that the employee has probable cause to believe, could or has resulted in death or bodily injury to himself or any other person .
- C. An employee shall not fire at a felony suspect when lesser force could be used, when the employee believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or there is any substantial danger to innocent bystanders.
- D. Any use of force not reasonably necessary in the light of the circumstances confronting the officer.
- E. Nothing in this policy and procedure shall be interpreted as requiring a member to initiate a response to an act of resistance or aggression at a level other than that which corresponds to the level of resistance or aggression, which is reasonably perceived, by the member.
- F. Except as hereinafter noted, an employee shall submit a written explanation, in a report format each time he uses his firearm in the performance of his duties.
- G. Officers will not target the head or neck area of a suspect when using a collapsible baton. A collapsible baton can inflict injuries resulting in death.
- H. Officers will not utilize a collapsible baton to choke or to extract a suspect from a motor vehicle. Using a baton in this manor can cause blood clots to form in the suspect's neck/throat area resulting in a stroke or death of the suspect.

VII. WEAPONS



A. DUTY WEAPON: While on duty, an officer shall carry a department issued or approved weapon. An officer's duty weapon must be .40 caliber. The department shall issue ammunition for the weapon.

1. All officers must qualify with their duty weapon. Weapons must be inspected and approved by the range instructor.
2. The chief of police shall maintain a record of all weapons used by officers either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications.

B. OFF-DUTY WEAPONS: Officers are encouraged, but not required, to carry a handgun when off duty. An officer who elects not to carry a handgun while off duty shall not be subject disciplinary action if an occasion should arise in which he could have taken police action if he were armed. In addition, the weapon must fire department-issued ammunition and the officer must qualify with the weapon as well as with department-issued weapons. Officers must buy ammunition for their personally owned off-duty weapons.

1. (Exception) Off-duty officers while operating a department vehicle shall be armed with an approved weapon.
2. Officers who have consumed alcoholic beverages shall not carry an off-duty weapon under any circumstances.
3. Officers may not purchase and use specialty ammunition designed to inflict greater damage, nor modified rounds; i.e.: Explosive rounds, dum dum ect.

C. QUALIFICATION:

Firearms qualification procedures are discussed at other locations in these orders. No officer shall carry any firearm, chemical agent, or impact weapon unless he or she has received and successfully completed training in the use of the weapon.

1. Officers who fail to pass the qualification shall be relieved of their police powers and immediately reassigned to non-enforcement duties.
2. Officers who have taken extensive leave or suffered an illness or injury and been absent from duty shall re-qualify before returning to enforcement duties.

VIII. REPORTING USE OF FORCE:

A. Officers shall document any application of force, except for those arising in training or departmental demonstrations.

B. If officers have employed chemical weapons or any higher degree of force, they shall:

1. Immediately notify the immediate supervisor of any use of physical force.



2. Submit or cause to be submitted a written report to the immediate supervisors within 24 hours describing the incident, substantiating the force used and any medical services rendered in accordance with force-reporting policies.
3. In addition to the written report, all officers will also complete and submit an OPD Form 16, Use of Force Report for every use of force incident, and OPD Form 32, Taser Use of Force Report if a Taser was deployed.

IX. DEPARTMENTAL RESPONSE

A. Review

1. All reported uses of force will be reviewed by the Chief of Police or designee, to determine whether:
 - a. Departmental policies were violated;
 - b. Relevant departmental policy was clearly understandable and effective to cover the situation; and
 - c. Departmental training as it relates to the incident.
2. The Chief of Police may convene a board of inquiry to examine an incident in which force was applied.
 - a. The board of inquiry will also ascertain training and policy needs.
3. The Chief of Police shall determine if administrative leave is appropriate.

C. Internal Investigations

Administrative review of serious applications of force shall be conducted to determine the facts and whether departmental standards were followed.

D. Psychological Services

Psychological follow-up of post-shooting trauma will normally be directed by the Chief of Police whenever deemed appropriate. During an administrative review investigation, the department will do all within its power to avoid placement of a stigma on the officer who shoots in performance of duty. Following a shooting resulting in a death, the officer shall not return to duty until a psychological evaluation has been conducted, and the officer has received counseling. During this period, the officer will be placed on paid administrative leave, and such leave will not be counted against the officers accrued vacation or personal days accounts.



Oakland Police Department		General Order	
SUBJECT: Firearms		NUMBER: 3	
EFFECTIVE DATE: 8 September 2012		REVIEW DATE: 8 September 2014	
AMENDS/SUPERSEDES: Previous Editions		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. PURPOSE

To establish policy and procedures governing the care and maintenance of weapons, the selection and use of holsters, off-duty weapons, firearms training, and qualification.

II. POLICY

An officer's firearm is perhaps the most commonly perceived symbol of his or her authority and role. In fact, every contact with a citizen is an armed encounter because the officer always carries a loaded firearm. In the interest of public safety, the department sets high standards of performance for its personnel who use weapons. The department's policy ensures that members are properly trained not only in the use of appropriate firearms handling and the circumstances of their use, but also in their safety and maintenance, regarding both on- and off-duty weapons. Supervisors rigorously enforce departmental firearms standards.

All sworn personnel shall qualify as required, with his or her firearm(s). This score, and any scores used by the department for the record, shall be fired under the supervision of a certified firearms instructor. Firearms qualification is a combination of skill and discretion: when to shoot is perhaps a more important question than how to shoot. Officers shall review the use of force policy frequently.

Generally, only those handguns issued by the agency as primary handguns may be carried by on-duty personnel, however, with sufficient justification, the Chief of Police may permit a personally owned handgun to be carried on duty as a primary weapon.

A. Only a .40 Smith & Wesson caliber semi automatic pistol will be carried on duty as a primary weapon. It must incorporate a locking breech design.



B. Off duty personnel are authorized by the Chief to carry an off duty weapon at the employees discretion. If an employee chooses to carry an off-duty weapon, they shall be governed by the rules and procedures contained in this subsection, and shall conduct themselves as if they were on duty.

1. Off-duty weapons, either revolvers or semi-automatic pistols, and their ammunition, are purchased at the officer's expense. The Chief or his designee, shall inspect and certify the off-duty weapon before it may be carried. Revolvers and semi-automatics shall not exceed .45 caliber.

- a. Officers shall qualify with the off-duty weapon.
- b. The Chief shall approve any concealed holster for an off-duty weapon.
- c. The Chief shall maintain a record of all weapons used by each officer.

2. Officers may carry, while off duty, either an issued weapon or one purchased at officers' expense, subject to the controls listed above.

3. Officers **may not** carry weapons when socially inappropriate (e.g., at a sports event), and **shall not** when consuming alcoholic beverages or under the influence of a legally prescribed mind altering drug.

4. Off-duty weapons shall be carried safely and concealed from public view.

III. AMMUNITION

Only agency issued or approved ammunition may be used in patrol activities requiring the use of a shotgun.

IV. Duty Belts and Holsters

Only holsters and gun belts issued by the Department as an item of uniform equipment, or a police employee may use those approved for use by the Department firearms instructor.

Note: firearms instructor is from Garrett County Sheriff's Office.

V. Care and Handling

- A. Only police employees and those civilian employees specifically authorized by the nature of their assignment to do so may use, clean, or otherwise handle agency issued firearms.
- B. Family members, friends, or fellow officers should not be permitted to examine an employee's weapon.
- C. An officer should relinquish his weapon for inspection only to his superior officer or a firearms instructor, and only after the weapon has been cleared of ammunition. Firearms shall be cleaned promptly after they have been used, however, it is imperative that this cleaning be done only in a safe location free from distraction. Prior to cleaning, all weapons will be checked to assure that they are unloaded and safe.
- D. All weapons should be unloaded in a safe place and made safe before storage at the office or the employee's home.
- E. When an employee is off duty and is an operator of or a passenger in an agency owned vehicle, he shall carry his agency handgun or his agency approved handgun



VI. PROCEDURES

A. Issuance of weapons

1. The Chief or his designee, shall issue departmental weapons to authorized personnel.
2. Departmental firearms that become unserviceable or are no longer needed shall be returned to the armorer.
3. Duty weapons shall be of a semi automatic design and must be .40 Smith & Wesson caliber.

B. Security of weapons

Officers are responsible for the care, cleaning, and security of departmental weapons issued to them. Officers shall report any weapon malfunction to the chief administrator.

C. Shotguns

1. The Chief may permit police employees to carry a 12 gauge, slide action shotgun in their patrol vehicle, no other gauge or style will be permitted.

2. Shotguns with a barrel length of less than eighteen inches are not permitted. (The most suitable barrel length for shotgun to be carried in a patrol vehicle is twenty inches. Weapons with a barrel length longer than twenty inches may pose problems in handling and storage.)

3. Firearms shall be kept out of the public eye and shall not be left unsecured or unattended. (There is grave danger in keeping firearms near a bed or under a pillow. There is a possibility that children may discover them and that the owner in handling the firearm may not be fully awake and cognizant of his actions.) Lock them up at home!

4. At no time will fully automatic weapons of any type be used or carried by any member of this department when on duty. Unless otherwise ordered by the Chief solely.

D. Modification of weapons

1. Departmental weapons shall not be modified or altered without written approval of the chief.

E. Firearms inspections

1. Firearms shall be thoroughly inspected during qualification on the range.

a. Firearms inspections shall include sidearm's, shotguns, authorized rifles, ammunition pouches, and holsters.



- b. Ammunition shall be inspected to ensure that it is of departmental issue, of correct quantity, and in serviceable condition.

F. Repairs and Maintenance

1. Agency personnel will regularly inspect their issued and approved weapons for dirt and corrosion, and will keep them clean and in good condition at all times. Personnel will clean their weapons as soon as possible after firing.
2. All agency issued or agency approved firearms that are newly issued or approved shall be test fired by the employee to whom they were issued, to assure their serviceability before they are carried. The weapon will be test fired in the presence of the firearms instructor.
3. Agency issued firearms requiring repairs and adjustments shall be referred to the office armor for service and repairs.

G. PROCEDURES – QUALIFICATION

1. The firearms instructor shall construct a practical firearms course to accommodate qualification with agency issued handguns, non-issue secondary handguns, off-duty handguns and shotguns.
2. It shall be the responsibility of the firearms instructor to see that all employees fire a practical pistol course approved by the Maryland Police Training Commission once each year. Yearly training is mandatory with all agency issued handguns or whatever agency approved handgun is designated as the employees primary handguns.
3. All firearms courses will require a minimum of 70% for qualification with four levels of classification: Marksman, Sharpshooter, Expert, and Master. The numerical breakdown of each rating will be determined by the firearms instructor predicted on the type of course used. The Chief shall require any employee who fails to shoot the minimum qualifying score to take a course in supplementary marksman training supervised by the firearms instructor.
4. It shall be the responsibility of the firearms instructor to see that all employees shoot for qualification with their approved secondary handgun and their approved off duty handgun. Qualification courses shall be fired at least once per year and a single qualifying score will be acceptable evidence of proficiency. Employees unable to qualifying with their secondary or off duty handgun shall not be permitted to carry it.
5. The Chief shall require any employee who fails to demonstrate proficiency with a shotgun to take a course in supplementary marksmanship training supervised by the firearms instructor. All personnel, regardless of rank, who wish to carry a shotgun must qualify once annually on the shotgun combat course.
6. Twelve gauge shotgun ammunition will be furnished by the agency.
7. Safety precautions when carrying shotguns in patrol vehicle are:
 - A. When a patrol vehicle is not in actual custody of a police employee for an extended period of time, the shotgun will be removed and stored in a place that provides adequate security.



B. Loading and unloading a shotgun should be accomplished by pointing the muzzle skyward and supporting the stock on the hip. This operation should be accomplished away from bystanders.

H. Qualification rules

1. The firearms instructor shall be in charge at all times when officers are on the firing range for qualification.
2. Only weapons and ammunition issued by the department shall be used during qualifications, except for officers who use their own weapons while on duty (which fire issued ammunition) or if qualifying with off-duty weapons.
3. No smoking, drinking, eating, or chewing tobacco shall be permitted in the firing lanes.
4. Officers waiting to shoot shall remain outside the immediate firing area (behind the 25-yard line or 50-yard line, whichever is greater).
5. Persons who are not participating officers shall not be allowed nearer the shooting area than the parking lot, except by the approval of the firearms instructor.
6. Horseplay shall not be permitted on the firing range. Anyone engaged in horseplay shall be asked to leave the range.
7. Every officer shall fire the regular firearms course approved by the Maryland Police Training Commission.
8. Officers who fail to qualify shall be placed in remedial training as soon as practicable and shall be removed from patrol or investigative duties until the standards expressed herein are met. Officers who cannot qualify within fifteen days of the original qualification shall be subject to administrative termination.
9. The firearms instructor shall inspect all weapons before firing to (1) ascertain that weapons are safe and (2) to ensure that weapons are properly maintained.

I. Safety

1. Before going to the shooting line, each officer shall wear approved protection for eyes and ears.
2. All weapons and ammunition pouches/speed loaders shall be emptied within the firing range upon command and under supervision of the firearms instructor or armorer. The instructor shall instruct all shooters on range safety procedures before the qualification takes place.
3. The use of a "hot range" will be strongly encouraged.
4. Once a shooting phase has begun, weapons shall be kept pointed down range, and officers shall remain facing their targets. An officer shall raise his hands to draw the instructor's attention if he or she misunderstands a command.



5. In case of a misfire, keep the weapon pointed down range for at least 10 seconds (in case of a delayed reaction) before opening the cylinder or removing a magazine and inspecting the chamber, as appropriate to the weapon. Never attempt to fire the next round without first having the firearms instructor check the weapon.

6. At no time shall anyone go beyond the firing line until it is safe, and then only when the firearms instructor gives the command.

7. Keep the trigger finger out of the trigger guard and away from the trigger until the weapon is pointed down range.

8. With the cylinder or chamber open, always check the weapon twice to make sure it is unloaded.

J. Shotgun

1. Every officer will pass the shotgun qualification course before carrying a department-issued shotgun.

2. The qualification course shall include:

a. Knowing how to load and unload the shotgun combat style.

b. Firing at least 10 shots, some from different positions.

3. The chamber shall be left open and the safety on until instructed by the firearms instructor to load or check the weapon.

4. Shotguns shall not be handled except on the command of the firearms instructor.

K. Classroom instruction

1. All department personnel shall, if duties require carrying firearms, receive classroom familiarization with their firearms before obtaining permission from the firearms instructor to enter the firing range. Classroom training shall cover the mechanics of the weapon (stripping, lubricating, nomenclature, troubleshooting, misfires), sound safety practices, and departmental policy governing the use of force. Tactical considerations shall be a part of this training, such as the use of verbal commands, shooting in various postures and positions, handling multiple suspects.

2. Officers must pass a short examination on the use of force to demonstrate an understanding of law and policy before qualifying on the range. Officers who fail the examination shall not be permitted to qualify until they pass (after receiving remedial training). Topics covered include shoot/don't shoot issues and the use-of-force continuum. Once the examination has been passed, officers must demonstrate minimum acceptable performance with each weapon they carry.



OAKLAND POLICE DEPARTMENT		General Order	
SUBJECT: Criminal Citations		NUMBER: 4	
EFFECTIVE DATE: 1 January 2013		REVIEW DATE: 31 January 2014	
AMENDS/SUPERSEDES: 1st in Series		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			

I. Purpose

To establish the rules, procedures and circumstance for issuing a Criminal Citation in lieu of a warrantless arrest.

II. Policy

It is the policy of the Oakland Police Department that a Criminal Citation will be issued based on probable cause that the cited violation has occurred and in accordance with existing law. The race/ethnicity or gender of an alleged violator shall play no role in an officer’s decision on whether to issue or not issue a Criminal Citation. Members will be reminded of their legal responsibilities regarding the issuance of a Criminal Citation through periodic training. It is also the policy of the Oakland Police Department that all Criminal Citations issued for violations enumerated in Maryland Law, Criminal Procedure Article, § 4-101 by agency personnel will be recorded in the agency’s record management system and forwarded to the Maryland State Police each calendar year as required by law. Likewise, this agency shall review the data collected and submitted to the Maryland State Police as well as the annual report issued by the Maryland Statistical Analysis Center using the information as a training tool to foster non-discriminatory policing. Nothing in this policy shall be construed to alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill an officer’s law enforcement obligations.

III. Qualifying Offenses for Criminal Citations

1. Any misdemeanor or local ordinance violation that does not carry a penalty of imprisonment;
2. Any misdemeanor or local ordinance violation for which the maximum penalty of imprisonment is ninety (90) days or less; and
3. Possession of marijuana under § 5-601 of the Criminal Law Article.

IV. Offenses that Cannot be Charged by Citation

1. Failure to comply with a peace order under § 3-1508 of the Courts Article;
2. Failure to comply with a protective order under § 4-509 of the Family Law Article;
3. A violation of a condition of pretrial or post-trial release while charged with a sexual crime against a minor under § 5-213.1 of the Criminal Procedure Article;
4. Possession of an electronic control device after conviction of a drug felony or crime of violence under § 4-109(b) of the Criminal Law Article;
5. Violation of an out-of state domestic violence order under § 4-508.1 of the Family Law Article;
6. Abuse and neglect of an animal under § 10-604 of the Criminal Law Article.

V. Criteria

Although the law mandates the issuance of a criminal citation for qualifying offenses, a defendant must meet certain criteria to be released without approval of a court commissioner. If the



defendant cannot meet the criteria listed below, the officer must charge the defendant of a statement of charges and ensure the defendant's appearance before a court commissioner. Defendants my be charged on a criminal citation only if:

1. The officer is satisfied with the defendants evidence of identity;
2. The officer reasonably believes that the defendant will comply with the citation;
3. The officer reasonably believes that failure to charge on a statement of charges will not pose a threat to public safety;
4. The defendant is not subject to arrest for another criminal charge arising out of the same incident;
5. The defendant complies with the lawful orders by the officer.

VI. Required Forms and Reports

1. Officers shall use the Uniform Criminal Citation Form DC/CR 45 to charge a defendant by citation. Officers of the Oakland Police Department shall use either:
 - a. The pre-printed/pre-numbered book provided by District Court; or
 - b. In the case of an electronic format, the assigned electronic citation number provided by the District Court.
2. Officer shall not attempt to write the entire probable cause statement on the first page of the Uniform Criminal Citation. The Officer shall use the Statement of Probable Cause Continuation Sheet DC/CR 4, to outline the facts and circumstances substantiating the charge. The Criminal Citation number shall be recorded in the case number block on the continuation sheet.
3. In addition to the Criminal Citation and the Statement of Probable Cause continuation sheet(s), each officer shall complete a Call Report and Case Report. Each report will contain:
 - a. Complete information regarding the place the crime took place.
 - b. Complete information regarding the defendant:
 1. Race, sex, physical description including distinguishing marks;
 2. Contact information to include address and phone number;
 3. Photograph if possible;
 4. Driver's license or identification number and issuing state.
 - c. Victim information including address and phone number.
 - d. Witness information including address and phone number.
 - e. Detailed narrative describing the event or circumstance that lead to the issuance of the Criminal Citation.



OAKLAND POLICE DEPARTMENT		Rules and Regulations	
SUBJECT: Rules of Conduct		NUMBER: 1	
EFFECTIVE DATE: August 1, 2011		REVIEW DATE: August 1, 2013	
AMENDS/SUPERSEDES: 1st In Series		APPROVED:	

		Chief of Police	
CALEA STANDARDS:			

NOTE

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

I. POLICY

The department and the public expect all personnel to maintain high standards of appearance and conduct. Law-enforcement officers wield considerable power over citizens, power that is carefully circumscribed by state and federal law, the Constitution and Bill of Rights. Our powers to arrest, seize property, and interfere, at times with the lives of citizens constitute a public trust. We can help ensure that we regard this trust as vital by exemplary performance. Performance is tied to the department's commitment to community-oriented policing values as reflected in our mission. The mission of the department is to work with all citizens to preserve life, maintain human rights, protect property, and promote individual responsibility and community commitment.



It shall be the policy of the Oakland 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 any rule of conduct, procedure, or lawful order, whether written or verbal, will make the violator subject to disciplinary action.

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.

Every employee shall conduct himself at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. 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.

II. PURPOSE

To define departmental expectations for on and off duty, ie: personal behavior.

III. DEFINITIONS

A. Moral turpitude

An intentional act or behavior displayed in words or actions which violates public morals or the common sense of the community involving, but not limited to, intent to defraud, intentional dishonesty for personal gain, lying, perjury, subornation of perjury, cheating, bribery, unlawful possession of controlled substances, sexual harassment, unlawful sexual conduct, or excessive use of force.

B. Good moral character

The attributes of a prospective employee that enhance his or her value to the department and to public service which include honesty, integrity, truthfulness, obedience to the oath of office and the code of ethics, respect for authority, and respect for the rights of others.



IV. CODE OF ETHICS

All officers shall display the integrity required by the Law Enforcement Code of Ethics:

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property, to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to my agency or me. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice, or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.



V. GENERAL DUTIES

A. Public Safety

All officers shall, within jurisdictional limits, prevent crime, preserve the peace, protect life and property, detect and arrest violators of the law, and enforce the laws of the United States, State of Maryland, and all local ordinances, according to the rules, regulations, and general orders of the department. Officers must know that when they act under color of law, they are enforcing the law according to statutes, written administrative guidance in the department, ordinances, common usage, and custom. Further, officers shall exhibit good judgment and moral character in the administration of their duties according to departmental orders.

1. The department maintains the right to establish oral and written orders to govern and control the efficiency, effectiveness, and safe operation of law enforcement.

2. Management reserves the prerogative to discipline personnel for violations of the rules listed in these orders. The decision to discipline and the measure of discipline employed depend on the consequences of the employee's actions, the employee's current and past performance, and the employee's length of service.

3. All written or oral orders given by the department are performance measures, which address three components of employee performance, that is, conduct, behavior, and work proficiency.

B. Obedience to laws and orders

1. Authority: Employees shall obey all federal and state laws, and local ordinances or any municipality in which the employees may be present. Employees shall obey all lawful orders, written or oral, issued to them by competent authority. The term "employees" includes both sworn and non-sworn personnel.

2. Violation of law: Supervisors shall not knowingly or willfully issue any order in violation of any law or ordinance or order of the department.

3. Conflict of orders: Employees shall promptly obey any lawful order of a supervisor, including any order relayed on behalf of a supervisor by an employee of the same or lesser rank. If an



employee receives two apparently lawful but different orders that may conflict, the last order given shall be followed unless the order is retracted or modified. If an employee receives conflicting orders, the employee shall inform the person giving the last order of the conflict. The person giving the conflicting order shall then resolve the conflict by retracting, modifying, or requesting the employee to comply with the latest order.

4. Obedience to orders: No employee of the department is required to obey any order which is contrary to the laws of the United States, State of Maryland, or ordinances of this jurisdiction; however, a refusal to obey is the responsibility of the employee and he or she shall be required to justify the action.

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

6. Civil rights: All members shall observe and respect the civil rights of citizens. Respect for constitutionally-protected rights is paramount.

7. False statements: On any official matter whatsoever, members shall not knowingly lie, give misleading information, or falsify oral or written communications in any official report or in their actions when it is reasonable to expect that the information may be relied upon because of the employee's affiliation with the department.

8. Enforcement while off duty: If an officer, while off duty, observes a violation of the law committed in his or her presence which, in the officer's professional judgment, demands immediate attention, the officer may make an arrest, providing that:

- a. the law violation was committed in his or her jurisdiction;
 - b. the officer does not use his or her own personal vehicle to chase or pursue the violator but observes all traffic laws applicable to citizens;
 - c. he or she displays police identification to the violator and announces his or her purpose;
- and
- d. the officer can make the arrest without jeopardizing his or her own safety, the safety of the violator, or the public.



9. Every employee shall conduct himself at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. 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.

10. No supervisor will injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.

11. No employee of the Department shall maliciously threaten, strike, or assault any other employee of the Department.

12. 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.

C. General Conduct

1. Employees shall display respect for their supervisors, subordinates, and associates. The department expects all employees to display good moral character in on- and off-duty contexts and to apply their judgment accordingly. When on duty and in the presence of the public, supervisors shall be addressed or referred to by rank.

2. Employees shall address their subordinates, associates, supervisors, or members of the general public courteously and shall not use unnecessarily abusive, violent, insulting, or provoking language.

3. Employees shall at all times be civil and courteous. They shall maintain an even disposition and remain calm, regardless of provocation, in executing their duties.

4. Employees shall not slander or speak detrimentally or criticize the department or another employee. An employee shall not criticize or ridicule this Department, or any other Town Department, any County or State Agency, or the Judiciary, their policies, their officers, or any of their employees, by speech, writing, or by 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 this Department, the Town, other County or state office, or the Judiciary by impairing their efficiency or interfering with their operation or maintenance of discipline.

5. 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. Employees shall always display absolute honesty.



7. Employees shall cooperate and coordinate their efforts with other employees and law-enforcement agencies to ensure maximum effectiveness.

8. Employees shall restrict personal conversations or personal associations to an appropriate minimum while on duty.

9. An officer shall not display cowardice in the line of duty or in any situation where the public or another officer might be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect fellow officers in time of danger or under conditions where danger might be impending.

10. Employees shall not at any time use or attempt to use their official position, badge, or credentials for personal or financial gain or advantage.

11. An employee shall not permit or authorize the use of his name, photograph, or official title identifying him as an employee of the Oakland Police Department in connection with testimonials or advertisements of any kind, or for personal reasons, without the approval of the Chief.

12. No employee shall sign a petition, without the authority of the Chief, 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.

13. An employee shall avoid associations or dealings with persons whom he/she 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 each case the superior will be mindful of the need for 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 person.)

14. 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, or any other law or ordinance of a political subdivision are violated, except in the performance of duty and while acting under proper and specific orders from a superior.

15. No employee shall in any manner affiliate himself with any organization, association, movement, group or combination or persons which advocated the overthrow of our constitutional form or 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, or which seek to alter the form of government of the United states by unconstitutional means.



16. 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 an employee of the Oakland Police Department, or causes the office to be brought into disrepute.

17. An employee shall not violate his oath of office and trust or any other condition of his employment with the Oakland 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 or ordinance, must report the facts concerning such violation immediately to the Chief.

18. Employees shall adhere to the town and departmental personnel policies.

D. Gifts, bribes, gratuities, rewards

1. Employees shall not solicit any gifts, gratuities, loans, or fees where there is any direct or indirect connection between the solicitation and their departmental employment.

2. Employees shall not accept either directly or indirectly any gifts, gratuity, loan, fee, or any other thing of value arising from or offered because of, or in connection with any law-enforcement activity.

3. Employees shall not accept any gift, gratuity, or other thing of value, the acceptance of which might directly or indirectly influence any manner of official business, or which might adversely reflect on the department or any employee.

4. No employee shall receive any significant gift or gratuity from other employee's junior in rank without the express permission of the chief administrator.

5. An 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 Oakland Police Department employee.

6. An employee shall not receive, seek, ask for, or share in any fee, reward, or other reimbursement for the performance of his official duties, or for the failure to perform his official duties, except as directed by the Chief. He shall immediately report any offer or attempt to offer any money, gift, or other gratuity made in an effort to influence his official conduct.

7. Employees of the Oakland Police Department shall not solicit or receive any subscription, or contribution for any purpose whatsoever except as authorized by the Chief.



E. Suggestions or grievances

1. Employees wishing to make suggestions for the improvement of the department, or who feel injured or offended by the treatment, orders, or neglect of duty of a supervisor may communicate the suggestion either orally or in writing through the chain of command to the chief of Police; however, certain matters such as those of a confidential nature may be brought directly to the Chief of Police.
2. Non-sworn employees may use the grievance procedure of the town or department.
3. Officers use the grievance procedure established by state law and jurisdictional procedures.

F. Duty

1. Employees shall report for duty at the time and place specified by their assignment or orders and complete the number of hours on duty required by their assignment.
2. While on duty, employees shall remain alert and awake, unencumbered by alcoholic beverages, prescription drugs, illegal narcotics, or conflicts arising from off-duty employment.
3. While on duty, officers shall not engage in any activity or personal business which would cause them to neglect their duty.
4. Officers serve in order to protect lives, preserve the peace, enforce the laws of the town, county and state, and assist the public as necessary.
5. Officers shall identify themselves to any person requesting an officer's name, rank, and unit number.
6. All officers shall maintain a telephone at their home. Officers shall notify the department of their telephone number, address, and any changes thereto.
7. All officers shall, in a timely fashion, complete and submit all forms and reports required by the department and the laws of the state.
8. Officers shall not provide information from computer-based vehicle license checks to citizens.
9. If injured, officers shall promptly notify their supervisor of the injury and its circumstances.
10. While on duty, officers shall keep the dispatcher informed of their whereabouts. To this end, officers shall keep their portable radios charged, turned on, and in their immediate possession as appropriate.
11. Officers shall maintain a professional attitude and manner when communicating by radio. Officers shall communicate in plain language, shall abide by FCC requirements and the requirements of the department.



12. Officers shall not loiter at the department office, but shall use the office for professional purposes only. Each officer is responsible for the cleanliness and upkeep of their work area.

13. Officers shall not use police vehicles for personal business or transportation of unauthorized persons, except in emergencies. Requests to use police vehicles for personal business shall be made to the chief administrator. Authorized persons include arrestees, detained juveniles, victims, witnesses, and citizen ride-alongs.

14. Officers shall clean the interiors of their police vehicles daily. Officers shall have their police vehicles washed no less than once every two weeks.

15. Officers shall keep their financial affairs in good order and under control.

16. No employee shall use his or her position with the department for personal or monetary gain.

17. Employees are permitted to make long distance telephone calls when necessary for official purposes. Long distance calls made from the police office telephone shall be logged. Personal long distance calls from official telephones are not authorized.

18. Officers must carry police identification with them at all times. In addition, while on duty, officers shall carry a valid driver's license.

G. Leave

1. Employees shall not be absent from duty without first obtaining permission from their supervisors.

2. Employees shall, in situations requiring emergency leave or sick leave, notify their supervisors of the circumstances as soon as possible.

3. Employees must request vacations sufficiently in advance to allow proper scheduling.

H. Information

1. Employees shall not communicate to any person who is not an employee of this department any information concerning operations, activities, or matters of law-enforcement business, the release of which is prohibited by law, the departmental media relations policy, or which may have an adverse impact on department operations.

2. Employees shall communicate promptly to a supervisor information regarding tips on crimes or criminal activity or other relevant law-enforcement information that may come into their possession.

I. Public appearances and exercise of freedom of speech

1. If an employee receives a request to make a public presentation or appearance on the department's behalf or publish an article concerning his or her duties, the employee shall apply for permission to the chief administrator. The department wishes no interference with the First Amendment rights of officers. The department can and shall, however, authorize appearances or writings that represent the agency and may therefore restrict activities only where the employee may



represent an agency view.

2. Employees shall not criticize, ridicule, express hatred or contempt toward or otherwise defame the department, its policies, or other employees to the detriment of the department.

J. Use of alcohol

1. Employees shall not drink any alcoholic beverage while on duty in uniform. Officers on special assignment and with the consent of their supervisor, may consume alcoholic beverages while on duty when necessary to accomplish the law-enforcement mission. However, officers will be held accountable for their actions.

2. Employees shall not appear for regular duty, or be on regular duty, while under the influence of intoxicants to any degree whatsoever or with an odor of intoxicants on their breath.

3. In the event of an emergency recall, each officer must determine fitness for duty if alcohol has been consumed. A supervisor shall be consulted and asked to confirm or deny, as appropriate, the officer's judgment in the matter. No adverse actions will be taken if, in an emergency recall, the officer believes him- or her to be incapacitated for duty, says so, or is told so by a supervisor before actually going on duty.

4. Officers shall not carry weapons when off duty in a situation the officer deems socially inappropriate, particularly where the officer consumes alcoholic beverages.

K. Use of drugs

Employees shall not use any narcotic, stimulating, or dangerous drug while on or off duty unless prescribed by a physician. Employees using any prescribed drug, narcotic or any medicines that could impair their performance shall notify their supervisor.

L. Use of tobacco

1. Smoking is prohibited in all office and building areas under departmental control, except in designated smoking areas, and in any other building in which smoking is prohibited.

2. Smoking is prohibited in all department vehicles.

3. Officers shall not smoke or otherwise use tobacco products while engaged in traffic control, on an investigation, or while otherwise in contact with the public.

4. Use of smokeless tobacco such as snuff or chewing tobacco is authorized under the same guidelines as smoking tobacco.



5. Each Officer who engages in the use of tobacco, whether smoked or smokeless, is responsible for cleaning his or her ashtray or spittoon. No employee who is tobacco free shall be expected to clean or dispose of the contents of any ashtray or spittoon.

M. Property, equipment, and uniforms

1. Employees shall be responsible for the proper care and use of department property and equipment assigned to or used by them and shall promptly report to their supervisors any loss, damage, destruction, or defect therein.

2. Employees shall operate department vehicles and other equipment in such a manner as to avoid injury to persons or damage to property. Whenever a police vehicle is involved in an accident, the operator shall notify a supervisor immediately. Under no circumstances shall an officer investigate his or her own accident. Preferably, an outside agency shall conduct the investigation if possible.

3. At the beginning of a tour of duty, employees shall examine any vehicle assigned to them and report any operational deficiencies, damage, or defects to their supervisors. Failure to report damage or defects creates the presumption that the employee inspected the vehicle and found no damage or defects. The employee shall be held responsible for the damage found their tour at the conclusion.

4. Officers shall keep their uniforms clean and pressed, their shoes and other leather equipment polished and shined, and badges and name plates clean and bright.

Winter “Class A” Uniform

1. Shirt shall be Black for Officers of the Rank of Sergeant and below. Lieutenants and above will have the choice of wearing white or black. White uniform shirts are worn only for daytime operations.
2. A departmental shield will be worn on all Class A shirts. Patrolmen will wear silver through the rank of Sergeant. Officers Lieutenant and above will wear a solid gold shield.
3. A department shoulder patch will be worn on both the left and right sleeves.
4. A nametag will be worn by all officers that correspond with their shield.
5. Hash marks will be worn on the left sleeve at the top of the cuff. Hash marks will be awarded for each two years of completed service. A star will represent each ten-year period of service. A diamond will represent officers in excess of twenty-eight years of service.

Examples:

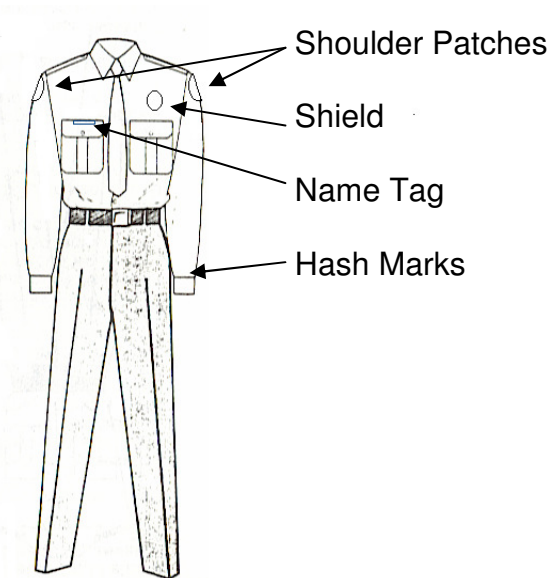


Three Hash marks = 6 years of Service

Single Star = 10 years of service

6. A tie and appropriate tie-tac or bar will be worn by all officers while wearing the class A winter uniform. An optional black turtleneck may be worn for warmth in lieu of a tie for officers wearing navy black shirts. Officers wearing white shirts may wear a white or black turtleneck.
7. Winter boots may be worn with the class A winter uniform for safety and comfort. Boots are expected to be clean and brush shined.
8. Rank insignia for Patrolman through Sergeant will be chevrons that are sewn securely to both the left and right sleeve. Lieutenants and above may wear the large rank pins on the epaulette or the small rank pin on their collar.
9. A sharp crease will be on both sleeves from the shoulder seam to the cuff. The crease will be on the outside of the sleeve and through the center of the departmental patch and chevrons. A sharp crease will be worn on both legs of the pants. The crease will be located on the front and back of each pant leg.
10. Pants will be black in color with a 1 inch French blue stripe on the outside of the left and right leg.

Class A Winter Uniform



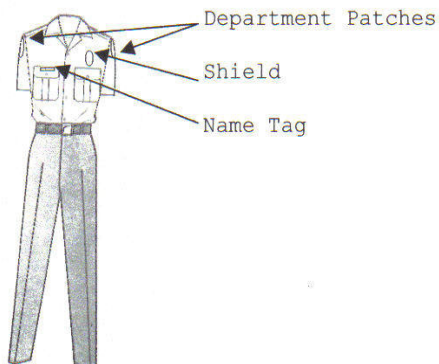
“Class A” Summer Uniform

1. Shirt shall be French Blue for the ranks of Patrolman through Sergeant. Lieutenants and above shall have the option to wear White shirts during daylight hours, and French blue if their shift continues after the hours of darkness. All summer shirts shall be short sleeve.
2. No tie is required with short sleeve shirts.
3. A department patch will be worn on both the right and left sleeve. The patch will be centered on the outside of the arm, and be located 3/8 of an inch below the shoulder seam.
4. Shirts will have epaulets.



5. Chevrons for the ranks of Patrolman First Class through Sergeant will be sewn securely to both the left and right sleeve. The chevrons will be placed ¼ inch below the department patch and centered on the outside of the arm.
6. Short sleeve length should be gauged in the following manor: While holding the arm bent at a 90-degree angle, the forearm should barely touch the bottom hem of the sleeve.
7. Lieutenants and above shall wear the large rank insignia pin on the epaulets, or may wear the small rank insignia pin on their collar.
8. Pants for all officers shall be black with a 1-inch French blue stripe on the outside of both legs.
9. All officers shall wear a department shield. Patrolman through Sergeant shall wear silver shields. Lieutenants and above shall wear a gold shield.
10. All officers shall wear a nametag that corresponds with the color of their shield.
11. Officers may wear Patton-leather shoes, oxfords, boots, or a plain, black tennis type shoe with the summer class A uniform. Shoes must be kept clean and buff shined at the minimum.
12. A sharp crease will be on both sleeves from the shoulder seem to the hem. The crease will be on the outside of the sleeve and through the center of the departmental patch and chevrons. A sharp crease will be worn on both legs of the pants. The crease will be located on the front and back of each pant leg.

Class A Summer Uniform



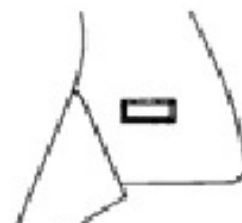
UNIFORM NOTES:

1. The official department hat for wear with both the Summer Class A uniform and Winter Class A uniforms is the campaign hat. The cap is to be worn at all times while the officer is in the public's view, except at times when the hat would create a safety hazard for the officer.
2. The department issues a winter hat and coat for the safety and comfort of all officers. During winter months when the winter uniforms are being worn, all officers will have their issued winter hat and coat readily available at all times.
3. The department will issue "Maryland Shield" collar pins to each officer successfully graduating from the police academy.
4. All footwear will be black and plain toed, offer support, and a sole that provides sure footing.
5. Officers shall wear black socks with Class A uniforms unless a proper medical waiver is submitted to the Chief of Police. T-shirts shall be black in color.

Chief of Police



Deputy Chief



Collar Brass Placement for supervisory ranks.

“Class B” Uniforms

Class “B” uniforms are those uniforms worn for special duty, work details or for tactical purposes. Class “B” uniforms include camouflage Battle Dress Utilities (BDU), and black or dark blue tactical uniforms. The black or blue tactical uniforms will follow the following guidelines for wear.

1. Display at least one departmental patch on the left sleeve.
2. Display a securely sewn cloth badge of the appropriate color.
3. Display the officer’s name either by name pin or securely sewn cloth nametag.
4. An optional “polo” style shirt that displays the department’s name and appropriate color shield on it.
5. During warm weather, the sleeves of the tactical shirt may be rolled up for comfort only if the following manor:
 - a. Bring the cuff of the sleeve up to the shoulder seem by folding the sleeve over itself.
 - b. At the lowest part of the fold, roll the sleeve one to two times.
 - c. Fold the remaining sleeve above the roll downward over the rolls so that the buttons on the sleeve are to the outside.
6. The legs of the pants are to be bloused (tucked) into the top of the boots during tactical operations.
7. Employees wearing civilian clothing on duty shall present a neat and clean appearance. Employees shall wear clothing that is appropriate to the type of duties and citizen contact expected. Civilian dress should not be a source of negative comment from the community.
6. Employees shall not temporarily or permanently convert any department property to their own personal use or the use of any other person.
7. When an employee terminates employment, all issued equipment shall be returned on the day the termination is effective. Failure to return all items of department property will result in legal action.
8. Employees shall have as a part of their issued equipment a copy of the rules and regulations and general orders manual, and shall maintain and make appropriate changes or inserts as directed.
9. The department furnishes the following uniform items (examples):

- 4 summer shirts
- 4 winter shirts
- 4 pants, year-round material
- 1 Campaign hat with rain cover
- 1 winter hat and coat
- 1 winter boots
- 1 gun belt



- 2 handcuffs and strap
- 1 can of pepper spray with carrier
- 2 badges (1 Shirt, 1 Coat)
- 2 nameplates
- 2 ties
- 1 body armor
- 1 duty handgun
- 1 holster
- 1 double magazine pouch
- 4 belt keepers
- 1 pair of dress shoes

10. Uniforms or appropriate civilian attire shall be worn for all court appearances.

N. Part-time or off-duty employment

1. Before engaging in any outside employment or business activity, an employee shall notify the chief administrator.

2. The employment shall not render the officer unavailable during an emergency, or physically or mentally exhaust the officer to the point that his or her performance on duty will be affected.

3. Employment shall not in any way conflict with the objectives of the department, impair its reputation, or compromise law enforcement.

4. Each employee while engaged in off-duty employment in any law enforcement related capacity shall conduct himself in accordance with department standards.

O. Reporting arrests, court action, civil cases

1. Employees shall immediately notify their supervisor if they have been arrested, subpoenaed to court, or have otherwise been involved in any legal proceedings including any moving citations issued to them.

2. Any employee of the department who becomes involved in any accident, incident, or altercation, or any problem which may come to public attention, shall give oral notification as soon as possible, and, in writing, within 24 hours to his or her supervisor. Supervisors shall forward relevant information through the chain of command as rapidly as possible.

3. Employees shall avoid involvement in any civil disputes involving neighbors or acquaintances. Further, officers shall not remove children from parental custody or property from citizens without proper authority.

P. Memberships

No member of the department shall be a member of any organization which advocates the violent overthrow of the government of the United States, the State of Maryland or any unit of local government, or participate in any organization which has a purpose, aim, objective, or any practices which are contrary to the obligations of a law enforcement officer under these rules and regulations.



Q. Money expenditures

1. No employee shall incur any financial obligation on behalf of the department without permission from the chief administrator.

2. No employee shall imply or accept financial liability for loss or damage on behalf of the department. Any inquiries concerning financial liability will be referred to the appropriate governmental agency.

R. Resignations

An employee in good standing shall provide at least two weeks written notice of his or her intent to resign.

S. Grooming

The following grooming standards shall apply to All personnel. All department members must comply with the following table when not performing special duties such as undercover work.

Line	A	B	C
	Item of grooming (M-Men;W-Women)	Must	Must Not
1	Beards (M) Uniformed Officers		<p>Must not be worn except for health reasons or special assignment when authorized by the Chief. Medical waivers will be on the advice of a physician. Special assignments will be at the discretion of the Chief. If a shaving waiver is authorized for medical reasons, beards will be kept trimmed not to exceed 1/4 inch in length. Individuals granted a shaving waiver for medical reasons will not shave facial hair (for example, goatees or mutton chops are prohibited)</p> <p>NOTE: This regulation applies to officers working in civilian attire except those working undercover</p>



			special assignments. Reason: Necessary to maintain Law Enforcement image and allow for health and proper medical treatment.
2	Cosmetics (W)	Must be conservative and in good taste. Reason: Acceptable Law Enforcement image requires natural appearance.	Be against natural color or use sharp fad colors
3	Hair, overall standard (M&W)	Must be clean Reason: Clean hair is required for health reasons	Be fad styles/designs
4	Hair styles (M&W)	1. Must be well groomed and neat Reason: Required for favorable image. 2. Must look natural if dyed Reason: Acceptable Law Enforcement image requires a natural appearance.	1. Must not contain an excessive amount of grooming aids such as grease, creams, oils and sprays. Reason: Acceptable Law Enforcement image requires a natural appearance. 2. Must not be dyed an unusual color or be unnatural, extreme contrast. Reason: Acceptable Law Enforcement image requires a natural appearance.
5	Hairstyles (M) UNIFORMED OFFICERS	Must have tapered appearance on sides and back, both with and without uniform headgear. The bulk (thickness) or depth of the mass of hair must not exceed ¼ inch at the termination point. Reason: Tapered appearance contributes to the neat, well groomed look necessary for a Law Enforcement Officer.	Must not be worn in an extreme or fad style such as Mohawk, ducktail, braids or in such a way that exceeds length or bulk standards specified in this table or violates safety requirements. Reason: These styles are not compatible with an acceptable Law Enforcement image and safety practices.



6			<p>Must not touch his ears and only the closely cut or shaved hair on the back of the neck may touch the collar.</p> <p>Reason: Law Enforcement image requires hair to be trimmed.</p>
7			<p>Must not exceed ¼ inch in bulk regardless of length.</p>
8	Hair Styles (M&W)		<p>Must not contain or have any visible foreign items attached to it.</p> <p>Reason: Hair ornaments and visible grooming aids detract from acceptable Law Enforcement image and in some cases present safety hazard.</p>
9	Hair Styles (W) Uniformed Officers		<p>Must not include hair ornamentation such as ribbons, jeweled pins, and so on; however, plain pins, combs, and barrettes similar and conservative in color to the individual's color may be worn to keep hair in place.</p> <p>Reason: Necessary to keep tailored, conservative appearance.</p>
10			<p>Must not exceed 3 inches in bulk or prevent proper wear of headgear.</p>
11			<p>Must not extend in length on all sides below an invisible line drawn parallel to the ground at the bottom edge of the shirt collar at the back of the neck.</p> <p>Reason: Uniformity</p>



			edge is an easily observable and definable limit.
12			<p>Must not be worn in an extreme or fad style such as corn rows, pigtails or dog ears, or in such a way that exceeds length or bulk standards.</p> <p>Reason: These styles are not compatible with an acceptable Law Enforcement image and safety practice.</p>
13	Mustache (M)		<p>Must not extend downward beyond the lipline of the upper lip or extend sideways beyond a vertical line drawn upward from the corner of the mouth. (This does not apply to individuals having shaving waivers or undercover officers) Handlebar moustaches are prohibited.</p>
14	Sideburns (M)	<p>If worn, must be neatly trimmed and tapered in the same manor as the haircut. Must be straight and of even width (not flared) and end in a clean shaven line.</p> <p>Reason: Sideburns are an extension of the haircut, therefore the same rule applies. This presents a neat, uniform appearance compatible with a Law Enforcement image.</p>	<p>Must not extend below the lowest part of the exterior ear opening. (This does not apply to individuals having shaving waivers or undercover officers)</p> <p>Reason: This is an easily observable and definable limit that complements the required appearance of the hair.</p>

1. Tattoos or piercing (including earrings) shall not be apparent or visible when the officer is in uniform. Tattoos present at the time of appointment are excepted.



T. Courtroom appearances

1. Arrive at the court early enough to check the docket, if necessary, and confer with the State's Attorney.
2. If an officer receives subpoenas requiring appearance in different courts at the same time, he or she should honor the first subpoena received. If, however, a circuit or higher court issued one of the subpoenas, it shall receive precedence over one issued by a district court. In any event, the employee shall notify the court they will not be attending because of the conflict.
3. A subpoena receives precedence over an order issued by a supervisor. In any event, the employee must notify his or her supervisor of the court appearance.
4. If on duty, sworn officers will appear in court in uniform. If off duty, officers shall appear in uniform.
5. When testifying, employees shall remain attentive, face the jury when giving testimony, and speak in a clear, audible tone. Employees shall respond to questions asked by the judge or attorneys and will not argue, interject, or offer an emotionally-charged response to any remark or question.
6. Each member shall be familiar with the laws of evidence and shall testify truthfully on any matter.

U. Evidence

1. Contraband evidence shall be stored only in the department evidence storage locker before and during trial, as the court requires.
2. Following trial or other legal proceeding, the officer whose case involves the contraband shall apply to the court for a disposition order. The officer conducting or supervising the disposition shall so notify the court and provide appropriate documentation.
3. Officers shall report evidence that is not contraband to the Circuit Court and dispose of it according to the court's recommendation.
4. Officers shall not give away evidence to anyone. Further, officers shall not appropriate any evidence or other property to their own use under any circumstances.
5. If any citizen refuses to accept returned property that was used as evidence or otherwise acquired by the department, the property shall be destroyed (if perishable) or reported to the State Treasurer.

V. Lost property

1. Officers who encounter lost property shall treat it as evidence, storing it in the department locker, if possible, or otherwise securing the property under the direction of the chief administrator.
2. Officers shall document the circumstances and describe the property in the appropriate report. Officers shall make a reasonable effort to ascertain the owner of the property and return it. Upon releasing property, or obtaining property from a citizen who finds it, officers shall write a receipt.



W. Arrests of law-enforcement officers

1. An officer who arrests a sworn officer of another law enforcement agency shall immediately notify his or her own supervisor of the fact. Officers shall take whatever action is appropriate to the circumstances including issuance of summonses or making a physical arrest. That the person cited or arrested is a law-enforcement officer shall make no difference.

2. If an officer has probable cause to arrest a sworn officer of our department, the officer shall first contact his or her immediate supervisor to review and confirm probable cause. In most cases, the officer may obtain a warrant against the suspect officer. Some occasions may demand an immediate custodial arrest (domestic violence, for instance).

X. Confidentiality

Employees shall keep all complaints, arrest information, or other official business confidential. Employees shall not indulge in gossip about departmental business.



OAKLAND POLICE DEPARTMENT	Rules and Regulations
SUBJECT: OC Spray	NUMBER: 2
EFFECTIVE DATE: 1 June 2013	REVIEW DATE: 1 June 2016
AMENDS/SUPERSEDES: Previous Editions	APPROVED: _____ Chief of Police
CALEA STANDARDS:	

I. PURPOSE

The purpose of this policy is to establish guidelines for the use of oleoresin (OC) aerosol restraint spray.

II. POLICY

This department has issued OC aerosol restraint spray to provide officers with additional use of force options for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. It is the policy of this department that personnel may use OC spray when warranted, but only in accordance with the guidelines and procedures set forth here and in this department's use of force policy.

III. PROCEDURES

A. Authorization

1. Only personnel who have demonstrated proficiency with OC spray are authorized to carry and use it. All personnel will attend a training class taught by a properly certified OC spray instructor, and will be personally exposed to OC spray as part of their training.
2. All uniformed officers and sergeants on patrol are required to carry the issued OC Stream Spray on their duty belt while on duty.
3. Officers are only authorized to carry and use pepper spray canisters approved and issued by the department. The use of any other pepper spray equipment or product is expressly prohibited, except under exigent circumstances, which must be justified and documented as soon as practical under the circumstances.
4. The only OC spray authorized for carry and use by officers of the Oakland Police Department will be nonflammable.

B. Usage Criteria

1. OC spray is considered a use of force and will be employed in a manner consistent with this department's use of force policy.
2. OC spray may be used when verbal dialogue has failed to bring about a subject's compliance, and the subject indicates the intention to actively resist the officer's efforts to arrest him or her.
3. Whenever practical and reasonable, personnel should issue a verbal warning prior to using OC spray on a person.



4. Officers may use deadly force to protect themselves from the use or threatened use of OC spray when the officer reasonably believes that deadly force will be used against them if they become incapacitated.

5. Once a person is handcuffed or otherwise restrained and they are still combative and/or violent, officers must first attempt to exercise additional control over the individual by using empty handed or non-striking impact tool techniques before the use of OC spray is justified. (Any officer who uses OC spray on an already-restrained person must be prepared to explain that use.) Once an individual is incapacitated, the use of OC spray is no longer justified.

C. Usage Procedures

1. Whenever possible, personnel should be upwind from the suspect before using OC spray and should avoid entering the spray area.
2. Personnel should maintain a safe distance from the suspect of between two and eight feet.
3. A single spray burst of between one and three seconds should be directed at the suspect's eyebrows. Additional bursts may be used if the initial bursts prove ineffective.
4. Use of OC spray should be avoided, if possible, under conditions where it may affect innocent bystanders.
5. After any discharge of an issued canister of pepper spray, regardless of amount and whether intentionally or accidentally, in the performance of an officer's duties, the officer issued the canister will follow established procedures for submitting the canister as evidence. Canisters used for training will be returned at the end of the training session or as soon as practical.
6. After a canister has been submitted into evidence, a new and unused canister will be issued as a replacement as soon as practical

D. Effects of OC Spray

1. Within several seconds of being sprayed by OC spray, a suspect will normally display symptoms of temporary blindness, have temporary difficulty with breathing, a burning sensation in the throat, nausea, lung pain and/or impaired thought processes.
2. The effects of OC spray vary among individuals. Therefore, all suspects will be handcuffed as soon as possible after being sprayed. CAUTION: Personnel should also be prepared to employ other means to control the suspect – to include, if necessary, other force options consistent with department policy – if the suspect does not respond sufficiently to the spray and cannot otherwise be subdued.
3. Immediately after spraying a suspect, personnel will be alert to any indications that the individual needs medical care. This includes, but is not necessarily limited to, breathing difficulties, gagging, profuse sweating, and loss of consciousness. Upon observing these or other medical problems, or if the suspect requests medical assistance, personnel will immediately summon emergency medical aid.
4. Suspects that have been sprayed will be monitored for indications of medical problems and will not be left alone while in police custody, until the effects have subsided.
5. Personnel should provide assurance to suspects who have been sprayed that the effects are temporary, and should encourage them to relax.
6. Air will normally begin reducing the effects of OC spray within 15 minutes of exposure. If the suspect is cooperative, personnel should assist him or her by rinsing the exposed area with water.



7. Assistance will be offered to any individuals accidentally exposed to OC spray. All such incidents will be reported as soon as possible to the Chief of Police and will be detailed in an incident report AND will complete OPD Form 16, Use of Force Report.

E. Reporting Procedures

1. Accidental discharges as well as intentional uses of OC spray will be reported to the Chief of Police as soon as possible.
2. A Use of Force Report, OPD Form 16, will be completed following all discharges of OC spray except during testing, training, or accidental discharge.

F. Replacement

1. All OC spray devices will be maintained in an operational and charged state. Replacements for damaged, inoperable or empty devices are the responsibility of personnel to whom they are issued.
2. Replacements of OC spray canisters will occur when the unit has had 2 or 3 significant uses, or the canister has expired. The expiration date is 5 years beyond the manufacture date printed on the canister.
3. OC spray canisters shall be inspected at least biennially by the officer the OC spray is issued to. This should consist of a test spray, to determine if the canister is still functional.



OAKLAND POLICE DEPARTMENT		Rules and Regulations	
SUBJECT: Vehicle Pursuits		NUMBER: 3	
EFFECTIVE DATE: 26 March 2013		REVIEW DATE: 26 March 2015	
AMENDS/SUPERSEDES: 1st in Series		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			

I. Purpose:

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

II. Policy:

It is the policy of the Oakland Police Department to allow officers to engage in vehicular pursuits of fleeing suspects only when the potential harm associated with pursuits is less than the potential harm the suspect may cause if not immediately apprehended. Before deciding to initiate pursuit, officers must consider:

1. The ability to apprehend the suspect without vehicular pursuit (i.e., by knowing the suspect’s identity, by using police helicopters communications or other equipment, by the strategic positioning of other area officers, etc.);
2. The nature of the offense;
3. The driving ability of the officer;
4. Whether marked versus unmarked vehicles;
5. The performance characteristics of the police vehicle;
6. The characteristics of the roadway;
7. The weather conditions;
8. The location and neighborhoods, and;
9. The density of vehicle and pedestrian traffic.

Officers will not be subject to disciplinary action when they decide not to engage in a vehicle pursuit.

The initiation of a vehicular pursuit is authorized when a suspect uses a vehicle to elude apprehension, and the following has occurred:

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



III. Notifications

The pursuing officer shall notify their dispatcher and/or supervisor that a pursuit is about to begin or in certain situations where the pursuing officer was unable to make notification prior to the pursuit, shall do so immediately after the commencement of the pursuit.

IV. Prohibited Acts

Oakland Police Department Officers shall not engage in a vehicular pursuit under the following circumstances:

1. When non-departmental personnel are in the police vehicle.
2. When a supervisor orders the pursuit terminated.
3. When the danger of pursuit outweighs the necessity to immediately apprehend the fleeing suspect.

Pursuit shall terminate if the officer in a pursuing vehicle has been involved in a collision involving a personal injury.

V. Definitions:

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

B. Violent Arrestable Offense: Any offense, to include assault, where the suspect intentionally caused or attempted to cause serious physical injury to another, and hit and-run, which would result in the arrest of the suspect.

VI. Guiding Principles:

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

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

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



VII. Documentation

All officers will complete an incident report following all vehicular pursuits that will contain a detailed narrative describing the events and circumstances that prompted the pursuit, events that occurred during the pursuit, and the events and circumstances that ended the pursuit. In addition to the incident report, the immediate supervisor of the officer(s) involved will complete and submit a completed OPD Form 55, attached to the incident report, to the Chief of Police. The incident report shall be submitted for review no later than the officers next scheduled duty day. In the event the pursuit occurs on the officers last scheduled day of duty prior to regularly scheduled days off duty, vacation, leave of absence, or training, the officer will complete the necessary report prior to calling off duty the duty day the pursuit occurred. Supervisors will complete the OPD Form 55 no later than the day following the vehicular pursuit. To complete the form, officers shall make themselves available to supervisors or command staff to aid in the completion of the OPD Form 55. Telephone communication constitutes availability.

VIII. Related Cases:

- A. *Hamilton v. Town of Palo*, 244 N.W. 2nd 329 (Iowa 1976)
- B. *Ewing v. City of Detroit*, 543 N.W. 2nd 1 (Michigan App. 1995)
- B. *Mason v. Britton*, 534 P.2nd 1360 (Washington 1975)
- D. *Sacramento v. Lewis*, 118 S.Ct. 1708, 523 U.S. 833 (1998)
- E. *Boyer v. State of Maryland et al.*, 323 Md. 558, 594 A.2d 121 (1991).



OAKLAND POLICE DEPARTMENT		Rules and Regulations	
SUBJECT: Identity Theft / Fraud		NUMBER: 4	
EFFECTIVE DATE:		REVIEW DATE:	
AMENDS/SUPERSEDES: 1st in Series		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			

Purpose

Identity theft is a dual crime involving at least two sets of victims: the business community and the person whose identity was used to commit the crime. It is a complex and demanding situation, for victimized persons, (to be referred to in this document as “victims”) and investigators. Often individuals are working with more than a dozen different investigators at the same time: from financial institutions, collection agencies, governmental agencies and law enforcement. Each entity has different procedures and each agency utilizes different forms and affidavits.

Each Officer of this agency, when dealing with victims of Identity Theft and/or Fraud Theft, needs to understand:

- Identity theft is an emotionally abusive crime, potentially as devastating as a physical attack.
- Victims are scared. They are confused. His or her ability to trust anyone has been severely tested.
- Identity theft is a repetitive crime, and victims suffer some of the same emotional damage as victims of physical assault. It feels like it will never end, especially when the victim continues to receive notices by phone or in the mail from creditors.
- Some victims report that the financial, emotional and criminal assault on their good name has permanently impacted their lives in a negative way.
- Most of these individuals have never been a victim of a crime before. They can become overly excited, overbearing, and anxious. They want everything done yesterday.
- Victims typically uncover more evidence in a case than law enforcement, and more rapidly. Many rightfully feel they must become the primary investigator in the case. These victims will likely put more hours into this case than you will.
- Victims have an emotional need to become their own advocates. They *need* to continue to be a part of the loop and feel like they are doing something to “get this person to stop.”

Policy

It is the policy of the Oakland Police Department to aggressively investigate complaints of identity theft/fraud, and to assist victims by all means available. Identity theft/fraud is recognized by this department as a continuing crime, and that investigations are time sensitive in nature in order to minimize the impact and magnitude of injury to the victim.



Procedure

All officer's, immediately upon receiving a complaint of identity theft/fraud, will fill out and complete the following:

1. Call Summary Report.
2. OPD Form 49, Uniform Identity Fraud Theft Report.
 - a. The form may be completed by using the electronic or handwritten version.
3. Officers will provide victims with information regarding Crime Victim Services.
4. Officers will document in their narrative reports the dates and times the aforementioned steps were completed.

Copies of both reports will be provided to the complainant/victim **immediately**.

NOTE: NO OFFICER OF THIS DEPARTMENT, HAVING RECEIVED A COMPLAINT REGARDING IDENTITY THEFT/FRAUD, WILL GO OFF DUTY UNTIL THE AFOREGOING STEPS ARE COMPLETED. DOING SO WILL MAKE THE OFFICER SUBJECT TO DISCIPLINARY ACTION.

Follow-up

1. Officers will open a case report.
2. Officers will contact victims periodically to learn of new information and to offer assistance to the victim.

ATTACHMENTS:

OPD Form 49 Uniform Identity/Fraud Report Form



UNIFORM REPORT- IDENTITY FRAUD/ THEFT

~~ANNOTATED CODE OF MARYLAND~~

Article - PUBLIC SAFETY

Background:

During the 2010 legislative session the Maryland Legislature repealed and reenacted, with amendments:

Public Safety Article
Title3-Law Enforcement
Subtitle 2-Police Training Commission
§3-207 General Power and Duties of Commission
Annotated Code of Maryland
(2003 Volume and 2009 Supplement)

Among other changes, §3-207- "General powers and duties of Commission" contains the following provision regarding the development and distribution of a uniform Identity Fraud Reporting form:

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(16) to develop, with the cooperation of the Office of the Attorney General, the Governor's Office of Crime Control and Prevention and the Federal Trade Commission, a uniform identity fraud reporting form that:

- (i) makes transmitted data available on or before October 1, 2011, for use by each law enforcement agency of State and local government; and
- (ii) may authorize the data to be transmitted to the Consumer Sentinel Program in the Federal Trade Commission;

Action Taken:

As required by law, the Maryland Police and Correctional Training Commission, in consultation with the Office of the Attorney General, Consumer Protection Division, and the Governor's Office of Crime Control Prevention, Maryland Statistical Analysis Center, and the Federal Trade Commission has developed the captioned uniform IDENTITY FRAUD/THEFT reporting form.

The uniform IDENTITY FRAUD/THEFT reporting form has been developed using a variety of sources including the following:

- Identity Theft Victims' Universal Complaint Form
(Federal Trade Commission)
- Identity Crime Incident Detail Form
(U.S. Secret Service)
- Model Policy- Identity Crime
(International Association of Chiefs of Police)
- Application for Maryland Identity Theft Passport
(Office of Maryland Attorney General)



INSTRUCTIONS FOR COMPLETEING FORM

PAGE 1- LINES # 1-2: Reporting Agency Identifiers.

PAGE 1- LINE #3: Agency Complaint/ Case Number.

PAGE 1- LINE #4: Date Report Taken.

PAGE 1- LINES #5-11: Victim Identification- to be completed as indicated on form.

PAGE 2- BLOCK #12: Determine if document/ information was stolen or lost.

PAGE 2- BLOCKS #13-14: To be completed as indicated on form.

PAGE 2- BLOCK #15: Determine HOW victim discovered theft/ compromise occurred- check all that apply.

PAGE 2- BLOCK #16: Determine identity information/item compromised- check all that apply.

PAGE 3- BLOCK #17: Determine from victim if information/identity was used to:

- establish NEW account;
- use an EXISTING account;

*Note: Use separate pages if multiple/additional accounts are involved.

PAGE 4- BLOCK #18: Obtain a detailed narrative from victim to include as much of the information contained in BLOCK #18 as possible. Use additional page(s) if necessary.

PAGE 5- BLOCK #19: Determine from victim the name/identities of any "potential suspect(s)".

PAGE 5- LINE #20: To be completed as indicated on form.

PAGE 5- LINE #21: To be completed as indicated on form if known.

PAGE 6- BLOCK #22: Page to be given to victim as reference/resource:

*Note: Reporting officer should explain options/ recommended actions to the victim if necessary.

ANNOTATED CODE OF MARYLAND

CR §8-304. REPORT.



- (a) Contact local law enforcement agency. A person who knows or reasonably suspects that the person is a victim of identity fraud, as prohibited under this subtitle, may contact a local law enforcement agency that has jurisdiction over:
- (1) any part of the county in which the person lives; or,
 - (2) any part of the county in which the crime occurred.
- (b) Preparation of a report.- After being contacted by a person in accordance with subsection (a) of this section, a local law enforcement agency shall promptly:
- (1) Prepare and file a report of the alleged identity fraud; and,
 - (2) PROVIDE A COPY OF THE REPORT TO THE VICTIM.

LAW ENFORCEMENT AGENCY LAW ENFORCEMENT AGENCY IDENTIFIERS/ADMINISTRATIVE INFORMATION	
1. AGENCY NAME:	2. REPORTING AGENCY ORI#
3. COMPLAINT/INCIDENT /REPORT #	4. DATE REPORT TAKEN:
VICTIM INFORMATION	
5. <u>LEGAL</u> NAME OF VICTIM AT TIME OF <u>REPORT</u>	
_____ (last)	_____ (first)
_____ (middle)	
6. DATE OF BIRTH:	
7. VICTIM <u>CURRENT ADDRESS</u> :	
_____ (STREET NAME/APARTMENT #)	
_____ (CITY)	_____ (STATE)
_____ (ZIP CODE)	
8. TELEPHONE #	
_____ (home)	_____ (work)
_____ (cell-optional)	



9. "E" MAIL ADDRESS (recommended/not required)		
10. DRIVER LICENSE INFORMATION:		
_____	_____	_____
(number)		(state of issuance)
11. VICTIM FULL <u>LEGAL</u> NAME AT TIME OF THEFT/DISCOVERY OF THEFT <u>IF DIFFERENT FROM ABOVE:</u>		
_____	_____	_____
(last)	(first)	(middle)

1 OF 6



SOCIAL SECURITY NUMBER DRIVERS LICENSE BIRTH CERTIFICATE RESIDENT ALIEN CARD PASSPORT EDUCATIONAL RECORDS MEDICAL RECORDS PROFESSIONAL RECORDS/LICENSE INSURANCE RECORDS MEDICAL OTHER (IDENTITY TYPE) _____	UTILITIES/TELEPHONE RECORDS ATM/BANK CARD SAVINGS ACCOUNT CREDIT CARD CHECKING ACCOUNT BROKERAGES/STOCK ACCOUNT PERSONAL COMPUTER: INTERNET PURCHASE FILES HACKED OTHER (PROVIDE INFORMATION) _____
--	--

17. HOW INFORMATION/IDENTITY WAS USED (CHECK APPLICABLE)

NEW ACCOUNT:

FRAUDULENTLY ATTEMPTED TO OPEN NEW ACCOUNT (FILL IN APPLICABLE INFORMATION)

FRAUDULENTLY OPENED NEW ACCOUNT (FILL IN APPLICABLE INFORMATION)

- DATE OPENED: _____
- TYPE OF ACCOUNT: _____
- COMPANY NAME: _____
 - ACCOUNT NUMBER #: _____
 - AMOUNT OBTAINED/CREDIT LIMIT: \$ _____
- COMPANY ADDRESS: _____
- COMPANY PHONE # _____
- COMPANY "E" MAIL ADDRESS: _____
- TYPE OF FRAUD/THEFT:
 - CASH OBTAINED: \$ _____
 - MERCHANDISE OBTAINED: \$ _____
 - SERVICES OBTAINED:
 - GOVERNMENT BENEFITS;
 - MEDICAL SERVICES;
 - OTHER: _____

EXISTING ACCOUNT:

FRAUDULENTLY ATTEMPTED TO USE EXISTING ACCOUNT (FILL IN APPLICABLE INFORMATION)

FRAUDULENTLY USED EXISTING ACCOUNT (FILL IN APPLICABLE INFORMATION)

- TYPE OF ACCOUNT: _____
- COMPANY NAME: _____
 - ACCOUNT #: _____
 - AMOUNT OBTAINED/CREDIT LIMIT #: _____
- COMPANY ADDRESS: _____
- COMPANY PHONE #: _____
- COMPANY "E" MAIL ADDRESS: _____
- ACCOUNT #: _____
- DATE(S) ACCOUNT WAS USED: _____
 - TYPE OF FRAUD/THEFT:
 - CASH OBTAINED: \$ _____
 - MERCHANDISE OBTAINED: \$ _____
 - SERVICES OBTAINED:
 - GOVERNMENT BENEFITS



MEDICAL SERVICES

OTHER: _____

[LIST ADDITIONAL/MULTIPLE STOLEN/COMPROMISED ACCOUNTS ON SEPARATE PAGES]

3 OF 6

VICTIM ACCOUNT/NARRATIVE OF HOW THEFT OCCURRED OR DISCOVERED & ACTION TAKEN

18. DETAILED NARRATIVE FROM VICTIM – INCLUDE THE FOLLOWING INFORMATION IF APPLICABLE:

- LOCATION IDENTITY THEFT/LOSS BELIEVED TO HAVE OCCURRED
- DESCRIPTION OF PERSONAL INFORMATION LOST/STOLEN/COMPROMISED
 - OTHER/ADDITIONAL IDENTITY INFORMATION LOST STOLEN/COMPROMISED
- DETERMINE IF VICTIM AUTHORIZED ANYONE TO USE NAME/PERSONAL INFORMATION
 - IDENTIFY AUTHORIZED USER
- DATE THEFT/COMPROMISE OCCURRED/DISCOVERED
- EXPLANATION OF HOW ACCESS WAS GAINED TO IDENTIFY INFORMATION (IF KNOWN)
- WAS IDENTITY THEFT RESULT OF ANOTHER CRIME:
BURGLARY STOLEN AUTO ROBBERY OTHER TYPE THEFT
- DATE/TIME OTHER CRIME OCCURRED:
 - INCIDENT # (IF KNOWN)
- DESCRIPTION OF HOW PERSONAL INFORMATION WAS USED/FOR WHAT PURPOSE
- AMOUNT OF FINANCIAL LOSS (IF KNOWN AT TIME OF THIS REPORT)
- IF INTERNET PURCHASE – WEBSITE/COMPANY
- NAME/TELEPHONE # OF COMPANY REPRESENTATIVE/INVESTIGATOR MAKING CONTACT
- DATE THEFT/LOSS REPORTED TO COMPANY/INSTITUTION
- VICTIM IDENTITY VERIFIED BY REPORTING OFFICER AT TIME OF REPORT:
 - METHOD USED: _____
- DETERMINE IF VICTIM IS WILLING TO ASSIST IN THE INVESTIGATION/PROSECUTION IF SUSPECT IS IDENTIFIED/ARRESTED/ CHARGED:
YES NO NOT SURE AT THIS TIME
- DETERMINE IF VICTIM HAS FILED A REPORT WITH ANY OTHER LAW ENFORCEMENT AGENCY:
 - IF YES, NAME OF AGENCY/REPORT #: _____
- DETERMINE IF VICTIM HAS ADDITIONAL DOCUMENTATION TO SUPPORT THEFT/FRAUD CLAIM THAT MIGHT ASSIST IN INVESTIGATION
 - IF YES, IDENTIFY DOCUMENT: _____

NARRATIVE:



"POTENTIAL" SUSPECT INFORMATION

19. "POTENTIAL" SUSPECT IDENTIFIERS:

SUSPECT NAME/ALIAS:

SUSPECT ADDRESS:

SUSPECT TELEPHONE #:

SUSPECT RELATIONSHIP TO VICTIM:

METHOD USED TO OBTAIN IDENTITY ITEM (if known/suspected):

AUTHORIZATION BY VICTIM TO SUSPECT TO USE PERSONAL IDENTITY INFORMATION:
YES NO

IF YES, TRANSACTION/CIRCUMSTANCES AUTHORIZED FOR (EXPLAIN):

OFFICER CONTACT INFORMATION

20. NAME/ASSIGNMENT/TELEPHONE # REPORTING OFFICER:



(NAME)

(TELEPHONE #)

(E MAIL)

21. NAME/ASSIGNMENT/TELEPHONE # OF FOLLOW-UP INVESTIGATOR (if known):

(NAME)

(TELEPHONE)

(E MAIL)

5 OF 6

VICTIM ASSISTANCE INFORMATION/CHECKLIST

An Identity Theft Report entitles an identity crime victim to certain important protections that may help the victim eliminate fraudulent debt and restore their credit to pre-crime status. It is recommended that the victim of the identity theft be provided with the following information after the Identity Crime Report has been completed.

Briefly describe the agency investigative process that occurs after an Identity Theft Report is completed.

22. RECOMMENDED ACTION TO BE TAKEN BY VICTIM (CHECK APPLICABLE):

BEGIN WRITTEN LOG OF ACTION TAKEN TO INCLUDE:

- DATES/TIMES OF CONTACTS
- NAMES/TELEPHONE #OF CONTACTS
- SUMMARY OF ACTION NEEDED/TAKEN
- RECORD TIME SPENT/EXPENSES INCURRED FOR CONTRACT
- CONFIRM IN WRITING ALL CONVERSATIONS REGARDING THEFT/FRAUD/COMPROMISE
- MAINTAIN COPIES OF ALL CORRESPONDANCE/DOCUMENTS REGARDING THEFT

OBTAIN/REVIEW COPY OF CREDIT REPORT(S):

- EQUIFAX (800-685-1111) www.equifax.com
- EXPERIAN (888-397-3742) www.experian.com
- TRANS UNION (800-680-7289) www.transunion.com

IDENTIFY ALL OPEN FRAUDULENT ACCOUNTS:

- IDENTIFY FRAUDULENT ACCOUNT NUMBERS
- IDENTIFY FRAUDULENT ADDRESSES/OTHER INFORMATION

NOTIFY ALL CREDITORS ABOUT IDENTITY FRAUD COMPLAINT:

- AUTHORIZE ACCESS TO FRAUDULENT ACCOUNT INFORMATION FOR LAW ENFORCEMENT FRAUD INVESTIGATORS
- DISPUTE STOLEN ACCOUNTS WITH CREDITORS
- REQUEST CREDIT REPORTING AGENCIES BLOCK FRAUDULENT INFORMATION

PLACE FRAUD ALERT

PLACE CREDIT FREEZE

OBTAIN REPLACEMENT CREDIT ACCOUNTS WITH NEW ACCOUNT # FOR EXISTING COMPROMISED ACCOUNTS

NOTIFY AFFECTED CREDIT CARD COMPANY/BANK/FINANCIAL INSTITUTION



FILE COMPLAINT WITH FEDERAL TRADE COMMISSION (FTC):

- COMPLETE ID THEFT AFFIDAVIT (1-877-438-4338) www.ftc.gov/idtheft

OBTAIN IDENTITY THEFT PASSPORT:

- OFFICE OF MARYLAND ATTORNEY GENERAL:

- IDENTITY THEFT UNIT (410) 576-6491 www.IDTheft@oag.state.md.us

MONITOR CREDIT CARD BILLS FOR EVIDENCE OF FRAUDULENT ACTIVITY:

- REPORT ACTIVITY IMMEDIATELY TO CREDIT GRANTOR

NOTIFY SOCIAL SECURITY ADMINISTRATION IF SS# HAS BEEN COMPROMISED:

- (1-800-269-0271)

NOTIFY MOTOR VEHICLE ADMINISTRATION IF DRIVER'S LICENSE HAS BEEN LOST/STOLEN/COMPROMISED:

- (1-800-950-1682)
- APPLY FOR "V" RESTRICTION ON DRIVER'S LICENSE FROM MVA;

CONTACT LOCAL LAW ENFORCEMENT AGENCY IF IDENTITY HAS BEEN USED TO COMMIT CRIMINAL VIOLATIONS:

- FILE APPROPRIATE ADMINISTRATIVE REPORT FOR MISIDENTIFICATION:

- LOCAL STATES ATTORNEY'S OFFICE www.mdsaa.org

- PRIVACY RIGHTS CLEARINGHOUSE:

- (1-619-298-3396) www.privacyrights.org

[USE THIS PAGE AS A VICTIM ASSISTANCE CHECKLIST]



OAKLAND POLICE DEPARTMENT		Standard
SUBJECT: Incident/Case/Accident Reports	NUMBER: 1	
EFFECTIVE DATE:	REVIEW DATE:	
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

A. PURPOSE

The purpose of this procedure is to establish a set manner in which the Oakland Police Department documents and maintains call summary, case and traffic accident reports, to ensure proper workflow, provide for adequate documentation of department activity, forwarding of reports to the proper state and/or federal agency, and to ensure that reports are made available to the victims of such incident or accident and their representatives in a timely manner. Crime and accident victims are dependant upon our agency to ensure that call summary, case, and accident reports are fully completed in a timeframe that is conducive to their recovery and well-being, as well as a repository for future use should the need arise.

B. Policy

It is the policy of the Oakland Police Department to gather adequate information regarding each call, case or traffic collision so that the proper report(s) can be completed. All officers will complete each report fully, to the best of their ability in order to document such call summary, case or accident reports. All reports will be completed in a timely manner favorable to the victim, their representative or designee. For the purpose of this report, “timely manner” means within twenty four hours of the incident, or next scheduled day of duty, and that the officer will complete the report ensuring the report is well documented, articulate, and complete to the best of their respective ability. It is understood that in certain circumstances, the time for completion of reports will need to be extended. Call Summary Reports and Case Reports will be completed using the MobileSynch Records Management System software.

C. Definitions

Call Summary Report: A call summary report is the initial report written by an officer that documents a call for service, or an activity that an officer was involved in. Call Summary Reports will contain in the narrative portion the value of all stolen items.

Case Report: A case report is a detailed report documenting a criminal investigation. Case reports contain but are not limited to containing photographs, lists of witnesses, crime scene drawings, property stolen and their values, property destroyed and their values, evidence recovered, forensic evidence, video clips, and all other details regarding the crime and the investigative procedure.

Accident Report: An accident report typically refers to the Maryland Automated Accident Reporting System, (MAARS), report form, but can also include a call summary report.



D. Procedure

Call Summary Report: Call Summary Reports will be filled out as soon as possible following an incident. The reports will contain at minimum the date, time, names of persons involved, vehicle information, call type and a detailed narrative describing the incident. Photographs taken as evidence shall be included in the Call Summary Report. Call Summary Reports are created as a record of the officer's time, the incident that was responded to, and as preliminary documentation for incidents that become investigations.

Case Report: *Case Reports are in-depth, detailed reports of criminal investigations and arrests. Case reports will contain information regarding a criminal investigation, and will contain all of the following that pertain to a specific investigation, but not limited to:*

1. A complete listing of Suspect(s)/Arrestee(s).
2. Complete listing of all witnesses including current address and contact information.
3. Complete listing of victims including current address and contact information.
4. Complete listing of assisting law enforcement officers, including dispatcher.
5. All evidentiary items: (recovered evidence, stolen/destroyed/lost property and their values.
6. Photographic evidence: still frame and video.
7. Arrest clearance information.
8. Detailed written narrative in chronological order outlining the investigators actions during the investigation.
9. Scanned documents.
10. Written statements.
11. Chronological narrative of the investigation, investigative procedure and all other activities pertaining to the investigation.

On occasion, while answering a call for service or during the course of a criminal investigation, an officer will receive documents, receipts or other written instruments. These items shall be scanned into Case Reports.

Accident Report: Accident reports can be completed by using the Maryland Automated Accident Reporting System, Call Summary Report, or in some instances, both. The Maryland Automated Accident Reporting System form, commonly referred to as MAARS Report, is documented on MSP Form 1. A MAARS Report is completed for all motor vehicle collisions occurring on State, County or Municipal roadways involving damage exceeding five hundred dollars in value, (\$500.00), when a person involved in the collision is transported to a medical facility by emergency medical personnel, and collisions involving death. A Call Summary Report will also be completed to accompany each MAARS Report. In the event that an officer responds to a motor vehicle collision that occurs in a parking lot or private property, a Call Summary Report will be made to document the collision.



E. Report Follow-Up

The Chief of Police will review on a daily basis all Call Summary Reports submitted by officers of this department. The Chief of Police will review the reports for completeness and clarity, and will approve or disapprove of each report. The following guidelines apply:

1. **Approved Report:** An approved report means that the incident is complete, and no further follow-up is required by the submitting officer.
2. **Disapproved Report:** A disapproved report shall be printed, and returned to the submitting officer for correction. A note will accompany the disapproved report detailing the items that need clarified, added, additional information or concerns. Officers receiving a disapproved report shall make the required corrections, or advise the Chief of Police why the edit should not be made, and the report should remain as is. An officer receiving a disapproved report must resubmit the report within three scheduled shifts.
3. Upon review of a submitted Call Summary Report, the Chief of Police will determine if the reported incident requires further investigation. Should it be determined that an incident will require additional investigation, the Chief of Police will escalate the incident as a Case to the submitting officer, or to another officer to ensure an even workload is carried by all members of the department.
4. Upon completion of a Case Report, all officers will submit their completed Case Reports to the Chief of Police for review.



OAKLAND POLICE DEPARTMENT		Procedure
SUBJECT: Hits to Wants	NUMBER: 1	
EFFECTIVE DATE: September 22, 2011	REVIEW DATE: Indefinite	
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____ Chief of Police	
CALEA STANDARDS:		

Purpose

The purpose of this procedure is to establish the proper procedure in the event this agency receives a “Hits To Wants” notification from the Federal Bureau of Investigations through NLETS.

Procedure:

In the event this agency receives a “Hits to Wants” notification from the FBI, via NLETS, regarding notice that a fingerprint card has been submitted by an agency that has been identified as an individual that this agency has arrested or may have an active warrant entered into NCIC, it is this agency’s responsibility to follow-up by determining if the case is still active and to contact that agency and advise the case status. This agency will also follow-up with any other agency following a Hits to Wants notification where this agency fingerprinted an individual and the holder of the case is another agency. Follow-up will be conducted for any Hits to Wants notification received that is not covered in the above procedures.



OAKLAND POLICE DEPARTMENT		Procedure
SUBJECT: NCIC Entry, Clearing and Validation	NUMBER: 2	
EFFECTIVE DATE: September 22, 2011	REVIEW DATE:	
AMENDS/SUPERSEDES: 1st in Series	APPROVED: _____	
	Chief of Police	
CALEA STANDARDS:		

Purpose

The purpose of this procedure is to establish the protocol for entering, clearing and validating information placed into NCIC, (National Crime Information Center), and to ensure that information is placed into, modified, cleared and validated in a timely manor.

Procedure

See attached booklet for NCIC entry, clearing and validation.

Additional

In addition to the procedures listed in the NCIC entry, clearing and validation booklet, the following departmental forms are to be filled out and completed.

1. **OPD Form 34 Warrants/Summons Service Log**: This form is to be completed whenever a criminal summons or an arrest warrant is received by the department. This form is a record of service attempts, service and transfer of the criminal summons or arrest warrant, and is to be retained by the department.
2. **OPD Form 35 NCIC Validation Check Off Log**: This form is a written record of the steps taken to validate an NCIC entry whenever a request is received by the department to validate such record. This form will be maintained in the case file of the investigation that an NCIC entry is made. This record will be a permanent part of the case file even after the NCIC entry is cleared.
3. **OPD Form 36 NCIC Entry Change Request**: This form is to be completed when an investigating officer discovers that the information regarding an NCIC entry is erroneous as a whole or any way. The form, along with any supporting documentation will be forwarded to the Garrett County Sheriff's Office terminal operator for correction, and the change/correction documented in the investigative narrative.



OAKLAND POLICE DEPARTMENT		Procedure	
SUBJECT: Rape and Sexual Offenses		NUMBER: 3	
EFFECTIVE DATE:		REVIEW DATE:	
AMENDS/SUPERSEDES: 1st in Series		APPROVED: _____ Chief of Police	
CALEA STANDARDS:			

I. POLICY

The Department will thoroughly and aggressively investigate all complaints of rape or sexual assault. It will be the responsibility of the investigating officer to conduct follow-up investigations of all rape and felony sexual offenses. The initial patrol officer will handle all 4th degree sex offenses, with the possible exception of those occurring within schools, nursing homes, and the like.

The preliminary investigation of a suspected rape or sexual offense requires the notification of a supervisor of at least the rank of Sergeant.

II. PURPOSE

The purpose of this policy is to provide specific and consistent guidelines for the investigation of rape and sexual offense complaints.

III. DEFINITIONS

A. Rape

Vaginal intercourse with another person by force or threat of force against the will and without the consent of the other person.

B. Marital Rape

There are cases when a spouse can be charged with marital rape. Due to the complexity of the laws, any cases that are believed to be marital rape, the investigating officer will consult with the State's Attorney's Office.

C. Sexual Offense

Sexual act with another person by force or threat of force against the will and without consent, or sexual contact with another person against the will and without the consent. There are four degrees of sexual offenses, 1st, 2nd, 3rd and 4th (misdemeanor).



D. S.A.F.E.

An acronym for Sexual Assault Forensic Examination. These examinations are conducted by specially trained S.A.F.E. nurses or physicians assistants (Sexual Assault Forensic Examiner).

E. Delayed Reporting

This allows the victim to obtain a S.A.F.E. exam without police involvement.

IV. INITIAL INVESTIGATION

The responsibility for the initial investigation of a rape, sex offense, or attempt of the same, rests with the uniformed patrol officer dispatched to the scene. The preliminary investigation consists of:

1. Confirmation of the crime
2. Providing medical attention and protection to the victim
3. Immediate identification and arrest of the perpetrator, if suspect is unknown to the victim. In cases where the victim knows or is otherwise associated with the victim, officers are discouraged from taking steps to immediately arrest the alleged perpetrator. Instead, officers should consult with the States Attorney Office to determine if the suspect should be immediately located and arrested.

4. Preservation of the crime scene

It is essential that the victim of a rape or sex offense be treated with courtesy, dignity, respect, and compassion by all Police Department employees. The first officer on the scene must always be aware that he or she is the initial source of protection for the victim. The manner in which all personnel treat the victim at the time of the crime and afterwards effects not only the victim's immediate and long-term ability to cope with the crime, but also the willingness of the victim to assist in the investigation and prosecution.

In all cases, the assigned officer will conduct a brief interview of the victim to determine if a crime has been committed. If they determine a sex crime has been committed, the following two steps need to be taken:

1. Transport the victim to the hospital if the assault occurred within the last 120 hours to have a S.A.F.E. examination. The initial responding officer is responsible for arranging the S.A.F.E. examination of the victim. (Victim interviews must be completed prior to the arrival of the S.A.F.E. examiner.)

To arrange for a S.A.F.E. examination, the officer will contact the charge nurse of the emergency room and request that a S.A.F.E. examiner be notified to respond to the hospital for the examination. The S.A.F.E. examiner will respond within one hour of notification. An officer or detective will stay with the victim until the S.A.F.E. nurse or crises counselor arrives so that the chain of custody is maintained.

2. The S.A.F.E. examiner will contact the investigating officer for collection of evidence obtained during the S.A.F.E. examination. The investigating officer will also contact the Dove Center and request that a counselor respond to the hospital and give emotional support to the victim.

In all cases, the assigned officer will isolate the victim from other officers, witnesses, and spectators (including friends, family members, and relatives when possible). The victim will be asked



only those questions necessary to determine the type of crime and to obtain information necessary for a suspect lookout.

The initial investigator will refrain from expressing or implying any personal opinion during the course of the investigation. The assigned officer should contact his or her supervisor if there is a question concerning the legitimacy of the complaint.

V. DUTIES OF PATROL PERSONNEL

If the victim is seriously injured and death may result, the investigating officer will contact a detective from the Garrett County Sheriff's Office. Otherwise, procedures outlined in this section will be followed.

All victims of 1st Degree Rape, 2nd Degree Rape, 1st, 2nd, 3rd Degree Sex Offenses, and 4th degree sex offenses involving a sexual act or vaginal intercourse, should be transported to the hospital and examined by a S.A.F.E. examiner, if the assault occurred within 120 hours of the time it was reported, or if the assault occurred within 72 hours of the time it was reported if the victim is under 12 years of age.

If only one officer is present when the victim is transported to the hospital, that officer will remain on the site to preserve the crime scene. The officer will contact the Garrett County Department of Public Safety and request that a deputy sheriff or state trooper respond to the hospital to meet with the victim.

If two officers are present and the victim needs to be transported to the hospital for treatment, one officer will go with the victim while the other remains behind to secure the scene. The States Attorney Office should be notified for any search warrant issues. Any suspect information obtained from the victim will immediately be given to the Garrett County Department of Public Safety lookout purposes.

Names and information from any and all witnesses or potential witnesses will be gathered and included in the initial officer's report. An immediate canvass of the area will be conducted by the initial officer in hopes of recovering evidence or suspect information.

VI. DUTIES OF THE COMMUNICATIONS SECTION

Upon receiving a report of a rape, felony sexual offense, or attempt of the same, Garrett County Department of Public Safety will be responsible for the following:

1. Broadcast a description of the suspect(s) and vehicle(s) to any and all deputy sheriff's, Maryland State Police, and all neighboring jurisdictions.
2. Dispatch at least one patrol officer to the scene, and at least one patrol officer to the hospital if the victim has already been transported.
3. Coordinate the transmission of information among police units on the scene.
4. Communicate any other assistance requested in support of the investigation.

VII. CRIMINAL INVESTIGATION DIVISION

A. Interviews and Interrogations

1. The effectiveness of an investigator, as well as the success of the investigation, is largely dependant upon his or her ability to obtain information from victims, complainants, witnesses, informants, and suspects. Therefore, it is essential that interviews and interrogations be conducted by officers with sensitivity, patience, persistence, and dedication to the task at hand.



2. The officer in charge of the investigation will, whenever possible, obtain a signed, written statement from each victim, witness, and suspect. Officers will use OPD Form 5, Miranda Warning and OPD Form 33, Statement Form when taking statements from individuals who are suspects in the investigation.

3. Officers will canvass the neighborhood of the crime scene for persons who have information regarding the crime, and document persons contacted using OPD Form 10, Major Case Canvas Data Sheet. Officers will also systematically search the vicinity of the crime area for any evidence that may have been lost or disposed of by the perpetrator.

4. All statements obtained in the investigation will be attached to the case file for future reference, and for the use of the State's Attorney for Garrett County.

5. In accordance with State of Maryland 42 U.S.C. 3796gg-8(a): No law enforcement officer, prosecuting officer or other government official shall ask or require an adult, youth or child victim of an alleged sexual offense as defined under Federal, State or local law to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of an offense. In addition, the refusal of a victim to submit to a polygraph or other truth-telling examination shall not prevent the investigation, charging or prosecution of an alleged sexual offense.

B. Victim/Witness Assistance - At the Scene

The investigator will provide the following information and assistance to the victim, and to any witnesses as indicated by the circumstances of the case:

1. Availability of local services (e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy). In all circumstances provide the victim with the Crises Response System Hotline - 410-222-RAPE (7273). All of the above references can be located in the booklet titled "CRIME VICTIMS AND WITNESSES: Your Rights and Services."
2. What to do if the suspect or the suspect's friends or family threatens or intimidates him or her.
3. Explain the procedure involved in processing and eventually prosecuting the case.
4. The investigator's name, case number, and a phone number the victim/witness can call to report additional information or to receive information about the status of the case.
5. When and if the victim is transported to the hospital, make arrangements for him or her to have a change of clothes at the hospital for use upon completion of the medical examination.

C. Arrangement for Physical Examination

1. The victim may be transported to the medical facility by police or ambulance personnel. The medical needs of the victim are the first priority and take precedence over the S.A.F.E. examination. Therefore, the victim may be transported to any medical facility for medical treatment even if the facility does not have a S.A.F.E. program. If the victim does not require medical assistance and only requires the S.A.F.E. examination, the victim should be transported to Garrett Memorial Hospital.

If the victim does not require medical assistance and is reporting the crime from a medical facility that does not offer a S.A.F.E. examination, the victim must be medically screened and



released by the facility staff before being transported to another medical facility for a S.A.F.E. examination.

2. Be sure to have completed the interview process before the arrival of the S.A.F.E. examiner. It is imperative that the exam takes place immediately upon the arrival of the S.A.F.E. examiner.

3. In sex crimes involving minors, it is advisable, but not mandatory, that the consent of the parents, custodians, or legal guardians first be obtained for such physical examinations, and if possible, they should be requested to accompany the victim to the hospital. Victims 12 years and younger, must be taken to Garrett Memorial Hospital for a S.A.F.E. exam.

D. Crime Scene/Evidence Search

1. Search the crime scene for evidence, summon and direct the Crime Scene Technicians to take photographs and fingerprints and to search for physical evidence.

2. It is important to preserve all articles such as clothing, bed linens, towels, handkerchiefs, or other physical evidence relevant to the investigation. Each article should be separately tagged and wrapped according to the procedures outlined in OPD Policy 1, Evidence/Property Room / Collection and Handling.

E. Victim/Witness Services - Follow-up Investigation

1. The investigator will periodically re-contact the victim and appropriate witnesses to determine whether their needs are being met.

2. If not an endangerment to the successful prosecution of the case, the investigator will explain to victims/witnesses the procedures involved in the prosecution of the case and their role in those procedures. The investigator will coordinate this activity with the Victim/Witness Assistance Unit of the State's Attorney's Office.

3. Whenever feasible, the investigator will schedule lineups, interviews, and other required appearances at the convenience of the victim/witness, and will arrange for transportation if necessary.

4. Whenever feasible, and when permitted by laws and rules of evidence, personal property taken as evidence will be returned promptly to the victim/witness. Contraband, disputed property, and weapons used in the course of the crime will not be returned.

5. The investigator will notify the victim and witnesses of the arrest of the perpetrator, the charges filed, and any changes in the status of the perpetrator's custody.

F. Maintain Investigative Records

Keep accurate and complete records of the case, particularly records of the following:

1. A clear and concise case report.
2. Statements from the defendant/victim/witnesses.
3. Possession and marking of evidence.
4. Chain of custody of the prisoner(s) (documented through investigative reports.)
5. Detailed description of the crime scene.
6. All photographs of the scene and victim's physical injuries.
7. Medical reports or findings.
8. Witness information and statements.



IX. DELAYED REPORTING CASES

The 2005 reauthorization of the Violence Against Women Act Statute (VAWA) states that a victim of a sexual assault is not required to participate in the criminal justice system in order to be provided with a forensic medical exam. In order to comply, a victim may have a S.A.F.E. examination without notification of Law Enforcement. However, due to Chain of Custody issues regarding the evidence collected, the S.A.F.E. kit will be stored by this agency for at least 90 days, in the event the victim chooses to request an investigation by law enforcement.

When a rape or sexual assault victim seeks care at a hospital prior to calling police, the hospital staff or advocate will present the victim with an information form advising the victim that she may elect to report the crime to the police and receive a S.A.F.E.; elect to not report to the crime to the police, but receive a S.A.F.E. anyway so that evidence can be collected in the event the victim wants to report the crime at a later time; or elect to not report the crime to police and only have a medical examination.

A. Patrol Responsibilities

An officer who receives a completed examination kit without a receiving a report that a rape of sexual assault has occurred, the officer will write an incident report titled, "Suspicious Condition." The incident report will indicate that the incident is related to evidence collected during a Sexual Assault Forensic Examination that is not being reported to law enforcement at the victim's request; the name of the nurse reporting the incident; and the hospital case number. "Oakland Police Department" should be entered in the "Victim Name" field of the report. The actual victim's name should not appear anywhere in the report. The "Location of Offense" should be the hospital where victim is being examined. The location where the alleged rape or sex offense occurred is not required. The report will then be provided to the States Attorney's Office for Garrett County.

If the victim initially reports the incident to police, then while still at the hospital decides she does not want a police investigation, the officer will write an incident report titled with the appropriate crime initially reported (i.e., Rape, Sex Offense, etc.). The officer will document everything that was reported to police and all investigative steps taken up to the point the victim indicated he/she no longer wanted a police investigation. The report will then be provided to the States Attorney's Office for Garrett County.

If the victim decides that she no longer wants a police investigation after she has been treated and examined at the hospital, the investigating officer will coordinate with the victim to sign a "Waiver to Investigate/Prosecute" form. If the victim will not cooperate with this process, this fact will be documented in the case file.

C. Evidence Collection Responsibilities

An officer will be contacted by the Garrett County Department of Public Safety and will respond to the hospital to recover the S.A.F.E. kit. The kit will not be opened, but will be entered into the property room as a whole.

X. Related Law

A. Peace Orders are covered in the *Annotated Code of Maryland* under the *Courts and Judicial Proceedings Article §§3-1501–1509*.



B. Protective Orders and temporary Ex Parte Orders are covered in the *Annotated Code of Maryland* under the *Family Law Article, §§4-501-515*.

C. Every law enforcement officer who receives a sexual assault report shall offer the victim the opportunity to be taken immediately to the nearest designated health facility, regardless of the type or degree of sexual assault reported. See: *Annotated Code of Maryland, Criminal Procedure Article §11-924*.

D. On first contact with a sexual assault victim, a law enforcement officer shall give the victim a copy of a pamphlet describing victims' rights, services, and procedures, before and after the filing of a charging document other than an indictment or information in circuit court. See: *Annotated Code of Maryland, Criminal Procedure Article §11-104(b)*



