

17.1 GENERAL GUIDELINES

- .1 The Patrol Division provides 24 hour a day coverage, seven days a week for the purpose of accomplishing the patrol function. To ensure this, patrol officers will remain available for calls for service until relieved by an officer assigned to the next shift.
- .2 The basic purpose of patrol is prevention of crime and is best performed by constant patrol techniques.
- .3 Officers shall have all the equipment necessary for proper patrol as outlined under uniforms and equipment.
- .4 Officers shall patrol within their own sectors unless permission is granted to leave same. If officers must leave their assigned sectors, the Emergency Communications Center (ECC) shall be notified.
- .5 When any officer leaves his/her patrol car, the walkie/talkie shall be with him.
- .6 Officers shall frequently leave their patrol cars to perform foot patrol, since many crime hazards are inaccessible to motorized patrol. When traffic congestion occurs, an officer shall be prepared to leave his/her patrol car to direct traffic, if the situation requires it.
- .7 Officers shall pay particular attention to areas of high crime.
- .8 While on patrol, officers shall perform the following duties:
 - .1 answer all calls assigned or viewed on sight.
 - .2 traffic control, when required.
 - .3 business checks, such as banks, taverns, etc.
 - .4 checking traffic control devices and street lights for proper operation.
 - .5 checking of suspicious persons.
 - .6 establish working rapport with business owners and advising them on security matters, such as:
 - .1 keeping lights on at certain locations in and around business establishments
 - .2 placing bars on windows and installing burglar alarms
 - .3 keeping windows as clear as possible for visibility
 - .4 giving directions and other requested information to the public.
- .9 Officers shall notify the ECC of any self-initiated activity, and shall keep the ECC notified of their location and change in unit status during all calls for service.
- .10 Officers assigned to patrol shall not come into Headquarters, except under the following circumstances.
 - .1 at the beginning and end of duty.
 - .2 when they are bringing a prisoner or other person into Headquarters.
 - .3 when they have been advised by the ECC or a supervisory officer to report to Headquarters.
 - .4 at any other time, officers shall first request permission from Headquarters and then only for official Police business.

17.2 FIRES

- .1 When any officer of the Department discovers a fire, they shall immediately notify the ECC, requesting Fire Department apparatus. They shall arouse any person who may be sleeping in or upon the endangered premise or adjoining buildings.
- .2 Extreme caution should be used at any fire or suspected fire when opening any door or window in order to prevent injury from internal heat, pressure, explosions or toxic gas.
- .3 At the scene of any fire or suspected fire, the Commanding Officer of the Fire Department shall be in command of the fire scene and shall have the cooperation of the officers assigned to that area.

- .4 An officer shall be responsible to see that no person hinders or obstructs any member of the Fire Department in the performance of their duty.
- .5 No officer shall enter a burning building after the arrival of the Fire Department unless requested to do so by the Commanding Officer of the Fire Department for the performance of proper police services. (Shall wear full fire protective gear).
- .6 At a large fire, the Supervisor in charge shall establish a Command Post at a convenient and accessible point, in order that the Supervisor may give general directions and make suitable disposition of any reinforcements. When more officers are needed, the supervisor will notify the ECC, informing them of the number of men needed and any additional equipment that may be required. Any officer assigned to the fire scene shall report directly to the Command Post upon his arrival for instructions. Central Alarm shall be notified of location of Police Command Post.
- .7 If a fire occurs in a business establishment at a time when the owner or the occupants are not on the premises, it shall be the duty of the Supervisor on the scene to advise the ECC so they can attempt to make contact with the proper parties. If other buildings are also endangered, these owners or occupants shall also be notified.
- .8 After the departure of the fire apparatus from the scene, the Supervisor shall assign an officer, or Auxiliary Police, to keep unauthorized persons from entering the building or removing property, until the owner or representative is present or building is reasonably secured.
- .9 In the event that a body is found in fire debris, the Supervisor shall be notified, and he shall then notify the Investigative Division Lieutenant or Criminal Investigations supervisor.

17.3 SUICIDES AND ATTEMPTS

- .1 Cases of threatened and/or attempted suicide present so many varied situations that it is impossible to outline any specific action that might be applicable in each case. Each demands of the officer on the scene a cool head, good judgment, and prompt efficient action. The duty of the first officer on the scene is:
 - .1 take immediate steps to protect the general public.
 - .2 notify ECC, stating type of attempt or threat (by use of firearms, fire, jumping from a structure, etc., type of assistance needed, manpower, equipment, etc.)
 - .3 delay the suicide attempt if possible.
- .2 Every minute gained by delaying the attempt is one which the person may change his mind, or perform some action which will allow him to be overcome. In the attempt to "talk out" a person from attempted suicide, the aid of a relative, friend, or cleric may be enlisted.
- .3 In the presence of a person threatening suicide, an officer must be cautious in his every movement. Every act must be in such a fashion as to not unduly alarm or frighten the person contemplating suicide. The officer must be alert to act with speed to overcome the person, should the opportunity arise, with due regard to his own personal safety, as well as that of others.
- .4 When a threat of suicide is received by a member of the Department, the Shift Supervisor shall be notified and a Supervisor shall respond to the scene if circumstances warrant such response.
- .5 In the case where suicide has been averted, the person shall be taken to Washington County Hospital for emergency mental evaluation.

17.4 SICK OR INJURED PERSONS:

- .1 Whenever an officer finds, or has his attention called to an unconscious, sick or seriously injured person on the street or other public place, or in a private home or institution and it is necessary that such a person be transported to the hospital, he shall at once notify the Communication Center requesting an ambulance.
- .2 A patrol car shall only be used to transport sick or injured when no other means exists.
- .3 The officers transporting the victim to the hospital in a patrol car shall notify the Communication Center, using the Standard Code, and the beginning and ending mileage when feasible for transporting an individual. The Communication Center shall notify the hospital, advising them of the incoming victim.
- .4 In the case of a sick or injured person, the officer, before requesting an ambulance, shall ascertain from such person whether or not he is willing to be taken to the hospital for treatment. Care must be taken to assure that the victim is capable of making such a decision. When a small child is involved, or where there is any doubt of the person having sufficient control of his senses to make the decision, the officer shall request the ambulance. If the victim refuses hospitalization, the officer shall render whatever assistance possible, send the person home, or elsewhere as circumstances require.
- .5 All unconscious persons, and all persons apparently sick and unable to speak for themselves, shall be removed to a hospital immediately. This procedure is applicable whether such condition is caused by sickness, alcohol, or other factors.
- .6 Every officer shall be thoroughly acquainted with first aid and CPR methods so that they may be prepared to act promptly and properly in any emergency cases which may come to the officer's attention. In addition, officers should be familiar with communicable diseases and the type and location of equipment to combat transmission of same.
- .7 When a person is found in an unconscious state, the officer shall take particular care to safeguard the personal property of the victim. If subject does not immediately regain consciousness, the property shall be brought to Headquarters and secured in the Property Control Area with the required reports.
- .8 When necessary to notify relatives concerning serious illness or injury of any family member, such notification shall be made in person in a discreet manner. The telephone shall be employed for such purposes only when other means are impractical. The Police Chaplain may also be contacted to assist in notification.
- .9 In all cases involving sick or injured persons, a report shall be submitted outlining the details of the incident, at the discretion of the Shift Supervisor.

17.5 DECEASED PERSONS

- .1 When any officer is assigned to investigate a deceased person, and it appears that death was of natural causes, the family doctor shall be notified to come to the scene in order that he may certify the death and release the body to the mortician. In all cases of deceased persons, a Supervisor shall be called to the scene, and an Offense/Incident report will be filed.
- .2 In any death where a physician has not been treating the victim, or any suspicious death, the initial investigating officer will notify or have The ECC notify the CIU for further investigation.
- .3 When no suspicious circumstances are present, the personal property (property physically located on the deceased, e.g. watch, ring, wallet, etc.) of any deceased person shall be the responsibility of the investigating officer, and shall be turned over to the next of kin when possible. If this can be done, the officer will list the property on a property record, have the next of kin sign for it, and provide a copy to the next of kin. If the next of kin cannot be located, the investigating officer shall take the property to

headquarters and secure it according to Department procedures. If other easily transportable valuables (expensive jewelry, watches, or similar small items) are present, they will be cared for in the same manner as personal property, except that a supervisor shall determine which valuables (other than personal property) should be secured at headquarters. The supervisor shall use reasonable care in ensuring the protection of other valuables. Final disposition of property will be handled in accordance with department property procedures, if next of kin can not be located. Any valuables which the officer is unable to remove from the deceased will be listed on a separate property record and signed by the next of kin, livery service personnel, or other person transporting the body. The original portion of the report will be forwarded to the Records Unit and one will be provided to the next of kin or livery service.

- .4 When suspicious circumstances are present (e.g. a suspicious overdose, suicide, homicide, etc.), a supervisor or forensic scientist may determine that property physically located on the deceased will remain there so as not to affect their evidentiary value, or disturb other potential evidence. In such cases, the supervisor shall ensure that a separate HPD property record listing the known property is completed and signed by the livery service personnel or other person transporting the body. If the supervisor or forensic personnel determines that property of evidentiary value located on the body should be collected immediately, standard procedures will be followed. Other personal property not needed for evidence will be handled according to the above section (17.5.3).
- .5 When necessary to notify relatives concerning a death, such notification shall be made in person in a discreet manner. The telephone shall be used for such purpose when no other means are available. The Police Department Chaplain may also be contacted to assist in this notification.
- .6 The name of the decedent shall not be released until next-of-kin have been notified.
- .7 The investigating officer will notify the ECC dispatcher and Shift Supervisor that a special check will be maintained on the deceased person's home until a next of kin or other person who has legal authority takes actual custody of the home.

17.6 PURSUIT DRIVING

- .1 Vehicle pursuit of fleeing suspects can present a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the responsibility of this department to assist officers in the safe performance of their duties. To fulfill these obligations, it shall be the policy of this department to regulate the manner in which vehicular pursuits are undertaken and performed.
- .2 DEFINITIONS
 - .1 Vehicle Pursuit: For the purposes of this policy, a vehicle pursuit shall be defined as any attempt by an officer in an authorized emergency vehicle to apprehend a fleeing suspect who is using a vehicle to actively attempt to elude the police. Following a person in a vehicle who is refusing to stop, but is maintaining a safe and legal speed and following all rules of the road, and who is not actively attempting to elude the police is not a vehicle pursuit under this definition.
 - .2 Authorized Emergency Vehicle: For the purposes of this policy, an authorized emergency vehicle is a Class A (as defined in TA §13-912) standard police four wheel motor vehicle equipped with emergency lights and siren.
 - .3 Primary Unit: The officer who initiates a vehicle pursuit or any officer who assumes control of the pursuit.
 - .4 Secondary Unit: Any officer who becomes involved as a backup to the primary unit.
- .3 INITIATION OF VEHICLE PURSUIT
 - .1 Any officer in an authorized emergency vehicle may initiate a vehicular pursuit when the suspect

exhibits the intention to avoid apprehension by refusing to stop when properly directed to do so, and under the conditions described in the following sections.

- .2 The seriousness of the possible outcome of a vehicle pursuit commands a police officer to weigh many factors when deciding whether or not to pursue the violator. The decision to pursue must be based on the pursuing officer's conclusion that the immediate danger to the officer and the public created by the vehicle pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Some of the questions an officer must answer when deciding whether or not to pursue a vehicle are:
 - Does the seriousness of the crime warrant a vehicle pursuit?
 - Is the offender known, and what is the possibility of apprehension at another time?
 - Will the vehicle pursuit take place on residential or business streets?
 - What are the traffic conditions?
 - What are the weather conditions?
 - What is the condition of the police vehicle?
 - Is there assistance available from other officers, and is the vehicle pursuit within radio communications range?
 - .3 Officers in unmarked police cars equipped with emergency lights and siren may initiate a vehicle pursuit. When a marked unit becomes available to take over the vehicle pursuit, the unmarked unit will withdraw and serve as a secondary unit in a support role.
 - .4 Police bicycles WILL NOT participate in any vehicle pursuits. Only authorized emergency vehicles will participate in vehicle pursuits.
 - .5 Officers will not initiate nor will they participate in vehicle pursuits when accompanied by civilian passengers.
- .4 INITIATING OFFICER'S RESPONSIBILITIES
- .1 In any vehicle pursuit, the pursuing officer(s) will immediately activate the siren and emergency lights, and will continuously use both systems throughout the pursuit.
 - .2 If the officer has not already done so prior to the start of the vehicle pursuit, he will contact the ECC as soon as possible after initiating the pursuit and relay relevant information such as:
 - The unit involved.
 - The location and direction for travel.
 - Exact reason for vehicle pursuit.
 - A detailed description (to the fullest extent possible) of the pursued vehicle.
 - Any other details which will enable other officers in the area as well as the ECC dispatcher to be aware of the pursuing officer's situation.
 - .3 During the vehicle pursuit, a safe distance must be maintained between vehicles. This will enable the pursuing officer to duplicate any sudden turns, and will lessen the possibility of any sudden collisions in the event of a sudden stop or collision involving the pursued vehicle.
 - .4 Officers will not pursue suspect vehicles the wrong way on divided highways without supervisory permission.
 - .5 Officers involved in vehicle pursuits are authorized to suspend conformance with normal traffic regulations to the extent allowed under TA §21-106. However, officers in vehicle pursuits are not relieved from the duty to drive with due regard for the safety of all persons, per TA §21-106.
 - .6 If the fleeing vehicle leaves the roadway, the pursuing officer will try to contain the vehicle and will not pursue the vehicle off the roadway, unless the seriousness of the offense outweighs the

existing potential hazards (to the officer, police vehicle, and property) of continuing the pursuit.

- .7 Officers shall keep their vehicle under control at all times .
- .5 SECONDARY UNIT RESPONSIBILITIES
- .1 During vehicle pursuit, no more than two authorized emergency vehicles should be operated in close pursuit. The second unit is responsible for radio transmissions regarding the pursuit.
 - .2 Officers not involved in the vehicle pursuit shall curtail non-emergency radio transmissions. Such transmissions shall be made on a secondary channel.
 - .3 Officers not involved in the vehicle pursuit are to remain in their sectors but should move to a location in their sector that is closest to the pursuit activity.
 - .4 During the vehicle pursuit, officer's are prohibited from passing another unit also in pursuit unless the driver of the front unit is aware and moves out of the way of the passing unit.
- .6 BACK-UP UNITS
- .1 Back-up units can be assigned by a supervisor to assist the primary and secondary units when additional manpower is needed (i.e. large number of suspects in vehicle, assistance with search, etc.). Back-up units will respond at a normal Code Two response.
 - .2 If a K-9 unit with tracking ability is available, it should be dispatched as a back-up unit if not already involved as a primary or secondary unit.
- .7 PURSUIT VEHICLE RADIO COMMUNICATIONS
- .1 If the vehicle pursuit leaves the range of the radio system repeaters, the pursuing vehicles will have to go to a talk around channel (4 or 5) to communicate with each other. Once this has been done, Headquarters will not be able to monitor the car to car transmissions.
 - .2 All officers operating sirens should keep the cruiser windows rolled up to keep background noise to a minimum.
 - .3 If two officers are assigned to a unit, the passenger officer has the responsibility to operate the radio and siren.
- .8 DISPATCHER RESPONSIBILITIES
- .1 The ECC dispatcher will ascertain which units are available as secondary and back-up units.
 - .2 The ECC dispatcher will clear the radio channel of non-emergency traffic, and relay necessary information to other officers and jurisdictions.
 - .3 The ECC dispatcher must always attempt to maintain radio contact with the officers involved in the vehicle pursuit and at first opportunity notify the supervisor of the pursuit. The ECC dispatcher MUST NOT tie up the radio with unnecessary transmissions.
 - .4 If the vehicle pursuit appears to be leaving the city limits, the ECC dispatcher shall notify the affected jurisdiction as soon as possible.
 - .5 Upon notification of an accident occurring as a result of a pursuit, the ECC dispatcher shall assign a unit to stop and investigate according to section 17.6.11.
 - .6 The ECC dispatcher will ensure that a patrol supervisor is made aware any time a pursuit is

initiated.

.9 SUPERVISOR RESPONSIBILITIES

- .1 When made aware of a vehicle pursuit, the appropriate supervisor shall monitor incoming information, coordinate and direct activities as needed to ensure that proper procedures are used, and shall have the discretion to terminate the pursuit, as well as the duty to terminate any pursuit not meeting Department guidelines. If the pursuit originated in another jurisdiction and does not meet HPD guidelines, the supervisor shall have the ECC dispatcher contact the originating jurisdiction and request that the pursuit be terminated.
- .2 Where possible, a supervisory officer shall respond to the location where a suspect vehicle has been stopped following a vehicle pursuit.

.10 FORCIBLE STOPPING

- .1 Because of the potential dangers involved, pursuing officers are not to pull along side of a fleeing vehicle in an attempt to force the subject into a ditch, curb, parked car, or any other obstacle, unless lethal force is justified and no other reasonable options are available. Additionally, relevant information regarding the use of forcible stopping techniques will be included in annual EVOG training.
- .2 The use of any roadblocks, fixed or moving, is limited to only those incidents where lethal force is justified, and only with the authority of a supervisor who will personally monitor and supervise such action. The decision to use a roadblock will be made considering several factors that would include:
 - Number of officers available.
 - Seriousness of the known crime.
 - Danger to the public safety.
 - Sufficient information on the vehicle involved.
- .3 Because of the extreme and obvious dangers inherent in using roadblocks in vehicle pursuit situations, road blocks will not be used to apprehend wanted subjects when it is apparent that innocent persons could be endangered.
- .4 Fixed roadblocks are never to be set on the crest of a hill or on a curve, or where an innocent citizen could be involved in a collision.
- .5 If a fixed roadblock has been ordered and a department vehicle has been stationed as part of the roadblock, NO ONE will remain in or behind the vehicle, and the emergency lights will be left on.
- .6 Moving roadblocks are used to slow, then stop a fleeing vehicle when the police vehicle can be stationed in front of the fleeing, and only when the suspects are not thought to be armed with firearms.
- .7 During a moving roadblock, officers in the blocking vehicle(s) should pull out in front of the fleeing vehicle far enough ahead as to be able to get up to the pursuit speed. Once up to speed, the blocking officer(s) should gradually slow down and stop.
- .8 Devices designed and intended to be utilized to deflate the tires of subjects fleeing from police officers may be utilized as an aide to terminating a vehicle pursuit. Only those devices approved and made available by the department are to be used for this purpose. Only those officers who have received training in the use and deployment of such devices are authorized for such use. Such devices are to be used only in accordance with the training provided and in accordance with all other provisions of this chapter. Officers deploying such devices must use extreme caution relative to their personal exposure and the risk to themselves while deploying such devices. A Use of Force Form is to be completed at any time the spikes are deployed/utilized pursuant to

Rules and Regulations 12.3.

- .9 A Use of Force Form is to be completed at any time the spikes, roadblocks (fixed or moving), or forcible stopping is utilized (pursuant to Rules and Regulations 12.3.).
- .11 PURSUIT ACCIDENTS
 - .1 If the suspect vehicle becomes involved in an accident, the unit handling the radio communications shall notify Dispatch immediately. All units involved in the pursuit and supervisors monitoring it shall immediately evaluate the advisability of continuing the pursuit (pursuant to section 17.6.12) and act accordingly.
 - If the accident involves the suspect vehicle and unattended property, the ECC dispatcher shall assign a unit not involved in the pursuit to investigate.
 - If the accident involves the suspect person and another person (e.g. a vehicle in transport, pedestrian, etc.), the ECC dispatcher shall assign one secondary unit to investigate. If only one unit is involved in the pursuit, that unit will discontinue the pursuit and investigate the accident.
 - .2 If a police unit is involved in an accident while participating in a pursuit, the involved officer shall notify Dispatch immediately. All units involved in the pursuit and supervisor monitoring it shall immediately evaluate the advisability of continuing the pursuit (pursuant to section 17.6.12) and act accordingly.
 - The involved unit may continue the pursuit if (1) the continued pursuit is justified, (2) no other unit is available to assume the pursuit, and (3) damage to the unit is minor and it can still be operated without danger.
 - If the accident involves a police unit and another person (e.g. a vehicle in transport, pedestrian, etc.), the police unit shall stop and, if able, the officers shall check for injuries and render necessary aid.
 - In any pursuit related accident involving a police unit, the ECC dispatcher shall, as soon as is practical, ensure that a supervisor is aware of the accident. The supervisor will determine who will investigate it.
- .12 TERMINATION OF VEHICLE PURSUIT
 - .1 The pursuing officer must use the best judgement in evaluating a vehicle pursuit and should make a continuous appraisal in deciding if the pursuit should be continued. The decision to continue shall be based on the same factors used in the decision to initiate the vehicle pursuit. The element of personal challenge to the officer should never enter into the decision to terminate a vehicle pursuit.
 - .2 A vehicle pursuit may be terminated by:
 - The primary pursuit officer, or
 - The supervisor
 - .3 The fact that the vehicle pursuit is leaving the city limits does not by itself require that it must be terminated.
 - .4 The vehicle pursuit shall be terminated if the suspect's identity has been determined, immediate apprehension is not necessary to protect the public or officers, and apprehension at a later time is feasible.
 - .5 The vehicle pursuit shall be terminated if the suspect has outdistanced the officer or its location is not known.
 - .6 Once the vehicle pursuit is terminated, the officer(s) involved will notify the shift supervisor as soon as possible. If out of radio range, a telephone call will be made.
- .13 INTER-JURISDICTIONAL VEHICLE PURSUITS WITHIN THE CITY LIMITS

- .1 When a vehicle pursuit is originated by another law enforcement agency and enters the city, the shift supervisor will determine if HPD officers are to join the pursuit.
 - .2 HPD officers may be authorized to join the pursuit only if:
 - the pursuing jurisdiction notifies HPD of the offense for which the suspect is wanted, and
 - the offense meets the criteria for vehicle pursuits within the city.
 - .3 HPD officers will not fall in line and continue the vehicle pursuit outside the city limits unless authorized by a supervisor.
 - .4 If the suspect is apprehended, the driver can be charged with all violations occurring in the city.
- .14 INTER-JURISDICTIONAL VEHICLE PURSUITS OUTSIDE THE CITY LIMITS
- .1 When a vehicle pursuit leaves the city limits, HPD personnel shall follow all policies and procedures in this section (17.6), as well as all other applicable Rules and Regulations and State laws.
 - .2 When a vehicle pursuit leaves the city limits, HPD personnel shall end or remove themselves from the pursuit if requested by the law enforcement agency having jurisdiction.
 - .3 If a pursued vehicle is stopped, and the suspect is apprehended outside the State of Maryland, the primary officer shall request assistance from the law enforcement agency representing the jurisdiction where the apprehension occurs. If the other jurisdiction has no charges for the suspect, the suspect is to be released after the primary officer obtains all identifying information. The primary officer shall return to Maryland and obtain the appropriate charging documents. The suspect may not be transported back across the state line until the charging documents have been issued and extradition has been authorized by the State's Attorney's Office.
 - .4 In the case of persons suspected of serious offenses who are apprehended in another state following a pursuit, the primary officer will notify Dispatch to have a teletype sent to the jurisdiction's representative law enforcement agency requesting that the suspect be held. The officer will then return to Maryland, obtain the appropriate charging documents, and check with the State's Attorney's Office for extradition authorization.
- .15 USE OF FIREARMS DURING VEHICLE PURSUIT
- .1 Department policy regarding the use of deadly force shall be strictly followed. Regulations regarding firing at or from a moving vehicle are found in section 12.13 of these Rules and Regulations.
 - .2 Firing to disable a vehicle shall be a last resort measure and done only when failure to do so will, with a high degree of probability, result in injury or death to an innocent person.
 - .3 Officers must take into account the location, the vehicular and pedestrian traffic, and the hazard to innocent persons.
- .16 REVIEW OF VEHICLE PURSUIT INCIDENTS
- .1 Each officer involved in a vehicle pursuit will complete the Police Pursuit Report as soon after the termination of the pursuit as is practical. (See section 28.21 for instructions on completing the form.) The officer's immediate supervisor shall review the report to ensure accuracy and completeness, and critique the vehicle pursuit with the officer to ensure that the officer complied with all laws as well as departmental policy. The supervisor will then forward the report to the Internal Affairs Administrator for review.
 - .2 Upon receipt, the Internal Affairs Administrator will review the pursuit report to ensure accuracy

and completeness, and to assess if the pursuit complied with Departmental rules, regulations, policies and procedures. The Internal Affairs Administrator will prepare a memo to the Chief of Police with the IA Administrator's assessment as to compliance with HPD policy and procedures. Included with the memo will be the pursuit report and all related correspondence.

- .3 The Chief of Police will make the final assessment regarding compliance with HPD policy and procedure. If further action is needed, the Chief will direct same to the appropriate supervisor.
- .4 Each pursuit report and related correspondence will be filed maintained in the IA files.
- .5 Annual Analysis: Each year, an HPD member assigned by the Chief of Police will analyze the previous year's pursuit reports for patterns or trends that indicate training needs and/or policy modifications. The findings will be reported in writing to the Chief of Police through official channels.

17.7 MOTOR VEHICLE STOPS

Officers must use extreme caution on each motor vehicle stop. The procedures outlined in this section shall be followed when a vehicle is stopped for any reason.

- .1 After an officer has determined to stop a motor vehicle, he shall first notify the ECC of the following before stopping the vehicle.
 - .1 make, year, and color of vehicle.
 - .2 registration information (tag and state).
 - .3 number of occupants in vehicle.
 - .4 direction of travel.
 - .5 location of stop.
- .2 The officer shall alert the operator using the below listed equipment in the listed sequence:
 - .1 Emergency flashers
 - .2 High beams (day and night)
 - .3 Emergency lighting system
 - .4 Patrol car horn
 - .5 Siren and/or P.A. system
 - .6 Spotlight, when needed
- .3 When choosing a location to stop the vehicle, the officer shall consider the following:
 - .1 As safe a location as possible, out of the traffic lane, when practical.
 - .2 A well-lighted area at night.
 - .3 Attempt to prevent vehicular or on-foot escape.
- .4 The following steps shall be performed when approaching the vehicle.
 - .1 Approach as soon as possible to put the operator on the defensive.
 - .2 Attempt to keep the operator in the vehicle for his and your own safety.
 - .3 Stay close to the patrol vehicle and the violator's vehicle to cut down your silhouette.
 - .4 Approach to the rear of the driver's door and make violator turn in order to converse.
 - .5 Attempt to keep your weapon hand free.
 - .6 Have the portable radio in your possession.
- .5 When conversing with the operator, always remember the following:
 - .1 Address the subject with your name, rank and Department.
 - .2 Ask for driver's license and registration.
 - .3 Inform the operator why you stopped him.
 - .4 Check for signs of physical impairment, emotional distress and alcohol/drug abuse, and take appropriate action.
 - .5 Advise the operator what disposition you will take. If you are going to place charges, be certain you observed the violation(s) you are charging, or have probable cause as required under the

- Transportation Article.
 - .6 BE COURTEOUS, BUT FIRM. Maintain a professional attitude and appearance, avoiding arguments with the violator.
 - .7 Explain whatever paperwork that is presented to the operator. Have the operator sign when issuing paper citations; verify identification when issuing ETIX. Give the operator the appropriately marked copies
- .6 When completing the stop, assist the operator back into traffic and clear with the ECC.
- .7 Remember to approach every motor vehicle stop with the same degree of caution. You never know who you are stopping.

17.14 RESERVED

17.15 TOWED VEHICLES

- .1 Vehicles will be towed at the direction of an officer when the following circumstances exist:
 - .1 When the operator is arrested, other than for DWI, and no other immediate disposition is available for the vehicle (e.g. a competent person with a valid license authorized by the operator to take the vehicle). (For DWIs, see Rules and Regulations section 26.1.6.)
 - .2 Abandoned vehicles.
 - .3 Recovered stolen vehicles (unless the officer is going to release the vehicle to the owner at the scene).
 - .4 When the vehicle is not in proper condition to be driven (unsafe vehicle).
 - .5 Vehicles bearing stolen, altered, expired or no registration.
 - .6 Confiscated vehicles.
 - .7 When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons.
 - .8 Illegally parked vehicles in fire zones, tow-away zones, and handicap zones, or hindering traffic or creating a hazard.
 - .9 When the driver is arrested for DWI and a valid owner or co-owner competent to drive is unavailable.
 - .10 Scoff Law violations (see section 17.24.6).
 - .11 When the driver is arrested for driving while suspended/revoked and another valid driver is unavailable.
 - .12 Under any other reasonable circumstance to accomplish lawful objectives. An example would be an abandoned hit and run suspect vehicle, towed to verify ownership and proof of insurance.
- .2 PROCEDURES FOR TOWING MOTOR VEHICLES:
 - .1 Vehicles towed at the direction of an officer and taken by the tow service to its impound yard (i.e. not towed to a location requested by the driver/owner) shall be inventoried, and all items within the vehicle shall be listed on a Property Record. Inventories shall extend to closed containers when such containers are accessible and can be opened without undue damage to the container; i.e. zipped but not locked garment bags, closed but not locked suitcases, etc.
 - .2 An Offense/Incident Report shall be prepared.
 - .3 An officer shall note any exterior or interior damage to the vehicle and list same on the Offense/Incident Report.
 - .4 An officer shall remain with the vehicle until it has been released over to the towing company.
 - .5 If the vehicle is not to remain impounded at the direction of an officer, it may be towed to a location requested by the driver/owner, provided that location would not be in violation of any law or ordinance. Another Offense/Incident report will not be completed.
 - .6 If the vehicle is to remain impounded at the direction of an officer, a Hold Card shall be prepared by the officer and attached to the Offense/Incident report. (See section 17.15.4, below).
 - .7 When requesting tow services, officers shall notify the ECC dispatcher to contact next in line contractual towing service when the owner has no special preference, or when the tow is

requested by the officer. A list of contracted tow companies will be maintained at the ECC, and they will be utilized on a rotating basis. If the officer finds it necessary to cancel a tow service request and the driver cannot be recalled, the officer will provide the vehicle and owner information to the tow truck driver for billing purposes. The officer will not attempt to collect fees for the tow. If the driver cannot be recalled, that service will go to the bottom of the call order. If the driver can be recalled, the tow service remains at the top of the call order.

- .3 TOWING AND SECURING VEHICLES AT HEADQUARTERS FOR IMPOUNDMENT:
 - .1 Vehicles towed for the following reasons will be impounded and secured at headquarters lot:
 - CDS Violations
 - Any vehicle an officer feels should be impounded at headquarters for investigative purposes.
 - .2 Vehicles impounded at headquarters will be stored in the impound area, and the gate shall be kept locked.
 - .3 When the impound area is full, vehicles impounded at headquarters will be secured using one of "The Club" auto anti-theft devices. These devices and the directions for their use are stored in the Patrol Supervisor's Office
 - .4 The keys to vehicles impounded at headquarters will be kept with a copy of the report in the patrol supervisors' office. When The Club is used to secure the vehicle, the key to the device will be kept with the vehicle keys.
 - .5 Officers will mark on the Offense/Incident report if the vehicle was stored in the impound area or secured with The Club.
 - .6 If the impound lot is full, and all of the anti-theft devices are in use, the watch commander will take other necessary steps to secure the vehicle. Coil wires will not be removed unless absolutely necessary.
 - .7 When a vehicle is impounded at headquarters for CDS violations, the officer will use a grease pencil to mark the windshield with the incident number, the date of impoundment, and the officer's name.
 - .8 Vehicles towed to headquarters shall be charged a storage fee of \$20 per day. Storage fees will not be charged for crime victims' vehicles. Fees for other vehicles may be waived with the approval of the Patrol Division Lieutenant or Operations Captain. For all others, the fees will be assessed the day after the owner is notified of the vehicle's availability.
 - .9 If a vehicle is to be stored at HPD, the investigating officer shall forward a copy of the tow bill to the Records Unit for payment. A copy of the bill is to be kept with the report copy in the patrol supervisors' office. As a condition of release, payment of the tow fee must be made to the City of Hagerstown (see section 17.15.5 on releasing towed vehicles). This condition is to be included on the hold card.
- .4 HOLDING TOWED VEHICLES--
 - .1 Under certain circumstances, vehicles towed at the direction of an officer **will** be ordered held until specific conditions are satisfied. Those circumstances and conditions are:
 - VEHICLE OWNERSHIP IN QUESTION: Vehicle may be release when question of ownership is satisfied.
 - STOLEN VEHICLE: Vehicle may be released upon proof of ownership and when it is no longer needed for the investigation.
 - VEHICLE USED AS EVIDENCE: Vehicle may be released upon proof of ownership and when it is no longer needed for the investigation.
 - SCOFF LAW VIOLATOR: Vehicle may be released after the debt is satisfied.
 - VEHICLE SEIZED FOR CDS VIOLATION: Vehicle may not be released unless the Department cannot or will not obtain ownership.
 - IMPROPER REGISTRATION VIOLATION (expired, listed to another, unregistered, etc.): Vehicle may be released only if the owner/operator has valid registration or is going to have the vehicle towed from the tow company impound lot.
 - DRIVER SUSPENDED/REVOKED (no other valid driver available at time of offense): Vehicle may only be released if a valid driver is there to drive the vehicle or if the

- owner/operator is going to have the vehicle towed from the tow company impound lot.
- .2 When a towed vehicle is to be held, the officer ordering the hold will complete a Departmental Hold Card and attach same to the report.
- .5 PROCEDURES FOR RELEASING TOWED MOTOR VEHICLES--
- .1 Vehicles that have been ordered held by the Department shall only be released with the authority of the officer who originally had the vehicle towed or a Supervisor, when the conditions of the Hold Card have been satisfied.
 - .2 The owner, or valid operator at the time the vehicle was towed, will be permitted to take the vehicle upon satisfaction of the conditions of the Hold Card. Owners/operators must come to HPD in person and present documentation to an officer, supervisor, or staff member. A copy of the signed hold card shall be provided to the owner/operator to present to the tow facility as proof of release authorization.
 - .3 For scoff law violations, the owner/operator must pay all fines at the Tax Office at City Hall during normal business hours. Proof of payment must be provided before a vehicle is released.
 - .4 For scoff law violations, during normal business hours the owner/operator must pay all fines at the Tax Office at City Hall. Proof of payment must be provided to an HPD officer/supervisor or staff member before a vehicle is released. Outside normal business hours, an HPD officer/supervisor or staff member may accept payment as follows:
 - .1 Look up the Offense/Incident report, either through the electronic records management system or in the towed vehicle file in the Patrol Supervisor office area. If the vehicle was booted, the information should be recorded on the CAD report as no Offense/Incident report will have been filed.
 - .2 Collect all outstanding parking violation fines and other fees (tow bill, boot release fee, storage, etc.) that are listed on the report. Credit/debit cards or money orders will be accepted. Cash or checks will not be accepted.
 - .3 If the report does not contain fine and fee information, and if no other method is available to determine outstanding fines and fees, the person will have to make payment at City Hall during normal business hours before the vehicle can be released.
 - .5 For any vehicle impounded at HPD, the tow and storage fees must be paid at the Police Department. Credit/debit cards or money orders will be accepted. Cash or checks will not be accepted. A patrol supervisor or HPD member designated by the Operations Captain will collect the fees and provide a receipt to the owner/operator. Personnel taking payments shall be trained in the operation of the credit card machine and procedures for collection of money orders. Non-supervisory sworn will not be expected to take payments unless they have been trained in and are comfortable with the process. Officers on extended modified duty may be expected to perform this function after appropriate training.
- .6 TOWING RECOVERED STOLEN VEHICLES--
- .1 Upon recovery of a stolen vehicle, the officer will determine the reporting agency, and if that agency wishes the vehicle be held for evidentiary purposes.
 - .2 If the owner of the vehicle is unknown or unable to respond immediately, the vehicle will be towed by the next in line tow service. The vehicle owner is responsible for the cost of the tow.
 - .3 Whenever possible, the vehicle should be processed at the scene and the owner notified to claim it there.
- .7 TOWING ABANDONED VEHICLES--
- .1 Abandoned vehicles are defined in the Maryland Transportation Article, section 25-201, and include those vehicles in violation of the City of Hagerstown's 48 hour ordinance (Code of the City

- of Hagerstown, Chapter 60, Art. VIII, section 60-23A (4)).
- .2 Vehicles found in violation of the City's 48 hour ordinance will be issued the appropriate citations. The officer will attempt to locate the owner to have the vehicle moved. If the owner cannot be located, the officer will place a "Violation Notice" window sticker on the vehicle. If the vehicle has not been moved with 48 hours after the noticed is placed, the vehicle should be towed according to the above procedures. Within 7 days of towing, the civilian staff person designated by the Operations Captain will send a notice to the last known owner in accordance with TA 25-204(a).
 - .3 Once the vehicle is removed to the tow company's storage facility, the tow company shall have the responsibility for contacting the owner (TA sec. 25-201 (b)(4) and (6), and TA sec 208). If the tow company cannot contact the owner, or if the owner refuses to claim the vehicle, the tow company shall apply to the Department for authority to transfer the vehicle to an automotive dismantler, recycler, or scrap processor pursuant to TA sec. 25-209. The Department shall respond to the application as provided for in TA sec. 25-209.
 - .4 If for any reason the vehicle is removed to the Department's lot or other city owned storage facility, the Department shall be responsible for contacting the owner pursuant to TA 25-204 and 25-205.
 - .5 Removal of abandoned vehicles from private property is the responsibility of the property owner or lessee.
- .8 PROCEDURES FOR VEHICLES SEIZED FOR CDS VIOLATIONS--Vehicles will be seized and forfeiture proceedings begun for any vehicle which can be linked to illegal drug activity (sold drugs from, possessed drugs in, bought with drug proceeds, etc.), and when the owner can be shown to have known about the activity. In ALL such cases, whether or not the defendant is convicted in court, the arresting officer will, in addition all other applicable procedures, complete the Department's receipt form for asset forfeitures, provide a copy to the person, and submit a copy for the case file. When a vehicle is seized/impounded for asset forfeiture, the Patrol Division Administrative Specialist will notify the police supervisor who is assigned to coordinate asset forfeitures for HPD. That supervisor will ensure the seizure and forfeiture process is executed according to state law. Internally, the supervisor will:
- .1 Coordinate the legal procedural requirements with the City Attorney and State's Attorney;
 - .2 File an interdepartmental memo to the Chief of Police detailing the circumstances of the seizure and forfeiture request;
 - .3 Obtain lien and title information on the vehicle through MVA. When lien information is obtained, contact all lien holders to determine how much is owed on the vehicle and to whom;
 - .4 Upon receiving all title and lien information, forward same to the Chief of Police so forfeiture proceedings may begin. This must be done within 45 days of impoundment, so the information must be requested as soon after impoundment as possible.
 - .5 When a decision is made not to pursue forfeiture or if forfeiture is denied by the court, ensure owners are notified as to process for retrieving their vehicles.
- .9 MOTOR-SCOOTERS/MOPEDS--
- .1 Officers are to request the contracted motor-scooter/moped tow company through the Emergency Communication's Center. The contracted tow company will be selected by the Operations Captain (per City policy) and identified via Special Order.
 - .2 The towing company will be responsible for lifting, transporting and placing the items in the HPD impound yard. The officer will complete a property tag for the item, attach the tow bill to the property record, and forward a copy to the Records Unit who will process the bill for payment. The officer will ensure the incident number is written on the tow bill.
 - .3 Since HPD will be paying the tow bill, payment of the tow bill amount is required before the property is returned to the owner. The storage fee of \$20 per day shall be assessed beginning the day after the owner has been notified to retrieve the vehicle. The storage fee may be waived by the Operations Captain on a case by case basis.
 - .4 Towing and storage fees may be paid by credit card, check, or money order only. Cash may not be accepted.

- .5 Any towing performed pursuant to this section by the contracted tow company shall be done irrespective of the normal towing rotation policy for HPD tow requests.

17.16 PRELIMINARY AND FOLLOW UP INVESTIGATIONS BY PATROL OFFICERS & NON-SWORN PERSONNEL:

- .1 Many times the most important factor in solving a crime is the information supplied by a victim or witnesses to the first responding officer. In most cases, unless unusual circumstances present themselves, patrol officers will respond, conduct the preliminary investigation, and prepare the initial investigatory report. However, some categories of crimes will require specially trained investigators to conduct the preliminary investigation. These areas of initial specialist involvement are:
 - .1 Homicide.
 - .2 Check Forgery.
 - .3 Embezzlement.
 - .4 Bribery.
- .2 The only other situations in which a uniform patrol officer will not respond to conduct the preliminary investigation are those which are so unusual or complex that the patrol supervisor determines that a non-uniformed response is necessary or more appropriate.
- .3 Preliminary Investigations begin when the officer arrives at the scene of an incident, first makes contact with the complainant, or becomes aware that a crime has been or is being committed. This preliminary investigation continues until such time as the postponement of the investigation or transfer of responsibility. The preliminary investigation usually includes some or all of the following:
 - .1 Providing for immediate medical attention to persons believed to be injured.
 - .2 Protecting the scene to prevent evidence from being lost or contaminated.
 - .3 Determining whether a crime has been committed and, if so, the exact nature of the offense.
 - .4 Determining the identity of the suspects and arresting them when appropriate.
 - .5 Providing information to the ECC and to other units regarding description, method and direction of travel, and any other relevant information concerning suspects and/or suspect vehicles.
 - .6 Identifying all witnesses.
 - .7 Interviewing victims, witnesses and suspects to determine in detail the exact circumstances of the offense.
 - .8 In more serious cases (i.e. homicide, etc.) notifying CIU (who will put the Major Case Team Plan into effect).
 - .9 Arranging for crime scene processing.
 - .10 Taking written statements when possible and appropriate, from victims, witnesses, and suspects.
 - .11 Accurately and completely recording all pertinent information in proper form.
 - .12 Referring the complainant to the District Court Commissioner when charges will be sought and responsibility for pursuing prosecution rests with the complainant.
 - .13 Any other action which may aid in resolving the situation, solving the crime, or as directed by supervision.
- .4 Follow-up investigations may include interviews with victims and witnesses, interrogation of suspects, determining the exact circumstances of the crime, recovery of stolen property, identification and apprehension of the offender, determining if other crimes may have been committed by the suspect, consulting with the State's Attorney's Office regarding charges to be brought, and preparing the case for court.
- .5 Patrol officers will normally only conduct follow-up investigations of their own cases which do not require a substantial amount of investigatory time or expertise. Patrol officers shall notify their supervisors when they intend to conduct a follow up investigation which will take more time. CIU shall have the responsibility for conducting all other follow up investigations, when possible.

- .6 In limited situations, the initial report may be completed by non-sworn personnel or the reporting person, via the online reporting option system established by the Department. The primary purpose for these alternatives is twofold. First, they provide opportunities for reallocation of patrol officers' time for both directed and self-initiated activity. Second, they provide citizens with an alternative to waiting for an available officer to respond to their location.

In order to qualify for telephone reporting, all of the following criteria must be met:

- .1 The incident must be one of the following:
 - Damage to property
 - Theft
 - Found Property
- .2 There are no known suspects in the case.
- .3 There are no known witnesses to the incident.
- .4 No other conditions exist which would require an on-scene response or would call for further investigation by a patrol unit.

The Department will coordinate with the ECC to develop screening methods for identifying eligible calls during the call taking process. If the call type meets the criteria, the ECC call taker has the following options:

- The call taker will first explain and recommend the online reporting option.
- If the caller declines to utilize the online reporting option, the call taker will process the request for service.
- If authorized personnel are on duty and available at HPD to take a qualifying report, the call taker will ensure the caller is transferred to the available personnel. If authorized personnel are not available, the call will be assigned for an in-person response.
- Personnel at HPD who are assigned these types of calls will offer to take the information over the phone. If the complainant wishes to have someone to respond in person, the HPD employee will give the complainant an estimated response time (based on the current and anticipated call load), then notify the ECC to assign the call for an in-person response.
- For an in-person response, if non-sworn HPD personnel (e.g. Auxiliary Unit) are available, the call will be assigned to one of them. If non-sworn personnel are not available, the call will be assigned to a patrol officer.
- The assigned patrol officer has the option to call the complainant before responding to the location to make a final assessment as to whether the complainant may want to file an online report. If the complainant declines, the officer will respond and conduct the preliminary investigation. If the officer expects to be delayed, that delay should be communicated to the complainant.
- Sworn personnel shall utilize the approved field report system to file the initial report. Civilian personnel shall utilize the online reporting system.

Civilian personnel shall receive training before being authorized to respond to the above incident types.

17.17 ROLL CALL PROCEDURE

- .1 It is the primary responsibility of the shift supervisor to see that his/her personnel are properly assigned, inspected, and briefed of all pertinent information available.
- .2 Roll calls will be conducted at the beginning of each shift.
- .3 Each officer will be in full uniform during roll call, unless working a non-uniformed assignment or otherwise approved by the officer's supervisor. The uniform must be clean and well pressed, and all leather gear and shoes must be clean and well polished.
- .4 In addition to formal inspections (see Chapter 57), patrol supervisors will visually observe the personnel of their squad during roll call for adherence to Department standards in the following areas:

- .1 Personal care and grooming.
- .2 Uniform.
- .3 Equipment.
- .5 The roll call will be conducted under the supervision of the Shift Supervisor, who will see that all personnel are properly briefed and updated on relevant directives and information.
- .6 Prior to the dismissal of the roll call, the Shift Supervisor should check to with the officers present to see if they have any pertinent information to disseminate to the others present.
- .7 At the conclusion of roll call, each officer will respond to his assigned patrol area without unnecessary delay unless otherwise directed. To prevent such unnecessary delay, officers will have ready all personal equipment needed for the work day (forms, clipboard, flashlights etc.) prior to the beginning of roll call.
- .9 At the conclusion of roll call, each officer will respond to his assigned patrol area without unnecessary delay unless otherwise directed. To prevent such unnecessary delay, officers will have ready all personal equipment needed for the work day (forms, clipboard, flashlights etc.) prior to the beginning of roll call unless otherwise approved by the officer's supervisor.

17.18 BEAT ASSIGNMENTS AND BEAT ROTATION

- .1 Shift Supervisors are held accountable for the assignments of personnel to the respective patrol beats. Shift Supervisors are given flexibility in order to achieve the best utilization of personnel resources in providing coverage. Generally, Shift Supervisors will consider the following criteria (but not necessarily in the following order) when making beat assignments:
 - .1 Seniority.
 - .2 Experience.
 - .3 Special skills/training needs.
 - .4 Performance.
 - .5 Officer preference.
- .2 Beat rotation will be accomplished at the discretion of the Shift Supervisor after evaluation of the criteria for beat assignment listed above. as a general rule, officers will be assigned to a particular beat as scheduling permits.

17.19 SHIFT ASSIGNMENTS AND SHIFT ROTATION

- .1 It is the general policy of the Hagerstown Police Dept. that the primary patrol function will be carried out by patrol officers assigned to our patrol squads which work two rotating shifts of 12 hours each. Additionally, scheduling and shift rotation shall conform with the prevailing collective bargaining agreement. This does not preclude the Operations Captain from temporarily reassigning officers from one shift to another for the purpose of responding to special or emergency situations, or meeting minimum manpower standards.
- .2 Officers on each patrol squad may be assigned to permanent geographic areas (sectors) as designated by the squad supervisor. Sector assignments are made at the discretion of the squad supervisor and are not based on seniority. Sector assignments do not require any specific rotation.
- .3 The Department may create additional patrol units other than the three patrol squads (e.g. the Downtown Squad) as deemed necessary, and assign officers to said units.

17.20 USE OF INFORMANTS BY PATROL OFFICERS

- .1 Although criminal investigators generally make use of informants more frequently, patrol officers may also use informants, particularly in light of their investigative responsibilities.
- .2 An informant is a person who provides information to the law enforcement community. Patrol officers are likely to develop a number of informants through routine day to day activities. Generally these informants are not paid, do not require or desire anonymity, and therefore do not come under special procedure requirements.
- .3 A confidential informant is a person who cannot or does not desire to have his/her identity known. Should a patrol officer develop a confidential informant or make use of a paid informant then coordination through the Criminal Investigation Unit must be accomplished. The Investigative Division Lieutenant or designee will coordinate and record all monies paid to informants.

17.21 TRAFFIC DIRECTION AND CONTROL

- .1 GENERAL POLICY-- Traffic direction and control is a joint function between the Police Department and the Engineering Department to ensure the safe and efficient movement of vehicles and pedestrians. The majority of the traffic control and direction is carried out through the use of unmanned mechanical devices, signals, and signs. Police officers and members of the Hagerstown Auxiliary Police shall be assigned to carry out identified traffic direction and control functions only at those times and places where law enforcement authority and/or human intervention is required to ensure traffic safety and efficiency. Such human intervention shall continue only until the problem is either resolved, or traffic control apparatus can be installed.
- .2 TRAFFIC CONTROL SURVEYS-- As a part of their normal function, patrol officers shall be alert for those locations where additional, new, or corrected traffic and parking control is needed. They shall notify their shift supervisors of these conditions. Shift supervisors will pass the information on to the Operations Captain who will notify the Engineering Department either directly, or through the Traffic Advisory Committee. Officers may also be assigned as needed to survey areas for traffic control and parking requirements in response to citizen complaints and statistical information. Statistical information shall also be passed on to the Engineering Department.
- .3 MANUAL TRAFFIC DIRECTION LOCATIONS-- Manual direction of traffic will be handled by the Uniform Patrol Division. Manual direction will be utilized in situations where traffic control signals or devices are needed but are not present or adequate. Emergency conditions may dictate the manual control of traffic. These include but are not limited to accidents, out of service signals, road construction, and special functions. Whenever possible, fire police will be utilized to relieve sworn officers.
- .4 MANUAL TRAFFIC DIRECTION PROCEDURES-- Manual direction of traffic by an officer will be handled in a manner that would enable drivers and pedestrians to recognize and respond to audible and verbal instructions. While directing traffic officers should remain calm and professional at all times. If a driver or pedestrian does not understand or refuses to obey an instruction, the officer will take the appropriate action with courtesy and professionalism. The following are basic procedures for manual traffic direction:
 - .1 To Stop Traffic: Officer extends his arm outward with the palm toward the vehicle or person to be stopped. The officer should use verbal and/or whistle commands to enhance the physical gesture.
 - .2 To Start Traffic: Officer swings the arm up at the elbow toward the direction in which the traffic is to flow. The officer should use verbal and/or whistle commands to enhance the physical gesture.
 - .3 Turns: Officer gestures the driver wishing to turn by extending the arm toward the direction the turn is to be made. The officer should use verbal and/or whistle commands to enhance the physical gesture. Officers should only give directions for turns when such a movement can be done safely.
 - .4 Officers may utilize flashlights, traffic wands, road flares, etc. while directing traffic to enhance their visibility.

- .5 REFLECTIVE OUTERWEAR--All patrol officer are issued a high visibility vest. Reflective vests or other reflective clothing such as the high-visibility side of the raincoat, must be used by personnel directing traffic, or in the roadway controlling traffic.
- .6 MANUAL OPERATION OF TRAFFIC CONTROL SIGNALS-- HPD personnel are not to operate traffic control signals manually. If such a need exists, personnel are to notify the ECC dispatcher and request that the Public Works Department respond to assist.
- .7 TEMPORARY TRAFFIC CONTROL DEVICES-- As a general policy temporary traffic control devices will be used only during pre-scheduled special events or in emergency situations such as accidents, natural disasters, etc. The devices will normally be placed and removed by the Street Department and/or the Police Department.
- .8 SPECIAL EVENTS-- Special events are any activities that may involve large amounts of vehicular and/or pedestrian traffic. These may include parades, picketing, demonstrations, and road maintenance. Officers will assist in the control of movement in the area to ensure no unusual problems occur.
 - .1 The Operations Captain will assist in planning for any special event that would require officers to control traffic. He will coordinate with Engineering, Signal, and other departments in planning the traffic movement based on anticipated attendance, location, and time.
 - .2 The route will be carefully planned to allow for normal and emergency activities to continue with a minimal amount of disruption.
 - .3 Side streets will be used to their maximum potential by eliminating parking to assist in a smooth flow of traffic. Officers may be assigned key areas to assist with this.
 - .4 Emergency services (fire, police, ambulance) will be provided unrestricted access from at least one direction.
 - .5 The Police Department will provide for crowd control by the use of foot patrol and officers in cruisers. These officers may be mobile or at a stationary post.
 - .6 Information will be provided at the earliest possible time to the media addressing changes or alterations of the event, parking, etc.
 - .7 The Police Department will be provided a list of authorized personnel permitted to cross police lines. These may include press, promoters, vendors, or VIP's.
 - .8 Officers will be allotted adequate scheduled breaks during the course of the event.
- .9 CRITICAL INCIDENT SCENES--The following are guidelines for handling traffic control at scenes:
 - .1 Officers on the scene will assess the hazards present and take action to minimize further damage to property or life. These may include directing traffic and/or evacuating the immediate area.
 - .2 Officers will assist in making sure the scene is clear for emergency vehicles and emergency response personnel to enter but restrict entry to unauthorized vehicular traffic.
 - .3 Officers will provide perimeter services to allow unrestricted access to the scene by fire and emergency vehicles/personnel.
 - .4 All volunteers arriving on the scene in private vehicles will be allowed to park at the edge of the police perimeter but not near the actual emergency scene unless conditions so permit or necessitate.
- .10 ADVERSE WEATHER AND ROAD CONDITIONS-- Adverse road conditions may arise out of many situations. These include accidental hazards such as downed power lines and debris or natural causes such as fog, ice, and snow. Officers will be cognizant of changing weather conditions so emergency measures (e.g. calling out salt or snow plow crews) can be taken if warranted. Officers will notify their supervisor of such problems so a determination can be made to call out the appropriate agency. An officer may provide on scene traffic direction if warranted.
- .11 SCHEDULED ESCORT SERVICES AS A FUNCTION OF TRAFFIC CONTROL-- Scheduled escort services may be provided in situations where they would be advantageous to traffic control and direction. Requests for escort services include, but are not limited to, those associated with public officials and

dignitaries, funerals, oversize loads, highway construction and maintenance vehicles, and vehicles with hazardous or unusual cargo. The following are guidelines to be used in association with requests for scheduled escorts:

- .1 Requests for non-emergency escort should be referred to patrol supervision.
 - .2 Escorts for public officials or other special requests are to be approved by the shift supervisor in advance.
 - .3 When the department elects to honor a request for scheduled escort service, the trip route will be established in advance, as will the maximum speed to be maintained along each segment of the route.
 - .4 Point traffic control will be established, as appropriate, at locations along the scheduled route sufficient to ensure safe passage.
 - .5 Tactical control of the escort will be assigned to a specific supervisor or officer in accordance with the complexity of the escort service being provided. The tactical controller will set the pace of the escort in accordance with prevailing conditions, and under no circumstances exceeding the pre-specified maximum speed for any segment of the route. The tactical controller will terminate the escort and resume normal vehicular operation when, in his opinion, conditions are such that continuation of the escort would constitute unacceptable risk to the public.
 - .6 The use of patrol vehicle emergency equipment during the escort will be specified in advance by appropriate supervisory or command personnel.
- .12 EMERGENCY ESCORTS-- The following guidelines will be followed with regard to emergency escorts:
- .1 Officers will not initiate emergency escorts without first notifying the ECC dispatcher and receiving clearance by a supervisor.
 - .2 Emergency vehicles, particularly ambulances, will not be escorted by officers except under special circumstances (e.g. the driver is not familiar with the location of the hospital, or when the emergency equipment is not working) since two emergency vehicles traveling together more than double the hazard to traffic.
 - .3 No emergency escort will be provided unless the officer receiving the request has reasonable ground to believe a very real emergency exists. If such an emergency exists, the patient should be transferred to an ambulance or, in the event that an ambulance is unavailable, to the cruiser for the emergency run. The driver of the civilian vehicle should be directed to proceed to the emergency medical facility at a normal speed in compliance with all traffic regulations. If in the opinion of the officer, however, delay or transfer would jeopardize the patient's life, the officer may escort the civilian vehicle to the nearest medical facility. During such escort all emergency equipment will be utilized and the officer will not proceed through traffic control devices without first stopping and ensuring that both vehicles can safely proceed. Vehicles carrying emergency supplies such as blood should have the supplies transferred to the cruiser if practical.
- .13 MONEY ESCORTS-- The following guidelines will be followed with regard to money escorts:
- .1 Escorts for City Hall: A request for escort must be made to this Department at least one half hour before the time needed, and only once a day. An officer will only be assigned to escort the person responsible for the money and will not handle any of the bank bags or transactions. He will clear the escort assignment after they have safely arrived inside the bank.
 - .2 Emergency calls: These should be handled on a case by case basis. The decision to take money escorts should be made by the Shift Supervisor.
 - .3 Frequent calls: Day to day money escorts will no longer be handled by this department.

17.22 ACCIDENT INVESTIGATION

- .1 INVESTIGATIVE RESPONSIBILITY-- The Patrol Division has the primary responsibility for carrying out accident investigations. Trained accident reconstructionists may be assigned to conduct or assist with accident investigations as needed. The Hagerstown Department of Police shall respond to and take

appropriate action at all accidents which occur on any highway, street, or public alley within the city limits of Hagerstown, and which are brought to the attention of the Department.

- .2 ACCIDENTS REQUIRING POLICE RESPONSE AND/OR INVESTIGATION-- Officers shall respond to, investigate, and report on the State of Maryland Motor Vehicle Crash Report accidents occurring on private or public property involving following circumstances:
- Vehicles are disabled as a result of the accident, even if only temporarily.
 - Hit and run accidents where the vehicle has been disabled or investigative leads are readily apparent. A Motor Vehicle Crash Report will also be required if investigative leads are developed at a later time.
 - Fatal or PI accidents.
 - DWI involved accident.
 - Accidents involving hazardous materials.
 - Accidents involving vehicles or property owned by the City of Hagerstown or other government entity.
 - One of the parties is arrested for an offense related to the accident.
 - Under any other circumstances when the officer feels a report is appropriate.

For detailed instruction about the Motor Vehicle Crash Report, refer to the Automated Crash Reporting System (ACRS) instructional PowerPoint in the Manuals folder on the shared drive.

- .3 If the circumstances indicate a crash report is not required, the responding officer should provide the parties with the event number, and should facilitate the exchange of insurance information. In such circumstances, officers still have the discretion to issue citations for appropriate offenses without being obligated to complete a crash report.
- .4 OFFICER IN CHARGE AT ACCIDENT SCENE-- Unless otherwise directed by a supervisor, when more than one officer arrives at the scene of a motor vehicle accident, the officer in whose sector the accident occurred shall be the officer in charge and shall be responsible for investigating the accident. If the sector unit is unavailable, the officer in charge shall be assigned by the ECC dispatcher.
- .5 FIRST RESPONDING OFFICER'S RESPONSIBILITIES--
- .1 Immediately upon arrival, the first officer at the scene will check for injuries, fire hazards, hazardous materials, and/or hot wires down, and will summon appropriate fire/medical/utility service. The officer will provide emergency medical aid and fire suppression services until fire/medical personnel arrive. Injured persons will not be transported in department vehicles unless authorized by the shift supervisor.
 - .2 In the case of hazardous material incidents, the officer will isolate the hazard area, evacuate non-essential personnel, and identify the vehicle and container placards (See 17.22.15).
 - .3 The officer will park his/her vehicle in such a manner as to protect the scene, preserve evidence, and protect the public, but not in such a manner that would create an additional hazard. Emergency lights will be activated while the cruiser is on the roadway.
 - .4 If damage to the vehicles will require them to be towed, a tow truck should be summoned as quickly as possible so normal traffic flow can be resumed, and the tow truck operator can remove the debris from the roadway (as required by law).
- .6 AT SCENE INFORMATION COLLECTION-- When investigating accidents, officers will ensure that a State of Maryland Motor Vehicle Crash Report is filled out completely and accurately when appropriate. It will include interviewing principals and witnesses, obtaining the necessary witness statements, listing all occupants of the vehicles, and examining and recording damage to vehicles, roadways, or other public or private property. Officers will assist drivers involved with exchanging information. The officer

will collect items of evidentiary nature, and take photos or measurements as needed. He may request the assistance of technical personnel (accident reconstructionists, CID) to assist in such evidence collection if needed.

.7 ACCIDENT RECONSTRUCTION--

- .1 In the event an accident involves one of the following situations, an accident reconstructionist will be called to the scene:
 - All fatalities or potential fatalities.
 - Serious or multiple personal injury accidents.
 - Serious departmental accidents.
 - Serious accidents involving city employees or substantial property damage.
 - Substantial property damage accidents where speed was a definite factor and a minimum speed needs to be determined.
- .2 The initial officer assigned to the accident will complete the crash report. The reconstructionist will complete other necessary forms.
- .3 Once the reconstructionist arrives on the scene, he will be in charge of the scene and will cooperate with the other officers present to complete their work as soon as possible.
- .4 The reconstructionist will interview all drivers, victims, and witnesses in the presence of the initial officer on the scene when practical and necessary.
- .5 In the event the reconstructionist is requested to assist in any departmental accident, they need not question the officer involved personally; however, they will be present when the investigating supervisor conducts his interview. The reconstructionist may then ask necessary questions through the investigating supervisor.
- .6 It will be at the discretion of the investigating supervisor if the reconstructionist will be the primary interviewer of witnesses or other persons involved. However, the reconstructionist will be present when the investigating supervisor interviews witnesses or other persons involved so necessary questions may be asked.

.8 FOLLOW-UP INVESTIGATION-- As needed, accident investigation follow-up is the responsibility of the investigating officer. If an accident needs further investigation, the following will be arranged on an as-needed basis:

- Collecting off scene data.
- Vehicle safety inspection.
- Obtaining recorded formal witness statements.
- Reconstruction of accidents (may be assisted by reconstructionist).
- Preparation of formal reports to support criminal charges arising from the investigation.

.9 SUPPLEMENTAL INFORMATION AND REPORTS--

- .1 Any continuation of the narrative of the narrative section of the Motor Vehicle Crash Report shall be completed on a Departmental supplement report.
- .2 Any information developed after the original report has been filed shall be submitted on a Departmental supplement report.
- .3 When investigating an accident involving a bus, the officer shall use the Department's "Accident Report Supplement - Bus Passenger Register". This form is used for passenger's only.
- .4 When accident reconstructionists are needed, they will complete those forms mandated by the Maryland Association of Traffic Accident Investigators.
- .5 Officers who investigate fatal motor vehicle accidents shall complete the Maryland Inter-Agency Law Enforcement System Fatal Accident Form. The contents of the form will be sent to the Maryland State Police Headquarters in Pikesville via teletype.
- .6 All officers investigating accidents shall assist the involved drivers with exchanging insurance information. Officers may utilize the Police Courtesy Accident Information Insurance Exchange Card (which also has information on how to obtain copies of crash reports), ETIX, or any other reasonable method.

.10 EXPERT AND TECHNICAL ASSISTANCE-- When the need for additional technical assistance beyond

the capabilities of departmental personnel is identified, the shift supervisor will assess the level and type of assistance needed, and to arrange for and coordinate same. Such technical assistance may include but not be limited to the following sources:

- Surveyors
- Mechanics
- Physicians
- Fire Department
- Engineers
- Attorneys
- Photographers
- Medical Examiner
- HazMat Personnel
- Accident Reconstructionists

- .11 ACCIDENT INVESTIGATION EQUIPMENT-- In addition to the basic equipment carried in patrol vehicles, the Accident Reconstructionist maintains an Accident Investigation Kit which includes clipboard, measuring tape, marking crayons, A.I. template, camera, and supplementary report forms.
- .12 AT SCENE TRAFFIC CONTROL-- At accident scenes, officers will use the patrol vehicle's emergency lights, flares, and other appropriate warning devices as necessary to protect the scene and alert approaching traffic. Since flashing lights, flares, etc. can create traffic problems of their own, their unnecessary use will be curtailed. Once the scene has been cleared of vehicles and debris, the officer will arrange for the prompt removal of flares and other warning devices that may have been used to protect the scene. If circumstance require the roadway to be closed for an extended period of time, the Hagerstown Auxiliary Police will be contacted to provide barricades, traffic cones, or other appropriate devices for traffic control.
- .13 PROPERTY CONTROL SAFEGUARDS--
- .1 The officer at the scene of an accident should ensure that property belonging to the accident victims is protected from theft and is removed to a place of safe keeping until the victim can claim it.
- .2 When an accident victim is removed from an accident scene and cannot care for his/her property, it may be released to a co-owner, or, with the permission of the victim, another person. In obtaining permission, the officer will list the property on a property report which the victim must sign. If this cannot be done, the investigating officer will inventory the vehicle and list the contents on a property report.
- .3 Cash, firearms, and other valuable items found in the vehicle will be removed from the vehicle and placed into the property room with a separate property report (investigating officer will notify the victim of this. Property removed from the vehicle may be left with the victim at the hospital only if the victim can sign for it on the property report.
- .14 ACCIDENTS INVOLVING INJURIES-- Officers assigned to accidents involving injuries, or accidents where injuries are unknown, when conditions permit, shall use Code 2 response. Upon arrival at the scene, the responding officer(s) will notify the ECC dispatcher of the existing situation, including type of injuries and the type of emergency assistance needed. Responding officer(s) will administer first aid until relieved by ambulance or other medical personnel.
- .15 ACCIDENTS INVOLVING FIRE HAZARDS-- Officers responding to accidents involving fire hazards, when conditions permit, shall use a Code 2 response. Upon arrival at scenes involving fire hazards, officers will notify the ECC dispatcher of the existing situation and the type of equipment and personnel needed. Officers shall take appropriate action to stabilize the scene by providing scene protection, isolating the immediate area, removing persons from the immediate vicinity of the hazard, and, if possible, extinguishing the fire hazard with available fire suppression equipment. Officers shall provide for the safe movement of vehicles within the vicinity of the fire or potential fire hazard, detouring traffic if necessary.

- .16 ACCIDENTS INVOLVING HAZARDOUS MATERIALS-- Officers responding to accidents known to involve hazardous materials, when conditions permit, shall use a Code 2 response. Upon arrival at any accident scene where hazardous materials are present or suspected, officers will take the following precautions:
- .1 Immediately notify the ECC dispatcher of the fact that a possible hazardous materials accident has occurred. Provide the following minimum information:
 - The exact location.
 - Type of vehicle involved
 - Initial presence of hazardous materials (placards, panels, etc.)
 - Presence of fire, spilled liquids, or vapor leaks.
 - Known injuries
 - .2 DO NOT ATTEMPT TO RESCUE INJURED OR RETRIEVE DOCUMENTATION UNTIL SITUATION IS ASSESSED.
 - .3 Note the type of placards and numbers present. If possible, look for rectangular orange panels and note number. These numbers are UN/NA numbers and will aid in the identification of the contents.
 - .4 Carefully observe the incident before approaching. Be alert for signs of leakage such as sounds of escaping gas, evidence of liquid leaks, odd smells, or vapor clouds.
 - .5 Approach scene from the upwind side. Do not park in the potential path of leaking materials. Do not drive into vapor clouds or liquid leaks. REMEMBER, VEHICLES ARE AN IGNITION SOURCE.
 - .6 Initially isolate the scene for a radius of 250 feet to allow room for response personnel. If cargo is involved in fire, or if fire is probable, evacuate to a radius of 500 feet to allow firefighters additional working clearance. Adjust distance as conditions warrant.
 - .7 DO NOT USE FLARES in the vicinity of the incident as flammable vapors may be present.
 - .8 Prohibit traffic from passing through the incident. Do not allow bystanders to congregate around the incident.
 - .9 Note wind direction. Note if material is leaking into sewers, waterways, or ditches. If possible, estimate the quantity of the materials leaking. Pass all this information to the ECC dispatcher for relay to responding fire units.
 - .10 When isolating the scene, give priority to removing persons from oncoming smoke or vapor.
 - .11 Do not step in pools of liquid or any unfamiliar material. Avoid contact with any chemical material.
 - .12 Do not open trailers of hazardous cargo. Trailers may contain hazardous vapors or loose cargo which may cause death or injury.
 - .13 The fire department and Hazardous Incident Response Team will direct the control and cleanup of the hazardous material.

NOTE: Liquid oxygen may mix with asphalt to create a highly shock-sensitive explosive. Do not contact asphalt contaminated with liquid oxygen under any circumstances as it may detonate, even under foot. Completely isolate contaminated asphalt.

- .17 ENFORCEMENT ACTION-- Whenever the investigating officer detects a violation of a traffic law, and when evidence exists to satisfy all the elements of the particular violation, enforcement actions should be taken. This will not preclude the investigating officer from exercising discretion during extenuating circumstances.
- .18 TIMELY REPORTING-- All officers shall see that crash reports are completed and submitted promptly. Once filed, crash reports may be amended up to 90 days after the accident date.

17.23 TRAFFIC ENFORCEMENT

- .1 GENERAL POLICY-- Traffic law enforcement is the responsibility of the Patrol Division and all uniformed officers. The ultimate goal of traffic law enforcement action is the voluntary compliance by the public of all traffic laws. This is accomplished by the detection of traffic law violations and deterrence through the use of physical arrest, citations, and/or warnings.
- .2 WARNINGS-- Traffic law enforcement through the use of warnings may be in verbal or written form. Written warnings shall be on the HPD Traffic Violation Warning (form HPD 25) or issued via ETIX (see

17.23.21) . A warning is usually issued when the officer believes that a violation was unintentional and of a minor nature where life or property was not threatened and no interference with the rights of other motorists occurred.

- .3 ISSUANCE OF CITATIONS-- Traffic law enforcement through the issuance of Maryland Uniform Complaint and Citations to traffic violators shall be in accordance with Maryland Transportation Article. Instructions for completing hand written Maryland Uniform Complaint and Citations are found in the fine/penalty deposit schedule (DC/CR 90). All hand written citations shall be neatly and legibly printed using a black ballpoint pen. With the exception of the officer's and driver's copies, all copies of each citation will be submitted to the shift supervisor for review. The shift supervisor will then forward the copies to the Records Unit. Electronic tickets shall be completed according to the user training provided by MSP. A summary of the procedures is listed in section 17.23.21.
- .4 PHYSICAL ARREST-- Traffic law enforcement through the physical arrest of violators shall be in accordance with the Maryland Transportation Article. If the offender is arrested, the officer shall complete the following:
- .1 Appropriate citations;
 - .2 Arrest report;
 - .3 Statement of Probable Cause (if taken to Dist. Court Commissioner).
 - .4 Continuation (if necessary); and
 - .5 Other reports as required by the arrest.

The officer may, if desired, photograph the offender per departmental procedures (posted in the booking area of the cell block). The offender shall be taken (with the citations and Statement of Probable Cause) before a District Court Commissioner without unnecessary delay, and in any case within 24 hours. If a Commissioner is not available, the provisions in Transportation Article 26-402 will be followed. All remaining paperwork will then be forwarded to the Records Unit.

- .5 OUT OF STATE RESIDENTS-- Officers may arrest and take before a District Court Commissioner all out of state residents charged with those violations enumerated in Transportation Article section 26-202 for which arrest is authorized. For all other traffic violations involving out of state residents, officers may use appropriate discretion in accordance with Maryland Law.
- .6 ENFORCEMENT PRACTICES-- Based on the principal that the most effective deterrent to traffic law violations is visible patrol in a marked vehicle, and in the interest of maintaining a posture of prevention as opposed to apprehension, traffic law enforcement activities shall be conducted accordingly.
- .1 Officers shall drive patrol vehicles in accordance with existing laws and in such a manner as to demonstrate exemplary driving behavior. Extreme emergency conditions will be the only exceptions to this practice.
 - .2 In those areas where fixed post observation is necessary to maximize effectiveness of a of a selective enforcement effort, officers shall park in a conspicuous location and in such a manner that traffic flow is not impeded.
 - .3 Although officers should make every effort not to suggest the appearance of a "speed trap" or "duck pond" situation, off-street observation and/or the use of unmarked vehicles may be used for the enforcement of traffic laws where necessary. Unmarked vehicles used for traffic enforcement must be equipped with emergency red and/or blue lights and siren.
- .7 SPEED LAW VIOLATIONS-- Officers should exercise good judgement and discretion when deciding to issue a speeding citation or warning. Even though there are no legal excuses for speeding, officers should treat each stop for speeding as an individual incident. Officers should listen to any reason that may be an excuse for exceeding the limit. A "hard-nosed", citation oriented police officer leaves a citizen with a bad opinion of all police officers. A warning in minor cases helps with the Department's public image. Officers should remember that excessive speeding with no excuse leaves the officer with no other alternative than to issue a citation for the violation.
- .8 HAZARDOUS VIOLATIONS-- Hazardous traffic violations are defined as those violations which pose a direct hazard to the safe and efficient flow of traffic. In addition, these violations contribute substantially to accidents. Upon viewing or detecting hazardous violations, officers are to take immediate enforcement

action based on sound judgement. For the purposes of this section, hazardous violations fall into the following categories:

- .1 Unsafe behavior: Driver actions in direct violation of statutes found in Title 21 of the Maryland Transportation Article (i.e those related to moving violations such as violating traffic control devices, laws on use of the roadway, right of way, etc.,) and other accident related violations.
 - .2 Unsafe conditions: Vehicular violations of those statutes found in Titles 22 and 24 of the Maryland Transportation Article (i.e those related to vehicular equipment and vehicle size, weight and load) which render a vehicle unsafe.
- .9 NON-HAZARDOUS VIOLATIONS-- Enforcement efforts for non-hazardous traffic violations will be guided by officer discretion. Officers are reminded that voluntary compliance is the goal of enforcement actions for minor violations.
- .10 EQUIPMENT VIOLATIONS-- If an officer observes that a vehicle registered in this state is being operated with any equipment violating the state's safety equipment laws (found in Titles 22, 23, and 24 of the Maryland Transportation Article), the officer may issue a Safety Equipment Repair Order (SERO) to the owner of the vehicle. The booklet "Guidelines for the Issuance of Safety Equipment Repair Orders" published by the Maryland State Police, and Title 23 of the Maryland Transportation Article give officers guidelines for the issuance of SERO's. An officer may also write a citation for any vehicular equipment in need of repair.
- .11 MULTIPLE VIOLATIONS-- In cases of multiple traffic violations resulting from one incident, officers should remember not to duplicate one citation into another. For example, a reckless driving citation should not be followed by several minor citations which are included in the reckless driving citation. Furthermore, a second citation should not be issued when one citation is all inclusive, or when elements of one violation are closely related to the elements of a second. Officers should note that in all cases of multiple violations, the enforcement action taken shall be sufficient to support a comprehensive and complete prosecutorial effort.
- .12 NEWLY ENACTED LAWS AND/OR REGULATIONS--
- .1 Enforcement action on newly enacted state traffic laws/regulations shall take effect the same date the law goes into effect. Each year the Motor Vehicle Administration publishes and distributes an up to date Maryland Vehicle Law. Each patrol officer is issued a copy and upon receipt is responsible for the enforcement of the statutes contained therein.
 - .2 Enforcement action on newly enacted local laws and/or regulations (those enacted into the Code of the City of Hagerstown) shall take effect on the effective enforcement date set by the City of Hagerstown.
- .13 PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS-- Public/commercial carriers who violate traffic laws will be treated in the same manner as the general public. Uniform enforcement policies and the procedures outlined in this section (17.23) are applicable.
- .14 OFFENSES INVOLVING LICENSE SUSPENSIONS/REVOCATIONS--
- .1 On occasion officers may come into contact with drivers who are unable to produce a valid license. This could be the result of various actions of the driver, court, and/or Motor Vehicle Administration. Officers may check a license status via MDT or by having the ECC check the driver's name and date of birth, or license number through METERS.
 - .2 If the violator's license or driving privileges are suspended/revoked, the violator will be issued a citation for the appropriate charge. If the violator has no supporting identification or is an out of state resident, he should be physically arrested and the citation issued. A statement of probable cause will be completed and the violator taken before the District Court Commissioner.
 - .3 In either case, the driver should not be allowed to drive from the location of the traffic stop, and other arrangements should be made (e.g. another licensed driver in the vehicle, or someone who can come and take the vehicle). If the driver is incarcerated and he cannot find someone to secure the vehicle, it will be towed according to Departmental procedures.
 - .4 If there is a doubt about the driver's license status and verification cannot be obtained within a short period of time, the officer should release the driver until the verification by teletype is

- confirmed. A citation can then be issued or a traffic warrant obtained if necessary.
- .5 NOTE: In the April 1991 case *Benbow v. State of MD*, the Maryland Court of Appeals stated the following: "We do not construe the laws of Maryland as prohibiting a person from driving on Maryland's roads under color of a valid Maryland license because a license in another state had been refused, canceled, suspended, or revoked." According to the court's ruling, a person with a valid Maryland license is authorized to drive on Maryland roads regardless of the person's license status in another state. Officers discovering such a situation (valid in Maryland but suspended in another state) should notify MVA in writing. The address is MVA, Driver Control and Records; 6601 Ritchie Highway, Room 211; Glen Burnie, MD 21062. Include a copy of the persons driving records.
- .15 PEDESTRIAN TRAFFIC LAW ENFORCEMENT-- Officers shall take appropriate enforcement action whenever and wherever pedestrian and bicycle traffic law violations are observed. Officers should remember the enforcement of traffic laws pertaining to pedestrians requires broad discretion. Prior to any substantial increase directed toward pedestrian traffic violators, a sufficient public and community awareness program should be conducted by the Department.
- .16 BICYCLE TRAFFIC LAW ENFORCEMENT-- The use of bicycles as a means of transportation for both business and recreational purposes has resulted in an increase in traffic accidents and personal injuries. It is inherent in the police role to enforce those laws relating to safe operation of bicycles. Officers should be guided by the following:
- .1 The safe operation of bicycles requires the operator to follow the same basic rules of the road as a motorist as defined by M.T.A. and the code of the City of Hagerstown.
 - .2 Those areas where the frequency of accidents involving bicycles are prevalent shall be patrolled, and any violation of the Maryland Motor Vehicle Laws should be properly enforced.
 - .3 Officers should use discretion when these violations do not result in accidents or cause any major traffic problem. All younger operators should be informed of any violations that they might commit and be advised of the importance of safe operation of the bicycle.
- .17 OFF-ROAD VEHICLES --
- .1 Off road vehicles shall include but are not limited to the following:
 - Dirt bikes Mopeds
 - Mini bikes Go-carts
 - Snowmobiles
 - Three or four wheel all terrain vehicles (ATV's)
 - Other vehicles modified for off-road use
 - .2 When investigating the use of off-road vehicles on private property, attempts shall be made to contact the owner of the property to determine whether or not permission has been granted to the operators of the vehicles. Any serious motor vehicle violations (i.e. DWI, reckless driving, hit and run accidents, etc.) or any type of criminal activity performed by use of the vehicle, shall be enforced under Maryland State Law.
 - .3 Any off-road vehicle driven on a public thoroughfare shall be governed by Maryland statues pertaining to vehicle registration and operation.
 - .4 Any death or serious personal injury caused by the use of an off-road vehicle shall be investigated as any other incident.
- .18 REQUESTS FOR RE-EXAMINATION OF DRIVER--
- .1 On occasion, officers may come into contact with drivers who have suspected incompetency through physical or mental disability, disease, or other condition which might prevent the person from exercising reasonable and ordinary care over a motor vehicle. Officers detecting such a person will complete the MVA form (Request for Re-examination of Driver), or submit the request via ETIX.
 - .2 It should be noted that the physical defects must be described in detail. Also, the summary must

- be written in such detail that reasonable grounds for the re-examination are conclusively established.
- .3 The MVA form must be accompanied by copies of all other related reports and forwarded to Records who will send it to MVA .
- .19 RESPONSIBILITY FOR TRAFFIC FUNCTION-- The Operations Captain is responsible for the planning, analysis, monitoring, and coordination of the Department's traffic function.
- .20 TINT METERS--Electronic tint meters are used to ensure window tinting on vehicles complies with Maryland Law. They are assigned to the Patrol Division and will be kept in the Patrol Office. If an officer wants to use a tint meter, he/she shall notify a Patrol supervisor and complete the Tint Meter Sign-Out sheet. When finished using the meter, the officer will complete the "time in" block of the sign-out sheet. Any damage or problems with a meter will be reported to a patrol supervisor when discovered. The Operations Captain shall maintain the certifications for the tint meters. Tint meters shall be used according to manufacturers instructions.
- .21 **Electronic Ticketing (ETIX):** The use of ETIX is the preferred method of issuing citations, warnings, and SEROs. Authorization to use the ETIX function is controlled by the Maryland State Police. Personnel must complete the required training class and conduct 50 stops with warnings issued in order to be granted access. Once an officer completes the requirements, the City IT department will coordinate with MSP to activate the officer's user account. The following is a summary of the procedures for the use of ETIX:
- .1 Log into Delta Plus from any MDT, laptop, or desktop on which the program has been installed (all MDTs and patrol computers have this installed).
 - .2 Click the ETIX button and select Traffic Enforcement.
 - .3 Enter the information in to all required fields. Information can also be entered by scanning the driver's license with the in-car scanner.
 - .4 Select the enforcement activity (citation, warning, or SERO).
 - .5 Select all the violations being charged. All will be included on the same ETIX printout, however each violation will be assigned a unique number.
 - .6 Use the appropriate buttons to add witnesses, notes, etc.
 - .7 After the follow-up questions regarding photo ID and reportable stops are answered, the entry screen closes and the citation, warning, or SERO will be printed automatically (in-car only)
 - .8 If there is a problem with the printer, the officer can request another unit with the ETIX equipment, log onto that MDT, access the stop information and print it from that unit's printer. Alternatively, the issuing officer can print the citation to any network printer and have someone bring it to the traffic stop location. A hand written citation, warning, or SERO **may not** be issued once the stop has been entered into ETIX.

17.24 PARKING ENFORCEMENT ACTIVITY

- .1 GENERAL POLICIES-- The enforcement of parking violations is the responsibility of all uniformed officers and parking enforcement personnel. All existing parking regulations will be enforced with reasonableness and impartiality in all areas of the City of Hagerstown. All municipal parking violations (See Code of the City of Hagerstown, Chapter 60) shall be enforced using the City of Hagerstown Department of Police Parking Citation Book. Parking violations covered by State law (see Transportation Article, subtitle 10) but not municipal law are to be written using the Maryland Uniform Complaint and Citation. Appropriate copies of citations will be left on the vehicle windshield, or in another conspicuous place on the vehicle.
- .2 TIMED AND METER PARKING VIOLATIONS--
 - .1 The parking enforcement personnel's primary duties with regard to parking enforcement are expired meter violations.
 - .2 Hours of operation for parking meters (except those operated in areas designated "hospital zones") are 0900 hrs. to 1700 hrs., Monday through Friday, excluding designated public holidays. Parking meters operated in designated hospital zones shall be operated from 0900 hrs. and 1900 hrs. seven days per week excluding designated public holidays. Meters have posted on them their

- hours of operation, the amount of deposit required, and the length of time a vehicle may lawfully occupy the metered space.
- .3 Any designated holiday were City Hall is closed.
 - .4 Vehicles found parked at expired meters within the hours of operation should be cited unless circumstances indicate a citation is not appropriate (i.e. broken meter, driver went to get change, emergency, etc.).
 - .5 Broken meters will be reported to The ECC who will relay the information to the proper city department.
 - .6 Vehicles may not lawfully remain parked or standing in a metered space for a longer period than that indicated on the dial of the parking meter, and it is unlawful for any person whose car shall have already been parked in the meter zone for the maximum time indicated on the dial of the meter to return and deposit additional coins in the parking meter in order to park the vehicle for a longer period of time than that indicated on the parking meter dial (City Code, Chapter 60, Article IVA, section 60-36).
 - .7 In the event that any vehicle is unlawfully parked in accordance with the provisions of Chapter 60, Article IVA of the Code of the City of Hagerstown for a period of twenty-four (24) hours, the Police Department of the city is authorized and directed to tow away or have towed away by a competent person all such vehicles violating the parking prohibitions of said Article. (For the purposes of this section, a "competent person" means a departmentally approved and authorized towing company.)
 - .8 Anytime No Parking Signs are placed on metered parking spaces, coins must be placed in the meter for the time the signs are in use, however, the maximum time would be waived in these cases.
- .3 48 HOUR PARKING VIOLATIONS--
- .1 If an automobile or vehicle of any description is parked and/or left unattended upon any street, highway, alley, or public place in the city for a continuous period longer than 48 hours, it is in violation of the Code of the City of Hagerstown, Chapter 60, Art. IV, section 60-23(4). procedures.
 - .2 Vehicles suspected of said violation will be chalked/marked and the ECC notified of the vehicle description and location. The ECC will log the information in the chalked vehicles log. The vehicle shall be rechecked after 48 hours and appropriated action taken.
 - .3 Officers should attempt to contact vehicle owners at the time the vehicle is marked and before it is towed to have the owner move it. If the owner cannot be located, it will be towed according to Departmental procedure.
- .4 FIRE HYDRANTS AND FIRE STATIONS-- Vehicles found parked at fire hydrants or in fire zones at fire stations will be issued citations and removed immediately, either by the owner, or by towing according to departmental procedures.
- .5 IMPROPER REGISTRATION--
- .1 It is unlawful to park or leave standing any vehicle requiring a license plate on any public street within the city or on any property owned or leased by the city unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the state, county, or territory where such vehicle is registered (City Code, Art. IV, section 60-23 (21)). This includes unregistered vehicles, vehicles with expired registration, and vehicles with license plates issued to another.
 - .2 Vehicles in violation of the above section shall be issued the appropriate citation(s) and removed from the street or public property.
 - .3 Officers should make an attempt to locate the owner to have the vehicle moved. If unable to locate an owner, officers shall have the vehicle towed according to department procedure. The officer will order a hold on the vehicle to ensure the vehicle is not driven from impound without proof of ownership and proper registration. NOTE: The vehicle may also be released if ownership is proved and the vehicle is to be towed from impound.
- .6 SCOFF LAW-- When any vehicle against which there are three (3) or more unsatisfied or unpaid

summonses, citations, or any other legal processes, and when at least thirty days have elapsed since the issuance of the third unsatisfied summons, citation for parking violation, or other legal process, the vehicle may be towed (according to Departmental procedure) and impounded, or have vehicle immobilization equipment (commonly known as a "boot") installed on the vehicle, under the provisions of the City's scoff law. Dispositions for vehicles so impounded or booted will be made according to those provisions set forth in the scoff law (Code of the City of Hagerstown, Chapter 60, Article I, section 60-9). See HPD Rules and Regulations section 17.15.5 for Department procedures on authorizing the vehicle release. NOTE: Booting a vehicle does not require an Offense/Incident report. The relevant information is to be recorded on the CAD report with the fine and fee totals noted.

17.25 SPEED MEASURING DEVICES

- .1 The law enforcement community believes that traffic radar and laser devices are effective tools for speed control, and that their role in traffic safety and speed control is of vital importance. Radar, laser, and calibrated speedometers are the only departmentally approved speed measuring devices.
- .2 The effective use of speed measuring devices and their acceptance is dependant upon the operator's understanding and knowledge of the equipment, initial training and certification, along with retraining and updating when required.
- .3 The department will use speed measuring devices in high or potentially high accident locations where speed is a factor, where speed limit violations are prevalent, and/or in response to citizen complaints.
- .4 SPECIFICATIONS OF SPEED MEASURING DEVICES-- Current Departmental radar and laser equipment is the type manufactured to meet National Highway Traffic Safety Administration specifications. Additionally, laser equipment is manufactured to meet National Institute of Standards and Technology specifications.
- .5 OPERATIONAL PROCEDURES--
 - .1 Speed measuring devices will be operated at times and locations related to high incidents of speed related traffic accidents and/or speed violations. Officers will exercise discretion when operating the devices at selected locations, remaining mindful of the traffic volume present and the positioning of their patrol units so as not to impede the orderly flow of traffic.
 - .2 The units must be properly installed and connected to the power source.
 - .3 The speed measuring devices shall be checked for accuracy both prior to and at the conclusion of use. For radar, this shall be done using the tuning forks supplied for the unit, having another vehicle run through the beam of influence, and through the internal check. For the laser unit, the accuracy checks shall include scope alignment, self test, delta distance velocity test, and checking the actual speed of a vehicle moving at a known speed.
- .6 PROPER CARE AND UPKEEP-- When not in use, all speed measuring devices are kept in the Patrol Division. When an officer takes one of the units for use, he/she will check the overall appearance of the unit for any damage or malfunction. The officer shall enter into the sign out book his/her name and ID number, the condition of the unit, whether all parts are present, and any comments the officer wants to add.
- .7 SCHEDULED MAINTENANCE--
 - .1 Departmental radar or laser units shall be inspected and certified annually or when repairs are required. Laser units only need to be certified if the accuracy checks show they are not accurate or any other time they require repairs. The Operations Captain shall designate a patrol officer or supervisor to be responsible for having the units inspected and/or re-certified, and to maintain all records pertaining to the speed measuring devices.
 - .2 All Departmental speed measuring devices are calibrated according to the National Highway Traffic Safety Administration specifications. Additionally, the laser units are calibrated according to National Institute or Standards and Technology specifications.

- .8 OPERATOR TRAINING AND CERTIFICATION-- Prior to using speed measuring devices for enforcement activities, officers must successfully complete a training course for each type of device being used. The content of such training courses shall meet or exceed those established or recommended by NHTSA, and shall be presented by instructors certified to teach each device.

17.26 TRAFFIC ANCILLARY SERVICES

- .1 GENERAL ASSISTANCE TO MOTORISTS-- Because of the overall danger to the stranded motorist and to other motorists he affects on the roadway, officers will offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, but particularly during the nighttime hours when the hazards are higher. Officers should be constantly alert for roadway users who appear to need assistance. Officers will freely provide information and directions upon request.
- .2 STRANDED MOTORISTS--
- .1 Officers may, with supervisor's approval, transport stranded motorists to the nearest convenient location where assistance may be obtained. However, officers should be certain that assistance is available before leaving the motorist. When transporting stranded motorists, officers will give the ECC dispatcher their starting and ending mileage.
- .2 Stranded motorists should not be abandoned when exposed to a hazardous situation. Consideration should be given to traffic hazards, location, time of day, weather conditions, and priority of calls for service. This does not preclude placing devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers should periodically check to ensure the condition does not deteriorate.
- .3 Officers who assist stranded motorists should remain alert to the following possibilities:
- the vehicle in the possession of the motorist has not been authorized for his use;
 - the vehicle is in unsafe operating condition;
 - the motorist is not licensed to drive;
 - the motorist is incapable of safely operating the vehicle; and/or
 - the vehicle's occupants have engaged in criminal activity.
- .4 Officers may provide assistance to motorists in obtaining tow services, if needed, in accordance with Departmental procedures.
- .3 EMERGENCY ASSISTANCE--
- .1 Officers will render all practical assistance to users of the roadway who are involved in emergency situations.
- .2 Upon discovery of a vehicle fire, officers will immediately give the ECC dispatcher the location, type of vehicle, location of the fire, and cargo (if applicable) for fire department response.
- .3 Upon discovery of a medical emergency, officers will give the ECC dispatcher the location, type of emergency, condition of patient, and any other information for an emergency medical response. After notifying the ECC dispatcher of the nature of the emergency, officers will render as much first aid assistance as possible.
- .4 HAZARDOUS HIGHWAY CONDITIONS-- During normal patrol activities, officers must remain alert for unsafe or hazardous conditions on the roadways. Officers shall immediately notify the ECC dispatcher when a hazard is identified. The ECC dispatcher will notify the proper authorities to correct the problem. Hazardous roadway conditions that may be encountered by officers may include:
- debris on the roadway;
 - defects in the roadway itself;
 - lack of, or defects in, highway safety features;
 - lack of, improper, visually obstructed, damaged, or non-working mechanical traffic control devices or information signs;
 - lack of or defective roadway lighting systems; and/or
 - disabled, abandoned vehicles.

When observed roadway hazards remain within the operational purview of the Department, officers shall initiate appropriate corrective action whenever practical to remove the hazard.

17.27 POLICE HAZARDS: COLLECTION AND DISSEMINATION OF INFORMATION

- .1 A police hazard is any situation, person, property, or place that may create or contribute to an incident calling for some police or law enforcement action.
- .2 Information regarding current and ongoing hazards may be received by the Police Department from various sources. However received, any information considered of interest or value to patrol units in the field will generally be passed on to them over the police radio or by telephone contact as appropriate. The information may also be posted on the roll call board to be read at roll call to oncoming patrol watches while the information is current.
- .3 Severe weather bulletins by communications from the U. S. Weather Bureau will be broadcast over the police radio for information of patrol units in the field. Patrol officers may also be responsible for advising the ECC of severe road and weather related conditions which they encounter during patrol.

17.28 COOPERATION OF PATROL DIVISION WITH OTHER COMPONENTS

- .1 INTERDEPARTMENTAL COORDINATION-- Interdepartmental coordination by the Patrol Division is manifested through encouraging support and exchanging information with other sections and units of the Department by the following methods/procedures:
 - Staff meetings
 - Attendance by detectives at patrol roll calls
 - Labor management meetings
 - Utilization of both formal and informal memos and correspondence
 - Other meetings as designated
- .2 COORDINATION WITH LEGAL ADVISORS-- Many incidents occur where having a legal advisor (city attorney or State's Attorney) present or available for consultation would be advantageous. The following is a list of those instances when an advisor will be notified because of the legal and liability considerations:
 - Homicides
 - Civil disorders
 - Any accident involving any city property which results in injury or death to any person
 - Any use of force by or against a member of the department that results in death or serious bodily injury to any person
 - Anytime an on-duty supervisor requests legal assistance at a crime scene or elsewhere

The on scene supervisor will have the ECC dispatcher contact one of the appropriate legal advisors for consultation, either by page or by telephone. In the event that the person does not respond to the call, any of the other appropriate legal advisors may be called at home.

17.29 FOOT PATROL BEATS

Because of the high concentration of businesses, liquor establishments, and public/community service organizations, as well as the pedestrian traffic they attract, foot patrol beats will be deployed in the downtown area. The size and area of foot patrol beats will be established by the Operations Captain who may revise them as needed. Patrol shift supervisors will assign officers to foot patrol beats when manpower allows (motor patrol sectors will be filled first).

17.30 K-9 PROCEDURES

- .1 **PURPOSE AND CAPABILITIES:** The police K9 is a tool that can be used for a variety of law enforcement functions. Highly mobile, specially trained police K9s provide support to the Department's patrol, narcotics, and investigative functions. When used properly based upon their training, K9 teams are capable of the following:
 - Narcotics, evidence (article), and/or explosives detection
 - Missing person searches
 - Detection and/or apprehension of criminal offenders who have concealed themselves
 - Detection and/or apprehension of criminal offenders who are attempting to evade arrest by flight
 - Perimeter security for subject containment
 - In lieu of a large number of officers for disorderly crowds
 - For self-protection, protection of other officers, or the general public
- .2 **OPERATIONAL PROCEDURES:** The operational procedures for the HPD K9 program are contained in the Hagerstown Police Department K9 Program Standard Operating Procedures manual which can be found on the HPD shared drive.
- .3 **REQUESTING K9 DEPLOYMENT:**
 - .1 When HPD K9 teams are on duty, any sworn member may contact K9 directly via the radio or request the ECC to have K9 respond to their location. On-duty K9 teams may, without being requested, respond to, offer, and provide K9 assistance.
 - .2 When no HPD K9 teams are on duty but other state or county agency teams are available, the protocols for requesting K9 assistance are as follows:
 - Narcotics Detection - Any sworn member may request K9 through the ECC. In the event a K9 is working within the county and able to respond, the ECC will request them to respond (subject to the handler department's approval).
 - Patrol Related - HPD supervisor may request K9 through the ECC. If a K9 is working within the county and can respond, the ECC will request them to respond (subject to the handler department's approval). If the K9 is unable to respond, the HPD supervisor may authorize the ECC dispatcher to use the automated notification system to request response by HPD K9 handlers. The handlers will coordinate amongst themselves, depending upon availability, as to who will respond.
 - Missing Person - HPD supervisor may request another agency's non-biting K9 through the ECC. If one is working within the county and can respond, the ECC will request response (subject to the handler department's approval). If the K9 cannot respond, the HPD supervisor may authorize the ECC dispatcher to use the automated notification system to request response by the HPD Hanoverian Hound handler. If the HPD Hanoverian Hound handler is unavailable or does not respond within 20 minutes, the HPD supervisor may authorize the ECC dispatcher to request assistance first from Departmentally authorized civilian volunteer K9 teams, then, if needed, from the Washington County Sheriff's Office.
 - Explosives Detection - HPD supervisor may request a bomb dog through the ECC. If a bomb dog is working within the county and can respond, the ECC will request response (subject to the handler department's approval)
 - .3 When no K9 teams are on duty, the protocols for requesting K9 assistance are as follows:
 - Narcotics Detection - no requests will be made.
 - Patrol Related- Based upon the seriousness of the incident, HPD supervisor may authorize the ECC to use the automated notification system to request response by HPD K9 handlers. The handlers will coordinate amongst themselves, depending upon availability, as to who will respond. If HPD K9 handlers are unavailable or do not respond within 20 minutes, the HPD supervisor may authorize the ECC dispatcher to use the automated notification system to request assistance first from Departmentally authorized civilian volunteer K9 teams,

- Missing Person - HPD supervisor may authorize the ECC to use the automated notification system to request response by the HPD Hanoverian Hound handler. If the Hanoverian Hound handler is unavailable or does not respond within 20 minutes, the HPD supervisor may authorize the ECC dispatcher to request assistance first from Departmentally authorized civilian volunteer K9 teams, then, if needed, from the Washington County Sheriff's Office.
 - Explosives Detection - HPD supervisor may request the ECC to page out for the City's Fire Marshal's Office bomb dog. In the event the Fire Marshal's bomb dog is unavailable, the supervisor may authorize the ECC dispatcher to contact the Maryland State Police bomb squad for assistance.
- .4 K9 AUTHORITY AND OTHER OFFICERS' RESPONSIBILITIES DURING K9 DEPLOYMENT:
- .1 The handler will have the final decision whether or not to deploy the police K9. Supervisors have the authority to override the handler's decision to deploy the police K9, but not to override the handler's decision to not deploy the police K9. If the handler does not deploy the police K9, he/she will advise the on-scene supervisor why a police K9 should not be deployed.
 - .2 During building searches, area searches, and tracks, the individual K 9 handler will be in charge of the search area and will deploy and/or direct other personnel to aid in his/her search.
 - .3 If a police K9 is deployed to assist another officer, upon arrest the suspect will be turned over to the officer. The investigating officer will be responsible for completing appropriate court and departmental reports. The K9 handler will be responsible for completing the K9 deployment report.

17.31 INCIDENTS REQUIRING SUPERVISORY RESPONSE

Incidents of a serious nature often arise that require the presence of a supervisor who possesses the authority necessary to deal with the problem. Accordingly, a supervisor will respond to the following types of incidents for the purpose of taking command:

- .1 Homicides (suspected or attempted).
- .2 Suicides (actual or threatened).
- .3 Other incidents involving serious bodily injury (except PI accidents).
- .4 Fatal accidents.
- .5 Natural Disaster.
- .6 Hostage or barricade suspect.
- .7 Departmental accidents where injury is indicated, or the member may be at fault.
- .8 Officer involved use of firearms.
- .9 Incidents involving armed suspects.
- .10 Unattended deaths.
- .11 Civil disorders.
- .12 Any other incident as directed, dispatched, requested, or at the discretion of the patrol supervisor.

17.32 FIELD INTERVIEWS

- .1 During the course of their duties, officers often encounter persons in suspicious or unusual circumstances that may not rise to the level of an investigative detention as defined in Terry v. Ohio (see

section 18.3 of HPD Rules and Regulations Manual). Recording these persons' identities, descriptions, vehicles, times and places found, and circumstances of the situations may be beneficial to other patrol officers and criminal investigators for various reasons including follow-up investigations and intelligence gathering. Such information will be recorded by the officer in the FI Module of XMobile. A Field Interview (FI) Card may be used to collect such information prior to entry into the FI Module. (see Chapter 28, section 28.20 for instructions on filling out the FI Card).

- .2 When determining suspicious or unusual circumstances, officers shall keep in mind the time of day, location, the actions of the person, and the officer's knowledge of crimes in the area. Some examples of such circumstances may include:
 - Persons seen hanging around commercial establishments after closing.
 - Persons hanging around schools and school walkways.
 - Persons seen in areas where their mode of attire does not fit the function or event that is occurring.
 - Persons seen waiting on street corners or other locations late at night with no apparent destination.
 - Persons found sleeping in vacant houses or around vacant businesses.
 - Persons seen pushing vehicles, motorcycles, bicycles, etc., or walking and carrying large objects (radio, TV, etc.), when their actions are not appropriate with the time or place.
- .3 A field interview may be conducted on any property on which a police officer has a right to be. The suspicious subject may be a pedestrian or the occupant of a vehicle.
- .4 If a subject refuses to answer any or all questions and the officer has no legal justification to arrest or detain the person, the officer will complete an FI Card using as much information as he/she is able to obtain. Additionally, an officer may not detain a suspicious subject against his/her will unless the officer has probable cause to arrest the person, or reasonable suspicion of the subject's involvement in criminal activity.
- .5 In addition to the descriptive information, the officer must also record the person's actions or behavior, or the circumstances that led to the field contact, such as the above examples of possible suspicious or unusual circumstances.
- .6 Officers shall, when possible, take a digital photograph (or photographs) of the person and upload it to XMobile in the FI Module. In a non-investigative detention or arrest situation, the person's attempt to prevent the officer from taking the photograph by walking away, covering his/her face, or similar method is not illegal, but the officer should still make a reasonable attempt photograph the person.

17.33 SELECTIVE TRAFFIC ENFORCEMENT

- .1 Selective traffic enforcement is the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, and emergency and service needs.
- .2 At least triennially, the Crime Analyst will prepare a traffic accident and traffic enforcement analysis report for distribution to command staff. The report shall include the following:
 - an analysis of crash reports filed by HPD personnel during the most recent one year period, to include geographic, temporal, and causative factors;
 - an analysis of traffic enforcement activity in the most recent one year period, to include geographic and temporal factors, and violations;
 - a comparison of accident and enforcement data to determine if enforcement activity corresponds with geographic, temporal, and causative factors found in the accident analysis.
- .3 Selective Enforcement Strategies: The above report, crash data from other resources (such as MDOT), citizen complaints, and officer observations are all sources of information which can be utilized when developing selective enforcement strategies. Such strategies should target locations during the times shown or reported to be hazardous, and to detect and enforce the specific violations causing or

contributing to those accidents. Strategies may include, but are not limited to:

- .1 Area Patrol--Patrol or stationary observation in an area or beat that includes a number of streets, roads, or sections of highway.
 - .2 Line Patrol--Moving patrol or stationary observation on a specified route between two points, usually on one city street or section of highway.
 - .3 Stationary observation--Traffic observation at a selected place, usually one with an unfavorable accident experience or traffic flow problem, to detect traffic violations and deter possible violators.
 - .4 Concealed Observation--Stationary observation in which the observer is not visible to persons, using ordinary powers of observation, from the roadway being observed.
 - .5 Traffic Survey--An examination of traffic characteristics, such as volume, speed, delay, accidents, origin, destination, etc.
 - .6 Use of special equipment such as RADAR/Laser, unmarked vehicles, RADAR Sign, etc.
 - .7 Use of grant funds to support selective enforcement activities.
 - .8 Roadside Safety Checks – Planned operations in which vehicles passing a particular point are briefly stopped according to a pre-set standard (e.g. every car, every third car, etc.) to check for compliance with specific traffic laws. Examples are DUI checkpoints or seat belt compliance checkpoints. All roadside safety checks will be conducted in accordance with legal requirements, and will be conducted in such a manner as to minimize the effect on normal traffic flow.
- 4 Selective enforcement activity may be documented via a CAD entry, memo, email, or grant overtime activity reports. At least triennially a supervisor assigned by the Operations Captain will prepare a report evaluating the following:
- the relationship between selective enforcement activity and accident data from the same period of the prior year (i.e., how closely the activity corresponded to the prior year's accident data);
 - the effectiveness of the activity in reducing accidents (geographically, temporally, and/or by causation).

17.34 TRAFFIC ENGINEERING

- .1 The Department shall work jointly with the City of Hagerstown Engineering Department as it relates to the discovery and remedy of accident and traffic congestion matters. The Police Department's primary responsibilities in this area are twofold. First, the Police Department provides the Engineering Department statistics which identify accident trends and enforcement activity. Second, the Police Department refers all complaints or suggestions concerning traffic engineering deficiencies to the Engineering Department. This includes suggestions from officers and citizens. Based on those statistics and suggestions, the Engineering Department conducts studies to identify and correct engineering problems at high accident locations, and takes appropriate action where changed conditions require alteration in engineering policies.
- .2 The Hagerstown Department of Police shall participate in the Transportation/Traffic Advisory Committee which is comprised of representatives from the State of Md. and Washington County Roads, City of Hagerstown Signal Department, Md. State Police, Washington County Sheriff's Department, Hagerstown Police Department, the State, County, and City Engineering Departments and the Washington County Board of Education Transportation Section. The purpose of this group is to foster cooperation between all its representative agencies regarding traffic engineering, control, and safety matters. This Department will have one sworn member as its representative to this committee who, in this capacity, shall report directly to the Operations Captain.
- .3 When a member of this Department has or receives a complaint or suggestion concerning a possible traffic engineering deficiency, the member shall pass the information on to his/her supervisor. The supervisor will forward the information to the Operations Captain who will notify the Engineering Department either directly, or through the Traffic Advisory Committee. The Operations Captain shall ensure that the person making the complaint is notified of any action that is taken.
- .4 The Crime Analyst will forward a copy of the analysis required in Section 17.33.2 to the City Engineering Department so that there may be a solid basis for sound engineering decisions.

17.35 REFERRALS TO PUBLIC AND PRIVATE SOCIAL SERVICE ORGANIZATIONS

- .1 Law enforcement officers, in the course of performing their duties, often encounter people in need of help that can best be provided by another criminal justice or social service agency. Exercising sound discretion based on one or more of the following criteria should guide those in need of help to an appropriate agency:
 - .1 Assessment of the subject's need through discussion or observation.
 - .2 Request by the subject or relatives for specific assistance.
 - .3 The necessity of immediate aid.
- .2 Referrals may be used in addition to, but not in lieu of, criminal prosecution.
- .3 HPD personnel can find a listing of some of the agencies in Washington County available to assist individuals whose needs may be beyond the scope of the Department in the *Community Resource Guide* posted on the HPD shared drive. Additionally, HPD personnel can advise individuals to call 211 to search for appropriate resources.

17.36 SEARCH AND RESCUE OPERATIONS

- .1 Search and rescue operations refer to those incidents where a person is missing in or near the City and circumstance indicate that action should be taken immediately to find the person. Such incidents may include, but are not limited to the following:
 - .1 Missing person with suspicious circumstances or criminal activity involved.
 - .2 Missing person where the welfare of the individual is at risk (i.e. lost child, mentally handicapped person).
 - .3 Collapsed structure with the possibility of people trapped.
 - .4 Persons missing as a result of natural or man-made disasters (explosion, hurricane, etc.).
 - .5 Suspected drownings.
- .2 All search and rescue operations will be coordinated by the Operations Captain with the assistance of Patrol and CIU supervisors.
- .3 The main responsibilities of HPD officers in search and rescue operations are to conduct basic searches such as house to house, open field, vacant buildings, construction sites, etc.
- .4 If the Operations Captain determines that search will require more resources than this Department has available, other agencies may be called to assist. If other agencies are called in, the Operations Captain will coordinate between them and personnel from this Department. Examples of available assistance include:
 - .1 K-9 (Maryland State Police, Washington Co. Sheriff's Dept.)
 - .2 Helicopter (Maryland State Police)
 - .3 SCUBA Team (Washington Co. Sheriff's Dept.)

17.37 SPECIAL EVENTS

- .1 For the purposes of this section, the term "special event" refers to an activity, such as a parade, athletic contest, or public demonstration, that results in the need for control of traffic, crowds, or crimes.
- .2 For each special event, the Operations Captain or his designee will coordinate and supervise all special events.
- .3 For each special event, the Operations Captain will prepare written estimates of expected traffic, crowd-control, and crime problems. From those estimates, he/she will identify and plan for logistics requirements (i.e. manpower, equipment, street control, assistance from other city departments, etc.).

- .4 For large special events or as otherwise needed, the Operations Captain will coordinate with Department supervisors and special units to ensure that any anticipated special problems are effectively handled. If necessary, assistance will be requested from other agencies. The Operations Captain will coordinate the activities of those agency personnel also.

17.38 POLICE BICYCLES

- .1 Police bicycles are used as a tool to provide to providing an alternative means of law enforcement with an emphasis on policing in neighborhoods. They may be assigned as primary transportation for specific assignments or functions, and to support specific details and tasks such as parades, community events, VIP protection, etc.
- .2 The Downtown Squad Supervisor shall be the coordinator for all aspects of the use of police bicycles including, but not limited to acquisition, maintenance, training, and equipment.
- .3 While police bicycles are primarily utilized by the Department's Downtown Squad, they may also be utilized by other officers with the approval of their supervisors.
- .4 Only personnel participating in, and who have successfully completed, the HPD Police Bicycle training program may operate police bicycles. Said training shall include classroom and practical instruction, and written and practical testing. Police bicycles shall be used in a manner consistent with applicable training and state law.
- .5 Each police bicycle used for uniform patrol operations shall be conspicuously marked as a police bicycle. In addition to standard stock items, they shall have the following minimum equipment:
 - An audible device designed for bicycle use.
 - A powered front headlight
 - A powered rear tail light.
 - An equipment bag.
 - A water bottle cage.
- .6 Officers trained as described above may utilize standard, non-marked bicycles for unmarked or undercover assignments.

17.39 BIASED BASED INVESTIGATIVE AND ENFORCEMENT STOPS

- .1 The purpose of this policy is to establish guidelines for conducting constitutionally valid investigative and enforcement stops, and any enforcement action, asset seizure, or forfeiture efforts.
- .2 Investigative and enforcement stops are those where a citizen has been stopped and detained at the direction of an HPD officer for the purpose of investigating and/or enforcing criminal or traffic violations. They include traffic stops as well as stops of citizens on foot.
- .3 All officers have the duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws. This duty does not include pursuing hunches or stereotyping, by is limited to reasonable articulable factors which would likely lead any knowledgeable, reasonable officer to the conclusion that the person contacted has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of himself/herself or others.
- .4 The use of biased based profiling in investigative and enforcement stops, or in any enforcement action, asset seizure, or forfeiture efforts is prohibited. Biased based profiling is the selection of individuals based solely on a common trait of a group, such as race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.
- .5 The prohibition against biased based profiling does not preclude the use of one or more characteristics that are part of a specific suspect description; nor may it be construed to alter the authority of a law enforcement officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligations.

- .6 The Hagerstown Police Department will collect data on all traffic stops and criminal citations according to the requirements of Maryland Law. Reporting to State agencies will also be completed according to Maryland Law.
- .7 Annually the Research and Grants Administrator and/or the Support Services Administrator will conduct a review to attempt to identify potential indicators of biased based profiling. The review and findings will be provided in writing to the Chief of Police and may be used to assess policy and training needs. The review will be based on the following elements from the previous year:
 - Traffic stop data.
 - Citizen complaint's related to biased based profiling
 - Asset seizures and forfeitures.
 - The annual report submitted by the Maryland Statistical Analysis Center regarding race-based traffic stop data.
- .8 The use of biased based profiling by members of this Department is subject to the disciplinary procedures outlined in Chapter 34.
- .9 All officers will receive training in bias based profiling issues, either during entry level training, in-service training, or field training. The training will include:
 - Department Policy.
 - Legal requirements for conducting a vehicle stop.
 - Legal basis for conducting plain view and consent searches.
 - Legal requirements as to when a warrant is and is not needed.
 - Department and State requirements for documenting vehicle stops.

17.40 SEX ASSAULT DELAYED REPORTING:

- .1 Pursuant to the Violence Against Women Act, victims of sexual assault are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical examination. This protocol is referred to as "delayed reporting." The purpose of delayed reporting is to preserve forensic evidence contemporaneously with the crime, thus preserving its value should the victim later opt to have the case investigated and prosecuted.
- .2. A sex assault victim may opt for delayed reporting before or after contact with the police. If this decision is made after contact with the police, the responding officer will ensure the victim receives assistance getting to the hospital and that a sexual assault forensic examination (SAFE) nurse is notified. The officer's contact with the victim will end at that point.
- .3 Once a victim of sexual assault wishes to utilize the delayed reporting option and has been contacted by a SAFE nurse, the following will occur:
 - .1 The SAFE nurse and a SAFE Program advocate will contact the victim at the hospital and collect basic information for a forensic medical history. The SAFE nurse will advise the victim that the nurse is not an investigator and will recommend law enforcement intervention.
 - .2 If the victim continues to opt for delayed reporting, the forensic exam will continue. The SAFE nurse will provide the victim with a Delayed Anonymous Report Program Consent Form to sign, verifying how they wish to proceed. The form notifies the victim of the 90 day delayed reporting option. The SAFE nurse will seal the form inside the SAFE evidence collection kit. The SAFE nurse will provide the victim with a Delayed Anonymous Report Discharge Instruction Form which contains information for this agency if they wish to report the incident within the 90 days. After all evidence is collected and the victim has left, the SAFE nurse will notify HPD.
 - .3 The responding officer will contact the SAFE nurse and collect the SAFE Kit. The officer will submit it for evidence per department procedures (see Chapter 19 of HPD Rules and Regulations Manual). The officer will obtain the SAFE nurse's information for the Offense/Incident report, and

will ensure the SAFE nurse is provided with the HPD report number.

- .4 The SAFE nurse will provide the officer an identifying code associated with the name of the victim for reporting purposes. If possible the SAFE nurse will obtain the date, time and location of the incident from the victim to provide the officer. The officer will not have any contact with the victim under these circumstances. The officer will gather only that information the SAFE nurse provides regarding the identity of the victim and circumstances of the incident gathered prior to the officer's arrival.
- .5 The officer will file an Offense/Incident report using "Sexual Assault (Delayed Reporting)" as the Crime/Incident title. A standard supplement template (found on the shared drive) for this report type will be used for the narrative.
- .6 The hospital advocate or SAFE Coordinator will contact the patient/victim before the end of the 90 days to again recommend law enforcement intervention.
- .7 If the victim requests law enforcement investigation within 90 days, the CIU supervisor will assign the case for follow-up investigation. The investigator will file a supplement report reclassifying the crime/incident to the appropriate type based on the investigation.
- .8 If the victim has not requested law enforcement investigation within 90 days, the case will be forwarded to the CIU supervisor for review and final disposition of evidence and investigation. If the CIU supervisor determines no investigation will be required, the evidence may be destroyed. The CIU supervisor will submit a supplement report describing the actions taken.

17.41 VIDEO RECORDING OF POLICE ACTIVITY

- .1 There may be occasions when police officers find in the course of their duties that their actions are being photographed or recorded by a video device. The act of photographing and/or video recording (with or without a simultaneous audio recording) police activity by uninvolved bystanders is, in and of itself, not a criminal offense. Any bystander has an absolute right to photograph or video record the actions of any police officer so long as the bystander's actions do not:
 - place the safety of the bystander, or any police officer(s), witness(es), victim(s), or suspects(s), in jeopardy;
 - hinder the execution of performance of an officer's official duties;
 - interfere with or violate any section of any law, ordinance, code, or criminal or traffic article;
 - involve an intrusion into any crime scene, private property, or other location under lawful police control and/or not normally accessible to the general public;
 - threaten, by words or actions, other persons; or
 - attempt to incite an immediate breach of the peace or incite others to commit a violation of the law.
- .2 If a police officer believes a bystander possesses any material (including a photographic or video recording) that is, or could reasonably be considered, evidence related to a crime and/or the identification of a person involved in a crime, the officer may request that the bystander voluntarily surrender the recording device into police custody. If the bystander consents, the officer shall complete a property record and provide a copy to the person, and document the request and person's response in the narrative of the Offense/Incident or supplement report.

If the bystander refuses the officer's request, the officer may seize the property if probable cause exists that the device contains evidence that is in immediate jeopardy of being tampered with, altered, deleted, or destroyed. Such a seizure may only be temporary for the purpose of safekeeping and preservation of the evidence while the appropriate application for a search and seizure warrant is made. If exigent circumstances do not exist, a search and seizure warrant must be obtained before the device can be

seized.

- .3 In either of the above circumstances (consensual or non-consensual seizure), the officer is not to make any attempt to view, download, or otherwise access any material contained on the device. Officers should either remove the device's battery or turn it off. This will aid in preventing any remote access to or deletion of the data or other material stored within it.
- .4 Once the officer has possession of the device, the officer shall exercise due care and caution to protect the device from damage. The device is to be treated as evidence per department policies and procedures (see Chapter 19 of the HPD Rules and Regulations Manual). For consensual seizures, a lab request is to be prepared immediately. For non-consensual seizures, a lab request is to be completed after a search and seizure warrant has been approved and signed by an authorized judicial officer.