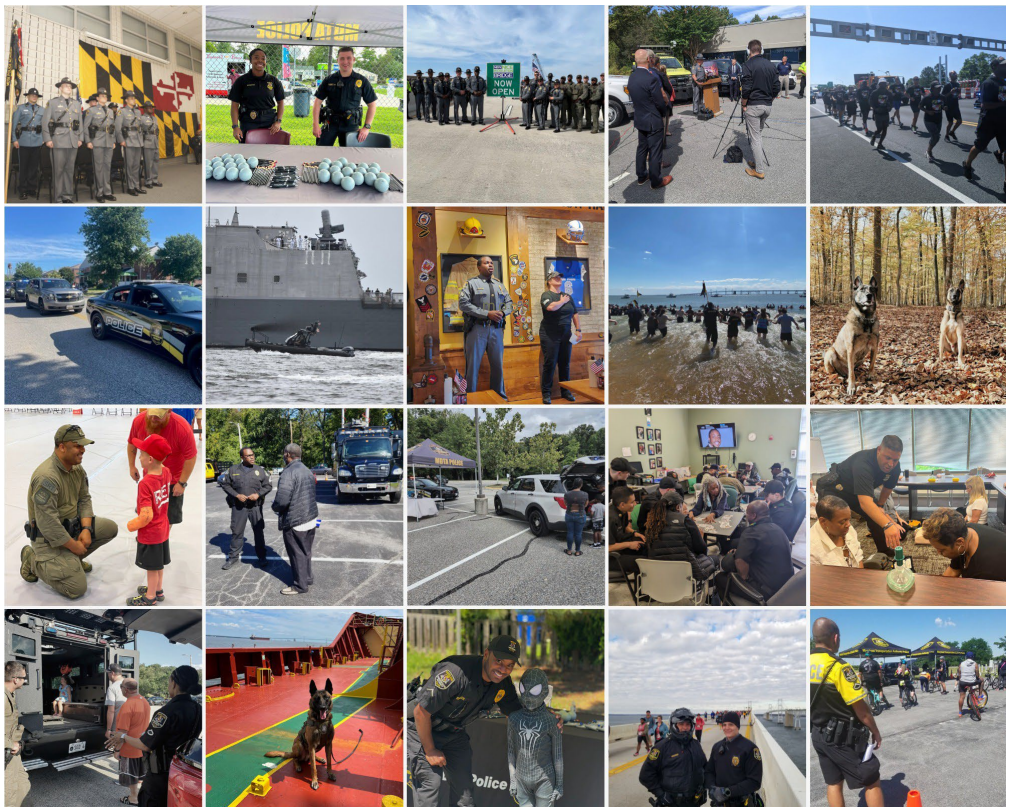
MARYLAND TRANSPORTATION AUTHORITY POLICE



DIRECTIVES MANUAL

07.27.2026

Mission:

The Maryland Transportation Authority (MDTA) Police provides Safety, Security and Service in partnership with the community to all who use and work on MDTA facilities and other vital transportation assets located throughout Maryland.

Vision:

The MDTA Police will provide transparent, dedicated, professional law enforcement services, in partnership with the citizens that use Maryland's premier transportation assets.

The men and women of the MDTA Police will be held to the highest standards in the law enforcement profession and will uphold our core values of Dedication, Integrity, Mindfulness, Pride, and Service.

We will ensure a safe and secure workplace for our co-workers and a safe and secure environment for the public.

We will promote a culture of inclusivity through compassion, selfless service, and mindfulness.

Core Values:

Dedication

Commitment to providing fair and equitable treatment to every individual we serve, to include our fellow co-workers

Integrity

Honest and ethical treatment of all people while holding ourselves and each other accountable in order to ensure the public's trust

Mindfulness

Attentive to experiences occurring in the present moment without judgement

Pride

Portraying the agency in a positive manner while conducting ourselves with honor and professionalism

Service

Unwavering, compassionate service to the public and the community through thoughtful and diligent execution of our duties

Goals:

Secure Transportation Infrastructures

Promote Highway Safety and the Efficient Flow of Traffic

Deter and Interdict Criminal Activity and Homeland Security Threats

Assist and Educate Customers and Co-Workers with Compassion and Pride

Employ, Train, Equip, and Develop a Model Workforce that is Diverse, Healthy, and Mindful



Chief, Maryland Transportation Authority Police

Chapter 01
Organization & Administration
Directives Manual Revision Date: 04/05/2025

TABLE OF CONTENTS

SECTION **PAGE**

Section I – The Chief of Police…..……..……..……..01

This section describes the organizational structure and the components of the Office of the Chief.

Section II – Bureaus/Divisions/Commands/Detachments/Sections/Units.....03

This section describes the components of the MDTA Police Bureaus/Divisions/Commands-Detachments/Sections/Units.

Section III – The Chain of Command and General Management…….....11

This section describes the order of rank, chain of command, span of control, temporary and rotating assignments, and job position classifications.

Section IV – Goals, Objectives, and Planning…….....……..15

This section describes the requirements for components when setting goals and objectives, the multi-year plan, the planning and research function and transition checklists.

Section V – Detachment Coordinators……..……17

This section gives an overview of all Detachment/Section/Unit coordinator duties.

Chapter 01
Organization & Administration
Directives Manual Revision Date: 04/05/2025

Section I - The Chief of Police

1. The Structure

1.1 The organization structure is designed so that each component is under the direct command of only one supervisor or commander.

1.2 A detailed and updated organizational chart will be available to all personnel on the intranet.

1.3 The various types of commands that are components of the organization are defined as:

1.3.1 MDTA Police Bureau - Administrative or operational group of the police organization usually composed of Divisions.

1.3.2 MDTA Police Division - Administrative or operational group of the police organization usually composed of Regions/Commands. The operational group of the Division may also contain Detachments.

1.3.3 MDTA Police Region/Command - Administrative or operational group of the police organization usually composed of Detachments and/or Units.

1.3.4 MDTA Police Detachment - Operational group of the police organization primarily responsible for providing law enforcement and security services at MDTA, MAA, and MPA facilities. A Detachment may have subordinate Units and/or shifts and may report directly to a Division or Region.

1.3.5 MDTA Police Section - Administrative or operational group of Units organized due to commonality of mission accomplished through varied specialized skills or strategies.

1.3.6 MDTA Police Unit - Administrative or operational group of the police organization usually providing a specialized function to a Detachment or Command.

1.3.7 MDTA Police Shift/Platoon - Operational group of the police organization composed of squads that cover a specific period of time at a MDTA Police Detachment or an element of a specialized unit grouped to provide efficient services.

1.3.8 MDTA Police Squad - Operational group of the police organization composing the shifts at police Detachments.

1.3.9 MDTA Police Team - Administrative or operational group of the police organization providing a specialized function within a Unit.

2. Office of the Chief of Police

2.1 **Chief of Police** - The Chief of Police is responsible for the oversight of all functions of MDTA Police and representing the agency throughout the State Government and to the public.

2.2 **Chief of Staff** - The Chief of Staff is appointed by the Chief of Police and supervises the daily administrative functions of the Office and those duties assigned by the Chief of Police. The Chief of Staff also supervises the Public Information Officer.

2.2.1 Media Relations & Community Outreach Section - The Public Information Officer oversees this section and coordinates with the MDTA Director of Communications and Marketing to distribute authorized information to the media and the public.

2.3 **Legal Advisor** - Staffed by an Assistant Attorney General for the State of Maryland assigned by the Attorney General. The Legal Advisor provides guidance on policies and Federal, State, and local laws. The Legal Advisor will oversee all investigations, review any misconduct charges, act as the representative of the Chief of Police in settlement discussions to resolve cases and present those cases before an administrative board convened pursuant to State law.

Section II - Bureaus

Administrative Bureau

1. Administrative Bureau - The Administrative Bureau Chief is normally a Lieutenant Colonel that is responsible for the supervision of the Support Services Division, Logistics Division, and the Internal Affairs Unit.

2. Internal Affairs Unit - The Commander of the Internal Affairs Unit is normally a Captain who supervises the Unit and conducts internal investigations regarding allegations of misconduct against sworn MDTA Police employees.

3. Support Services Division

3.1 The **Commander of the Support Services Division** is normally a Major that is responsible for the supervision of the Personnel Command and the Administrative & Financial Services Command.

3.2 **Personnel Command** - The Commander of Personnel Command is normally a Captain responsible for the supervision of the Commanders of Personnel & Recruitment Services Section and the Training Unit. They also oversee the MDTA Police Promotional Process.

3.2.1 **Personnel & Recruitment Services** - The Commander of Personnel & Recruitment Services is normally a Lieutenant responsible for the supervision of the Recruitment Section and the Health & Wellness Unit.

3.2.1.1 **Recruitment Section** - The Manager of the Recruitment Section supervises sworn recruiters, non-sworn background investigators and the Polygraph Team.

3.2.1.1.1 **Polygraph Team** - The Polygraph staff consists of certified polygraph examiners. The Polygraph staff conducts criminal, background, and internal polygraph examinations.

3.2.1.2 **Training Unit** - The Commander of the Training Unit supervises the Assistant Commander, Academy Manager, Range Master, Career Development Manager, and the In-Service Manager.

3.2.1.3 **Health & Wellness Unit** - The Health & Wellness Unit is responsible for the handling of employee confidential matters, counseling for employees following overwhelming incidents or situations on-duty/off-duty, as well as resources for mental and physical health, financial, family, etc concerns.

3.2.1.3.1 **Critical Incident Stress Management Team** - The CISM Team assists with requests for employees experiencing severe stress, providing peer support, and facilitating critical incident debriefings. They coordinate with therapists (Clinical Social Worker) when requested matters are warranted.

3.2.1.3.2 **Chaplain Program** - The Chaplains are available for requests for post-incident situations dealing with officer needs, critical incidents, and death notifications.

3.3 **Administrative & Financial Services Command** - The Commander of the Administrative & Financial Services Command is normally a Captain responsible for the supervision of the personnel of Accreditation and Policy Development, the Employee Resources Section, Budget & Grants and the President of the F.O.P. They also act as a liaison between non-sworn Employee Resources employees and the MDTA Office of Human Resources & Workforce Development.

3.3.1 **Accreditation** - Accreditation is responsible for the Agency's CALEA Accreditation and Staff Inspections.

3.3.2 **Policy Development** - Policy Development is responsible for maintaining the Directives Manual, MPTSC Manual, Uniform Regulations Guide, PowerDMS, Seniority Roster, Intranet page and forms management.

3.3.3 **Employee Resources Section** is responsible for managing medical services, personnel records, and assisting with benefit coordination with the MDTA Office of Human Resources & Workforce Development.

3.3.4 **Budget and Grants** administers the agency budget, grants, and asset forfeiture accounts.

4. Logistics Division

4.1 The **Commander of the Logistics Division** is normally a Major that is responsible for the supervision of the Commander of Technical Services, Commander of Management Services, and the Director of Communications.

4.2 The **Commander of Technical Services Command** is normally a Captain responsible for the supervision of Central Records Unit, Information and Technology Unit, Warrant Control Section and Electronics Section.

4.2.1 **Central Records Unit** - The Director of Central Records ensures that MDTA Police records are stored, maintained, and disseminated in accordance with the law and MDTA Police policies. Reviews non-biased policing data, prepares reports and conducts training to ensure law enforcement actions are carried out according to policy.

4.2.1.1 The Central Records Unit is the main repository for all documented police actions and personnel files; managing the filing, storage, and dissemination of records and or statistical data in accordance with the law and Maryland Transportation Authority Police policies.

4.2.2 **Information Technology Law Enforcement Unit** - The Information Technology Law Enforcement Unit works in cooperation with the MDTA Division of Information Technology to maintain programs involving computers and other police technology.

4.2.3 **Warrant Control Section** provides oversight and management of the MDTA Police caseload of warrants. They ensure laws are complied with from warrants entry, through validation and maintenance, to its removal from our possession. It is staffed by civilians.

4.2.4 **Electronics Section** is responsible to be the liaison for agency cell phones, Maryland First, and mobile/portable radios.

4.3 The **Commander of Management Services Command** is normally a Captain responsible for the supervision of the Security and Emergency Management Unit, Quartermaster Unit, Property & Evidence Unit, Fleet Coordinator, and Facilities Management.

4.3.1 **Security and Emergency Management Unit** - The Security and Emergency Management Unit is responsible for maintaining and monitoring MDTA facility security at MDTA buildings throughout the state, to include access control systems, intrusion detection devices and Closed-Captioned Television Cameras (CCTV). The Unit is also responsible for conducting Fire Safety Drills at all MDTA Buildings and assisting all MDTA Police detachments with preparing and conducting tabletop exercises throughout the year. The Unit also updates the Continuity of Operations Plan (COOP), provides New Employee Orientation, provides Homeland Security “See Something, Say Something,” provides Active Shooter video training, and processes ID/Access Badges for all new employees.

4.3.2 **Quartermaster Unit** - The Quartermaster Unit is responsible for supplying MDTA Police personnel with their mandatory clothing, equipment, and supplies. The unit is responsible for inventory control, accounts payable, and purchasing.

4.3.3 **Property & Evidence Unit** - The Property & Evidence Unit has overall responsibility for the MDTA Police’s property system. It coordinates property and evidence storage, release, and destruction; evidence examination; narcotic, firearm, currency, and biohazard handling; and all property and evidence room security, audits, and inspections while ensuring compliance with established property and evidence best practices and CALEA standards.

4.3.4 **Fleet Coordinator** - The Fleet Coordinator is responsible for assigning and coordinating maintenance for all MDTA Police vehicles. The Fleet Coordinator is the liaison with the MDTA Fleet Coordinator.

4.3.5 **Facilities Management** - Facilities Management is responsible for maintaining the Headquarters building and grounds. They are also responsible to track all police related building and police projects.

4.4 The **Commander of Communications** Command is normally a Director responsible for the supervision of the Communications Command.

4.4.1 **Communications Command** - The Director of the Communications Command oversees the sworn and non-sworn personnel that operate police communications systems.

Operations Bureau

5. Operations Bureau - The Operations Bureau Chief is normally a Lieutenant Colonel that is responsible for the supervision of the Commander of the Patrol Division and Commander of the Special Operations Division.

6. Patrol Division

6.1 The **Commander of the Patrol Division** is normally a Major that is responsible for the supervision of the Commander of the Northern Region and the Commander of the Southern Region.

6.2 The **Commander of the Northern Region** is normally a Captain that is responsible for the supervision of the Commanders of the following Detachments/Units:

6.2.1 **Central Command Detachment** - Responsible for the Fort McHenry (I-95) Tunnels, Baltimore Harbor (I-895) Tunnels, FSK Bridge (I-695) and their approaches, and MD-295 (Russell Street) within Baltimore City.

6.2.2 **Thomas J. Hatem Memorial Bridge Detachment** - Responsible for the four-lane bridge that spans the Susquehanna River (US 40) between Havre De Grace and Perryville.

6.2.3 **Commercial Vehicle Safety Unit** - The CVSU is comprised of the Commercial Enforcement Response Team (CERT), JFK Area, and Metro Area. The objective of the Unit is to reduce the number and severity of commercial motor vehicle collisions and hazardous material incidents. The CVSU uses commercial motor vehicle inspections to enforce Federal Motor Carrier Safety regulations, hazardous material regulations, and State laws.

6.2.3.1 The objective of CERT is to reduce the number and severity of commercial motor vehicle collisions and hazardous material incidents. In addition, CERT will proactively seek out criminal activity committed by drivers of commercial motor vehicles and non-commercial vehicles and take appropriate action consistent with agency regulations.

6.3 The Commander of the **Southern Region** is normally a Captain and is responsible for the supervision of the Commanders of the following Detachments/Units:

6.3.1 **ICC Highway Detachment** - Responsible for MD 200, an all-electronic toll express highway, that connects I-370 in Montgomery County to I-95 in Prince George's County.

6.3.2 **William Preston Lane Memorial Bridge Detachment** - Responsible for the dual bridges between Anne Arundel County and Queen Anne's County (US 50).

6.3.3 **Harry W. Nice Memorial Bridge Detachment** - Responsible for the two-lane bridge between Charles County, MD, and King George's County, VA (US 301).

6.3.4 **Traffic Safety Section** - Normally commanded by a Lieutenant, is responsible for overseeing the Visibility Integrity Prevention Education Recovery Team, Alcohol Chemical Enforcement Team, Collision Reconstruction Unit (CRU), Motors Unit, Electronic Enforcement Unit, Sobriety Check/Drug Recognition Experts (DRE)/Chemical Test for Alcohol Unit (CTAU), and the Traffic Incident Management program.

6.3.4.1 **Visibility Integrity Prevention Education Recovery Team (VIPER)** - Normally commanded by a non-commissioned officer. The VIPER Team assists the MDTA Police by concentrating their high visibility, proactive traffic safety enforcement efforts in problem areas to promote highway safety. The VIPER Team also participates in focused initiatives and special events.

6.3.4.2 **Collision Reconstruction Unit** (CRU) - Normally commanded by a non-commissioned officer. The CRU examines all elements of collisions to explain the cause. With the permission of the Commander of the Patrol Division, the CRU may assist other agencies. At the request of the on-scene detective, the CRU will assist with mapping and drawing a crime scene.

6.3.4.3 **Alcohol Chemical Enforcement** (**ACE) Team** - Normally commanded by a non-commissioned officer. The ACE Team is responsible for aggressive, proactive enforcement of impaired driving laws in an effort to reduce collisions caused by impaired driving.

6.3.4.4 **Motors Unit** - Normally commanded by a non-commissioned officer. The Motors Unit is responsible for aggressive enforcement of motor vehicle violations, providing escorts for special events, and assisting with traffic management incidents.

6.3.4.5 **Electronic Enforcement Unit** - Normally commanded by a non-commissioned officer. Enforces chronic violations of the EZPass system, as well as reviews and approves Automated Speed Enforcement (ASE) citations.

6.3.4.6 **Sobriety Check/DRE/CTAU** - Normally commanded by a non-commissioned officer. The coordinator manages the Sobriety Check, Drug Recognition Expert (DRE), and Chemical Test for Alcohol Unit (CTAU) programs.

a) Sobriety Check **-** The Commander organizes and supervises sobriety checkpoints and saturation patrols.

b) DRE **-** Drug Recognition Experts perform evaluations on persons suspected of driving under the influence of drugs to determine the category of drug(s) causing the impairment. The DRE has the authority to order suspects to submit to blood tests to determine the source of impairment.

c) CTAU **-** The Commander is responsible for ensuring that the equipment maintenance and field reporting that is required by the Maryland State Police, the program administrator, is accomplished.

6.3.4.7 **Traffic Incident Management (TIM) Program** - Normally the responsibility of a non-commissioned officer. The coordinator will manage the TIM efforts for the MDTA Police. They will be responsible for ensuring TIM principals are practiced, training is provided to all personnel, and continuously review significant traffic incidents to ensure best practices are being utilized.

7. Special Operations Division

7.1 The **Commander of the Special Operations Division** is normally a major that is responsible for the supervision of the Commanders of the BWI/TM Airport Detachment, the Port Detachment and the Tactical & Investigations Command.

7.2 **BWI/TM Airport Detachment** - The Commander of the BWI/TM Airport Detachment is normally a Captain responsible for the overall operation of the detachment. They are supported by an Assistant Commander, normally Lieutenant in rank, and an Operations Officer, normally 1st Sergeant in rank.

7.2.1 The Assistant Commander will fill in for the Commander as needed and will focus on administrative matters as defined by detachment SOP.

7.2.2 The Operations Officer will focus on intelligence led resource allocation in support of public safety as defined by detachment SOP. They may act as Commander as needed.

7.2.3 **Bicycle Patrol** - Bicycle Patrol is used to supplement patrol in conducting routine and directed patrol activities and to participate in special events.

7.3 **Port Detachment** - The Commander of the Port Detachment is normally a Captain responsible for supervising the Assistant Commander, has the overall responsibility for ensuring the effective operation of the Port Detachment, and provides guidance and direction to personnel while ensuring compliance with the regulations governing personnel issues, Port security, Port facilities, and special projects.

7.4 **Tactical & Investigations Command** - The Tactical & Investigations Command is normally commanded by a Captain who is responsible for the oversight of the Tactical Section, the Crisis Negotiation Team, the Criminal Investigations Unit and the Intelligence Unit.

7.4.1 The **Tactical Section** is comprised of the Civil Disturbance Unit, Emergency Operation Services, the K9 Unit, the Marine Unit, the Special Response Team, and the Tactical Medical Unit. All members are sworn and all receive entry level as well as annual in-service training in their area of specialty. Their responsibilities are as follows:

7.4.1.1 **Civil Disturbance Unit** - Normally commanded by a high-ranking non-commissioned officer, the Civil Disturbance Unit (CDU) responds to civil disorder, disturbances and riots. The Commander of the CDU can be a full-time member of the Tactical Section. The remaining members serve on the CDU as an additional duty assignment.

7.4.1.2 **Emergency Operation Services** - Normally commanded by a non-commissioned officer, the Emergency Operation Services (EOS) equips, maintains, as well as trains and staff drivers for the Mobile Command Vehicle (MCV) and the Armored Rescue Vehicle (ARV). The EOS is staffed by both full time and part time members.

7.4.1.3 **K9 Unit** - Normally commanded by a high-ranking non-commissioned officer, the K9 Unit utilizes explosives detection, narcotics detection and patrol dogs to support patrol personnel. It is comprised of State Narcotics, State Explosive Ordnance Detection, TSA Explosive Ordnance Detection Teams and Patrol Teams. All members are full time.

7.4.1.4 **Marine Unit** - Normally commanded by a non-commissioned officer, the Marine Unit (MU) conducts patrols of Maryland's waterways, focusing on MDTA and MPA structures and facilities that traverse or border them. They conduct terrorism and criminal interdiction patrols as well as search and rescue missions. Members are a combination of both full and part time.

7.4.1.5 **Special Response Team** - Normally commanded by a non-commissioned officer, the Special Response Team (SRT) utilizes special weapons and tactics to resolve critical incidents. The SRT is composed of both full and part-time members.

7.4.1.6 **Tactical Medical Unit** - Normally commanded by a non-commissioned officer with oversight by the MDTA Police Medical Director, the Tactical Medical Unit provides medical support in accordance with Maryland Tactical Emergency Care Guidelines as established in Maryland Medical Protocols.

7.4.2 **Crisis Negotiations Team** - Normally commanded by a high-ranking non-commissioned officer or a Lieutenant, the Crisis Negotiations Team (CNT) is comprised of part time sworn personnel trained in crisis resolution and communication for incidents such as hostage taking, barricaded persons or suicidal persons.

7.4.3 **Criminal Investigations Unit** - Normally commanded by a Lieutenant and staffed by sworn personnel, the Criminal Investigations Unit (CIU) is responsible for investigative duties throughout MDTA Police jurisdiction. Detectives may be assigned to Federal Task Forces when deemed appropriate by the Chief of Police.

7.4.4 **The Intelligence Unit** - Coordinated by either a civilian Director or the Commander of T&I and assisted by the Commander of CIU, the Intelligence Unit collects and disseminates criminal and terrorism related material from inside and outside of the MDTA Police in accordance with federal standards. The unit is comprised of part time sworn members as detachment coordinators. It also coordinates with the MDTA Police Intelligence Analysts that staff the Maryland Coordination and Analysis Center.

7.5 **Honor Guard** - The Honor Guard represents the MDTA Police at funerals and special events. The Honor Guard may include flag bearers, body bearers, buglers, bagpipers, and a rifle team.

Section III - The Chain of Command and General Management

1. Order of Rank

1.1 The order of rank for MDTA Police sworn personnel:

Colonel
Lieutenant Colonel
Major
Captain
Lieutenant
1st Sergeant
Sergeant
Corporal
Senior Officer
Officer II
Officer I
Officer Candidate

1.2 The title of “Detective” is an assigned position, not a rank, and may be held by an individual regardless of rank upon assignment to the Criminal Investigations Unit or the Internal Affairs Unit.

2. The Chain of Command

2.1 The delegation of authority and responsibility by the Chief of Police throughout the MDTA Police creates the chain of command. The chain of command is the established channel through which authority and responsibility have been subdivided among various elements of the agency.

2.2 The Chief of Police has both the authority and responsibility for every action taken by the MDTA Police. The Chief of Police is authorized to delegate the necessary authority and responsibility to a Bureau Chief. The chain of command then passes vertically through Majors, Captains, Lieutenants, 1st Sergeants, Sergeants, Corporals and Officers respectively.

2.3 As a general rule, all formal communications should be received at the lowest level of command capable of initiating the actions necessary to resolve the problem.

2.3.1 Communication is required to travel vertically through the chain of command to the addressee.

2.3.2 Communication is not to be disrupted or stopped under any circumstances before reaching the addressee. As a general rule, the timeframe to follow should be within five business days.

2.4 Each employee of the MDTA Police, regardless of rank or position, is accountable to only one higher official for work assignments, supervision, and evaluation. This may be modified for any specialized units deemed appropriate by the Chief of Police; however, each employee will only be accountable to one supervisor at any given time.

3. Span of Control

3.1 All employees, sworn and non-sworn, of the MDTA Police shall have the authority to make decisions that are commensurate with, and are necessary for, the effective and efficient execution of assigned duties and responsibilities. However, each employee will be held accountable for the proper use of this delegated authority to ensure the use is consistent with the MDTA Police organizational values and mission statement.

3.2 All personnel are to be held accountable to their immediate supervisor and ultimately to the Chief of Police.

3.3 Each supervisor at every level within the MDTA Police is authorized to delegate tasks, responsibility, and authority to subordinate personnel under their immediate supervision. However, supervisors will be held accountable for the activities of all employees under their immediate control and for the successful completion of any delegated tasks.

3.4 In the absence of a supervisor (i.e. Duty Officer, Patrol Supervisor), an officer pre-selected by the Commander and/or Assistant Commander of the Detachment/Unit will become the Officer In Charge (OIC) and will assume the duties and responsibilities of the absent supervisor. Officer's assuming the role of OIC will be compensated in accordance with the collective bargaining MOU between the FOP and the MDTA.

Qualifications for OIC:

1. Minimum of 12 months in grade as an Officer II.
2. Rating of Satisfactory on the most recent Employee Performance Appraisal.
3. Demonstrate working knowledge and proficiency in the use of agency rules, regulations, procedures, local ordinances, State and Federal laws and MOUs.
4. Officer must submit a Special Report to the Commander of their respective detachment/unit advising of their desire to be considered for the position of OIC.
5. Must have the Detachment/Unit Commander's written approval.

3.4.1 Officers approved to act as an OIC will receive initial and in-service training regarding supervisory responsibilities and liability relating to the position of OIC as deemed appropriate by the Training Unit.

3.4.2 The Detachment/Unit Commander and Assistant Commander have the authority to "rotate" the OIC position and does not have to give the OIC position to the most senior officer on the shift.

4. Temporary and Rotating Assignments

4.1 Temporary assignment and/or job rotation affords officers an opportunity for professional and personal growth. All officers are encouraged to take advantage of such opportunities.

4.2 When a temporary or rotating assignment becomes available, the appropriate Division Commander will identify the position, the approximate duration of assignment and the selection criteria for the position and establish a description of the selection procedures. This information will be furnished to the Command Staff who will consider an officer's performance, knowledge, training, abilities, and professional aspirations, when selecting personnel for these positions.

4.3 The Command Staff will forward recommendations of such personnel to the Chief of Police for final selection.

4.4 Commanders of components that include temporary assignments must complete a written annual review to determine if the temporary assignment is still required. Copies of the review will be sent through the chain of command and to the Administrative and Financial Services Command.

5. Job Position Identification and Staffing

5.1 Positions in the MDTA Police not requiring sworn personnel are specified as non-sworn and staffed accordingly. Sworn personnel may be temporarily assigned to non-sworn positions in the event of an urgent agency need, to broaden an officer's experience, or if an officer has been temporarily assigned to modified duty.

5.2 Sworn officers are not to be permanently assigned to non-sworn positions.

5.3 The Commander of Administrative and Financial Services Command maintains a list of all non-sworn positions within the Maryland Transportation Authority Police and their job descriptions.

6. Job Position Classification

6.1 Division Commanders are responsible for ensuring that all agency job classifications are kept current, and to make recommendations concerning revisions when changes occur.

6.2 Documented position description reviews will be completed by the Commander of Administrative and Financial Services, every three years and when appropriate, recommendations concerning position descriptions will be forwarded to the Maryland

Transportation Authority Human Resources Office. The Chief of Police will forward any recommendations for changes in job classification or specification to the Director of the Maryland Transportation Authority Human Resources for final approval.

6.3 Employees entering on duty or changing job descriptions due to promotion or any other reason will be furnished a copy of the new job description by his/her immediate supervisor.

6.3.1 Employees will be held accountable for each task and/or responsibility listed in their job description.

6.3.2 Employees should address questions about job descriptions to their supervisor.

6.3.3 The Commander of Administrative & Financial Services Command will also maintain the updated descriptions and responsibilities of each job assignment.

6.3.4 All job descriptions are available for review by all sworn and non-sworn personnel by requesting permission through their supervisor and through the chain of command.

Section IV - Goals, Objectives, and Planning

1. Goals and Objectives

1.1 The Chief of Police will formulate goals for the agency. In addition, each Division, Detachment, Section and Unit Commander within the MDTA Police will formulate written objectives for their respective areas of responsibility.

1.2 The Commanders of Patrol and Special Operations Division will work with their Detachments/Units to develop programs to improve the agency's traffic safety and crime prevention efforts. The effectiveness of these efforts will be reviewed regularly to ensure objectives are being met.

1.3 The Commanders of Logistics and Support Services Divisions will develop objectives in line with the goals of the agency and focus on areas to support a superior work force.

1.4 Objectives for the upcoming calendar year will be forwarded through the appropriate chain of command to the Office of the Chief for review by December 15th of the current calendar year.

1.5 Copies are to be made available to all personnel and forwarded to the Administrative and Financial Services Command for retention.

1.6 Annually, all Division, Detachment, Sections and Unit Commanders, and the Office of the Chief, shall create a list of goals and objectives for the coming year. A copy of these goals and objectives will be forwarded to the Administrative and Financial Services Command, which will retain them for three years.

1.7 Each commander will evaluate the progress toward achievement of the goals and objectives and submit a quarterly goal attainment update to their Division Commander by April 10th, July 10th, October 10th each calendar year. The Division Commander for each Detachment or Unit will present the updated quarterly goal attainment report to the Chief of Police and Senior Command Staff during a Senior Command Staff Meeting following each completed quarter. A copy of each quarterly report will be forwarded to the Administrative and Financial Services Command.

1.8 During the quarterly goal attainment review, any Division, Detachment, Section or Unit Commander that identifies a need to modify or change a goal or objective will present the request to the Chief of Police and Senior Staff. The Chief of Police will make the final decision on any changes to a goal or objective. Additionally, any Division, Detachment, Section, or Unit that is experiencing challenges with meeting a goal will present the challenge to the Chief of Police and Senior Staff during the quarterly goal attainment review. The Chief of Police and

Senior Staff will assist the Division, Detachment, Section, or Unit Commander with developing new strategies to immediately address the concerns with goal attainment.

1.9 At the conclusion of the calendar year, each commander will submit a final goal attainment report to the Chief of Police, through the Division Commander by January 10th of the new calendar year. A copy of this report will be forwarded to the Administrative and Financial Services Command where it will be retained for four years.

2. Multi-Year Plan

2.1 Under the direction of the Chief of Police, the MDTA Police will prepare a multi-year plan that includes, but is not limited to: long term goals and operational objectives for the agency and how to achieve them; anticipated workload trends in relation to population trends and anticipated personnel levels; anticipated capital improvements and equipment needs; provisions for review and revision as needed and collaborative systems review.

3. Planning and Research Function

3.1 The planning and research function of the Maryland Transportation Authority Police is assigned to the Administrative and Financial Services Command, which has the following responsibilities: receive, analyze, and provide written reports and recommendations on employee suggestions; undertake special projects and programs; establish contact and liaison with similar units of other state, local, and federal police agencies for mutual exchange of information; and all other projects, as assigned by the Commander.

3.2 The Administrative and Financial Services Command has ready access to the Chief of Police. The organization for planning and research is designed to ensure access to all necessary information resources. These resources include, but are not limited to, open-source reference materials, command staff, legal advice, and various law enforcement networking organizations.

3.3 If the Administrative and Financial Services Command conducts any analysis that affects any other components, copies of the analysis shall be distributed to the affected personnel and their units.

4. Transition Checklists

4.1 Transition checklists (Form 120A-H) will be completed by all Detachment/Section/Unit Commanders, in conjunction with the Assistant Commanders, to ensure all relevant job/Detachment/Section/Unit information is communicated to new, incoming commanders during a change of command. These lists will be updated as necessary and will be kept at the Detachment/Section/Unit with a retention of 10 years. They will be subject to inspection by Staff Inspection Personnel.

Section V - Detachment Coordinators

1. Coordinator Positions

1.1 The following categories of coordinators for the MDTA Police perform duty-specific support functions at the Detachment level in addition to their sworn duties, or any specialized unit duties:

First Aid Coordinator
Investigations Coordinator
Motor Vehicle Control Coordinator
Motor Vehicle Impound/Disposal Coordinator
Speed Detection Device Coordinator
Training Coordinator
Uniforms & Equipment Coordinator
Court & MVA Liaison Coordinator
CTAU/PBT Coordinator
Police Information Technology Coordinator
Firearms Coordinator
Property Coordinator
Security Coordinator
Intelligence Coordinator
Accreditation Coordinator
Fixed Asset Coordinator
FTO (Field Training Officer) Coordinator

1.2 Detachment coordinators will be selected by the Detachment/Unit Commander and reviewed by the MDTA Police lead coordinator for the function.

2. First Aid Coordinator Duties

2.1 Maintains an inventory log of all medical equipment and supplies.

2.2 Performs/documents monthly inspections of all First Aid equipment/Kits assigned to vehicles, Detachments/Units, and/or posts for proper content, maintains supply, and verifies that the RED tamper-proof seal is present.

2.2.1 Completes Online RMS “First Aid Kit Inspection Form” to document each monthly inspection.

2.3 Conducts monthly inspections of First Aid and resuscitation equipment for cleanliness and proper function. Removes from service and replaces any defective or contaminated equipment.

2.3.1 Refers damaged, used, or missing medical equipment to Agency First Aid Coordinator with a Special Report (Form 69).

2.4 Monitors and maintains detachment/unit medical waste standards.

3. Investigation Coordinator Duties

3.1 The Investigation Coordinator is responsible for the maintenance and availability of all equipment necessary for detachment personnel to properly conduct thorough and complete investigations.

4. Motor Vehicle Control Coordinator Duties

4.1 Responsible for maintaining the proper maintenance and service records for each motor vehicle assigned to the detachment/unit.

4.2 Vehicle Fleet Sheets shall be completed on a monthly basis for all agency vehicles and forwarded to the MDTA Police Fleet Coordinator by the 3rd of each month. These reports will subsequently be forwarded to the MDTA Fleet Coordinator by the 5th of each month.

4.3 Checks each Vehicle and Equipment Inspection Form for completeness. Notes any repairs that are needed and follows-up with a supervisor on any new damage(s) that have not been previously reported.

5. Motor Vehicle Impound/Disposal Coordinator Duties

5.1 After a vehicle is impounded, the Motor Vehicle Impound/Disposal Coordinator should perform a stolen check. A hard copy of all MILES messages should be attached to the impound report. Retain all communications regarding the impounded vehicle for three years.

6. Speed Detection Device Coordinator Duties

6.1 The Speed Detection Device Coordinator is responsible for the periodic inspection of all RADAR and LIDAR units for physical damage, loose or frayed cords, wires, and verifying general operating condition.

6.2 The coordinator verifies reported RADAR unit malfunctions and assures that the reporting operator submits a Special Report describing the problem. The coordinator will make the arrangements for the repair of the unit and will notify the MDTA Police Lead RADAR Coordinator who will document the repairs. A copy of the operator’s report will remain in a file at the detachment.

7. Training Coordinator Duties

7.1 The Training Coordinator's responsibilities include, but are not limited to: assisting with the instruction of in-service training at their facility when needed; providing assistance to Academy personnel with topics for training bulletins; and maintaining an inventory of any training resource books and periodicals assigned to their facility.

8. Uniforms/Equipment Coordinator Duties

8.1 The Uniforms/Equipment Coordinator will be responsible for providing assistance to detachment personnel in addressing uniform and equipment needs.

8.1.1 Uniforms **-** The Coordinator will fill out requisitions for uniform items, including seasonal inspections upon approval of the Duty Officer; maintain files on uniforms ordered and follows up with Quartermaster Unit on any items not received; and complete and forward all Uniform Clothing Receipts to the Quartermaster Unit.

8.1.2 Supplies **-** The Coordinator will check and order the proper forms, supplies, and equipment for the Detachment's day-to-day operations, as well as maintain a record of dates, items and quantity ordered and distribute supplies received.

8.1.3 Equipment **-** The Coordinator will verify the detachment/unit's equipment inventory list from the Quartermaster Unit; conduct a physical inventory of equipment upon receipt and annually thereafter; record any changes to the current equipment inventory and forward the information to the Quartermaster Unit using an MDTA Equipment Inventory Transaction Report.

9. Court/MVA Liaison Coordinator Duties

9.1 The Liaison Coordinator supplies the Detachment's personnel with criminal and traffic court dates for each court within the detachment's jurisdiction.

9.2 The Liaison Coordinator will be responsible for returning driver's licenses and license plates to the MVA.

9.3 Other responsibilities include, but are not limited to; maintaining the receipt book for court slips issued to officers; notifying courts of postponement requests and officers on sick leave; posting court schedules for officers; notifying officers of any changes made by the court regarding procedures, court closings, and case postponements; maintaining files of correspondence pertaining to all court matters; and maintaining files of correspondence to attorneys.

9.4 The Liaison Coordinator will report any officer's Failure to Appear (FTA) for court dates to the officer's immediate supervisor and the Detachment/Unit Commander.

10. CTAU/PBT Coordinator Duties

10.1 The coordinator is responsible for maintaining and submitting each Detachment's paperwork involving the Preliminary Breath Test and Intoximeter systems.

10.2 Detachment Coordinators will maintain the Maryland Transportation Authority Police Preliminary Breath Test Log.

10.3 The Detachment Coordinator is to periodically check this form for accuracy. The Preliminary Breath Test Log and the machine that it accompanies are both subject to periodic inspection by Maryland State Police.

11. Police Information Technology Coordinator Duties

11.1 The Coordinator's responsibilities include, but are not limited to:

11.1.1 Equipment Inventory: The Detachment/Unit IT Coordinators will be responsible for maintaining an accurate inventory of all police Mobile Data Computers (MDCs), ETIX printers, Body Worn Cameras (BWCs), and In-Car Digital Video Systems (refer to Chapter 32 for responsibilities related to ICDV). The ITLE Unit will maintain overall inventory control and conduct bi-annual audits of all IT equipment.

11.1.2 Livescan: In cases where the Detachment/Unit IT coordinators also have a Livescan machine at their facility, they will be responsible for managing user accounts, ensuring fingerprint submissions are being properly transmitted to DPSCS, and reporting any software or hardware equipment issues to the ITLE Unit.

11.1.3 Body Worn Cameras (BWCs): Detachment/Unit IT Coordinators will maintain an inventory of all BWCs, eight (8) bay docks and any peripheral equipment requiring a state asset tag. Coordinators will also monitor that all eight (8) bay docks are functional and updated.

11.1.4 Equipment Care and Maintenance: Detachment/Unit IT Coordinators will ensure that all IT equipment at their facility is properly functioning. This includes ensuring required updates from MDTA and the ITLE Unit are completed. When issues are identified with Detachment/Unit equipment, coordinators will communicate with the ITLE Unit, via the appropriate ITLE/Fleet Trouble Ticket in RMS, to resolve the problems.

12. Firearms Coordinator Duties

12.1 The Coordinator's responsibilities include, but are not limited to: the inspection, servicing, and cleaning of all shotguns assigned to the Detachment or Unit on a monthly basis; the replacement or rotation of ammunition at the Detachment; ensuring that a replacement weapon is issued when a shotgun is removed for maintenance or repairs.

12.2 The Coordinator will maintain a Shotgun Action/Control Report.

12.3 Weapons malfunctions must be immediately reported to an MDTA Police armorer.

13. Property and Evidence Coordinator Duties

13.1 Detachment/Unit Property and Evidence Coordinators will make daily checks for new entries in the Property Record log.

13.2 If a new entry has been made, the Detachment Property and Evidence Coordinator will mail notification letters in all cases where an owner, or possible owner, is known. This letter will be mailed standard first-class mail and will advise the owner they have thirty days to retrieve their property.

13.3 Once per month, the Detachment or Unit Property and Evidence Coordinator will arrange with the Agency Lead P&E Coordinator to take all non-evidentiary items, which have been in the custody of this agency for thirty days or more, to the Property and Evidence Unit's central depository. Each Detachment Coordinator is responsible for arranging with the Agency Lead P&E Coordinator the transportation of all items to the P&E Unit's central repository. The Detachment Property and Evidence Coordinator shall ensure that Supplement Reports are completed before any property or evidence is transported to the central repository.

13.4 On a monthly basis, the Detachment Property Coordinator and another officer designated by the Detachment Commander will conduct a full physical inventory of all property and evidence currently stored in the Detachment Property Room. A monthly report will be completed on a Special Report and forwarded to the Detachment or Unit Commander and maintained at the Detachment level for a period of no less than three years.

13.4.1 Discrepancies of any kind will be immediately reported directly to the Detachment Commander and the Commander of the Property and Evidence Unit.

13.4.2 Upon receipt of this information, the Detachment Commander will immediately initiate an investigation regarding the discrepancy and have three days to rectify any discrepancies. If the discrepancy cannot be rectified at the Detachment level, the Internal Affairs Unit will be notified through the chain of command.

13.5 Upon a change in Property and Evidence Coordinators, an audit will be conducted by the current coordinator and the replacement coordinator to be observed by the Detachment/Unit Commander or designee. The audit is to be documented on a Special report to include signatures of all participants and forwarded to the Detachment/Unit Commander. This report should be maintained at the Detachment for period of no less than three (3) years.

14. Security Coordinator Duties

14.1 Each Detachment will have a Security Coordinator assigned that operates under the guidance of the Director of the Security Unit.

14.2 The coordinator will be responsible for conducting timely inspections of physical property, perimeters, and any access control measures, in compliance with MDTA Police, state and federal guidelines.

14.3 When directed, the coordinator will assist in conducting security evaluations according to MDTA Police, state and federal guidelines and standards.

14.4 When necessary, the Coordinator will forward relevant security concerns and issues to his/her immediate supervisor and the Security Unit immediately.

15. Intelligence Coordinator Duties

15.1 To ensure the timely and efficient distribution of both criminal and homeland security intelligence, each detachment will have an Intelligence Coordinator. The detachment operations officer or designee will serve as the Intelligence Coordinator. The Operations Officer or designee will coordinate and consult with the Agency Intelligence Coordinator.

15.2 The Coordinator should look for emerging trends and developing patterns. When necessary, the Coordinator will forward any relevant intelligence concerns and issues to his/her immediate supervisor and the Agency Intelligence Coordinator.

15.3 The Coordinator will be responsible for disseminating law enforcement-sensitive information to their MDTA Police Detachment/Unit. Dissemination of information can be either electronic or through roll call presentations.

15.4 The Coordinator will be responsible for providing appropriate crime and homeland security awareness information to the non-sworn employees of the MDTA at their facility, as well as to local community members and businesses adjacent to their facility.

15.5 The Coordinator shall provide periodic intelligence updates at their detachment’s roll call.

15.6 The Coordinator shall provide, at a minimum, quarterly intelligence updates, via email, to the Agency Intelligence Coordinator. Updates will include:

- Emerging trends in both criminal and homeland security matters
- Community member/business related contacts
- Any other relevant intelligence related information
- A summary of the Coordinator's efforts

16. Accreditation Coordinator

16.1 The Accreditation Coordinators will be responsible to familiarize themselves with **ALL** CALEA standards. A copy of the Standards for Law Enforcement, and Training and Communications, is located on the MDTA Police Intranet.

16.2 The Coordinator shall review all reports daily and determine whether the reports submitted will be needed as proof of compliance for the standards set by the Commission.

16.3 When the Coordinator finds a report will be needed as proof of compliance, the Coordinator will email the Commander of the Accreditation Unit the Incident Report/CFS Number and a brief explanation of the incident.

16.4 Accreditation coordinators will meet with the agency's Accreditation Managers as needed for training and CALEA updates.

17. Fixed Asset Coordinator

17.1 The Fixed Asset Coordinator maintains a current list of all MDTA property at the detachment: updating the list as items are added and removed from the detachment. The Fixed Asset Coordinator will assist the MDTA Division of Finance during their annual Fixed Asset Inventory Inspection.

18. FTO Coordinator

18.1 The FTO Coordinator will usually be of supervisory rank. The FTO Coordinator will be responsible for coordinating FTO schedules to meet the needs of the Probationary Officers during field training. The Coordinator will also be responsible for ensuring that all documentation is completed by the FTO's and reviewed by the probationary officer.

Chapter 02
Direction & Protocol
Directives Manual Revision Date: 09/21/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Direction & Protocol……..01

CEO Authority and Responsibility, Command Protocol, Obeying Lawful Orders, Functional Communication and Cooperation

Section II – Rules, Regulations, Policies, Procedures, Internal Communications and Forms……..04

Definitions, Internal Communications, Routing Slips and Endorsements, Police Forms Management

Section III – The Directive System……..……07

Directives, Directives Review, Directives Manual, Non-Agency Directives, Dissemination and Storage – Electronic Directives Manual (E-Manual), General Order Log, Extent of Authority and Liability, Standard Operating Procedures

Section I - Direction and Protocol

1. CEO Authority and Responsibility

1.1 The MDTA Police derives statutory authority from the Annotated Code of Maryland, Transportation Article, Section 4-208. Sworn law enforcement members of the MDTA Police have all the powers granted to a peace officer and a police officer. Refer to Chapter 4 for jurisdictional limitations.

1.2 The Chief of Police is appointed by the Executive Director of the Maryland Transportation Authority. The Chief of Police takes an oath of office that is administered by the Judicial Branch of the State of Maryland.

1.3 The Chief of Police, through his/her subordinates, shall maintain peace and good order within this jurisdiction. The organization of the agency will support the effective accomplishments of the agency responsibilities and functions.

2. Command Protocol

2.1 In the event the Chief of Police is incapacitated and unable to perform the functions of the Chief of Police for the agency, the following Command Protocol succession will take effect. The following positions will serve as the Acting Chief of Police in the following order via the listed Command Protocol succession:

1. Operations Bureau, Chief
2. Administrative Bureau, Chief
3. Commander of Special Operations Division
4. Commander of Patrol Division
5. Commander of Support Services Division
6. Commander of Logistics Division

2.1.1 During other times of absence of the Chief of Police, a Bureau Chief may be designated the Acting Chief of Police by the Chief to provide command and direction to the agency.

2.2 During the hours that the Chief, Bureau Chiefs and Division Commanders are not on duty, (nights, weekends, and holidays) the shift supervisor or any officer acting in that capacity will be in charge of their respective detachment or unit and will act for the Chief of Police on matters until the Chief of Police or his/her designee can be advised.

2.3 During all normal day-to-day operations, the functional organizational structure as described in Chapter 1 will apply.

2.4 During exceptional situations, refer to the command protocol as set forth in Chapter 28.

2.4.1 Personnel from the Criminal Investigations Unit, Commercial Vehicle Safety Unit, HEAT Team or other specially trained personnel will assume control of the incident upon arrival on the scene when appropriate.

3. Obeying Lawful Orders

3.1 Lawful Orders**:** Personnel shall not be disrespectful of superior officers and shall promptly obey all lawful orders of a superior. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of their duties and responsibilities.

3.2 To ensure effective supervision, direction and control, all employees will promptly obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. Employees to whom conflicting orders are issued will call attention to the conflict; however, if the conflict is not resolved, the highest-ranking order issued will be obeyed.

3.3 If an employee receives an unlawful order, he or she will immediately report it to the next highest rank available and await direction.

4. Functional Communication and Cooperation

4.1 All personnel will cooperate and exchange information with investigators and any personnel of other functional areas of the agency.

4.2 Cooperation and exchange is accomplished by, but not limited to:

4.2.1 Attendance of the investigators at the roll call sessions to share information, including current activities, areas of needed assistance, and intelligence information.

4.2.2 Division Commanders as well as Detachment Commanders or Unit Commanders may conduct staff meetings with their personnel as deemed appropriate.

4.2.3 Daily review of information by patrol and/or investigative personnel made available by use of information and/or readout boards and e-mail.

4.2.4 Review of, and input from, personnel in the development of new policies and/or procedures.

4.3 All Bureau Chiefs, Division Commanders, Detachment and Unit Commanders, and the Chief of Police will attend staff meetings as needed.

4.3.1 The purpose of these meetings is to highlight achievements or discuss problems during the past months; provide information concerning budget status, forthcoming activities or events; discuss needs, requirements or changes; provide feedback concerning policies, general orders or directives and in general, to share information of interest to all. Each commander will have an opportunity to speak and should feel free to comment on any matter under discussion.

4.4 Sworn and non-sworn employees may submit, through the chain of command, a request for a specific item to be discussed at the staff meetings. Items for the agenda will be submitted in advance to allow sufficient time for discussion. The employee may be invited to attend the staff meeting at the discretion of the Chief of Police.

Section II - Rules, Regulations, Policies, Procedures, Internal Communication, and Forms

1. Definitions

1.1 Rules provide rigid and restrictive guides of conduct in those areas in which the ungoverned actions of individuals would be detrimental to the reputation of the agency or would impede its ability to carry out its mission. They are specific concerning the responsibilities of employees to do certain things within a definite period of time, or in particular circumstances and indicate or imply that a penalty will be imposed for failure to comply.

1.2 Regulations may apply to specific situations such as spelling out the duties of a patrol officer, a shift supervisor, or a unit commander. Regulations address personal conduct, morality, integrity, general duties, responsibilities and in all matters pertaining to obedience of orders and agency directives. Rules and regulations are contained in the Directives Manual.

1.3 Policy is a statement, either written or oral, which embodies the philosophies of the Chief and the Command Staff. It is a broad statement of agency principles serving as a guide to what must be done and its broad limits allow discretion in making decisions aimed at reaching the organizational objectives. Policy must emanate from a single source following input from appropriate staff to assure uniformity in the way tasks are performed. It serves to guide the decision-making activities within management, supervision and line levels of the organization.

1.4 Procedures are a series of tasks that comply with agency rules and policies and are designed to facilitate the performance of specific activities and promote uniformity and efficiency of action. As they deal with activities, they set forth the guidelines by which a task is to be performed. Written procedures are valuable training aids in preparing new employees or instructing personnel to perform new tasks. Procedures must produce uniformity. Uniformity not only facilitates supervision and work evaluation, but also increases employee performance.

1.4.1 Compliance with policies and procedures is normally expected unless good reasons exist for not doing so.

1.4.2 It is the responsibility of any employee that willfully chooses non-compliance to justify such non-compliance with their immediate supervisor.

2. Internal Communications

2.1 Memoranda provide information, opinions, guidance or orders concerning a particular subject or event. Frequently, they are self-canceling but the pertinent content from those that have on-going application can be included in the next revision to the Directives Manual. The Chief of Police, Bureau Chiefs, Division Commanders, and any Detachment or Unit Commanders may issue memoranda.

2.2 General Orders are permanent procedural directives, which are issued by the Chief of Police and remain in effect until they are incorporated into the Directives Manual or rescinded.

2.3 Special Orders generally cover a temporary and self-canceling order. The Special Order will remain in effect until cancelled by the issuing authority. All Special Orders are to be issued by the Chief of Police, or by a Bureau Chief or Division Commander with the Chief's approval.

2.4 Personnel Orders relate to such personnel action as appointments, assignments, transfers, promotions, training and disciplinary measures. Personnel orders are to be issued by the Chief of Police, or by a Bureau Chief or Division Commander with the Chief's approval.

2.5 Training Bulletins relate to training matters within the agency. They are issued by the Training Academy with the approval of the Commander of the Training Academy.

2.6 Memoranda, General Orders, Specials Orders, Personnel Orders and Training Bulletins should be distributed via Power DMS and electronically signed for. When they are not distributed via Power DMS, they must be signed for on an Acknowledgement of Receipt, Form 68.

3. Routing Slips and Endorsements

3.1 Routing Slips and Endorsements are used with all written communications and will be reviewed and endorsed (either positively or negatively) prior to forwarding through the chain of command.

3.1.1 Routing slips will be used for all internal communications. The subject of the official report shall be typed across the top of the routing slip.

3.1.2 Endorsements may be made directly on the routing slip. Detailed endorsements will be made on a separate sheet using the proper format.

3.1.3 Internal communications forwarded without endorsements are unacceptable.

3.1.4 Once internal communication has been initiated, it should be endorsed and forwarded to the next level within five business days. When requested by a superior, the endorsement will contain an accurate, factual reason for any delays.

3.1.5 Communications marked "APPROVED" are acceptable only if reviewing superiors are satisfied with the content and quality of the work and are willing to accept the document as if it were their own.

3.1.6 Suggestions and opinions submitted into the chain of command at any level, having the final destination of the Office of the Chief, must have full recommendations from all unit commanders performing reviews.

4. Police Forms Management

4.1 All MDTA Police forms will be accounted for and catalogued by the Budget & Planning Command. This regulation applies to forms used agency-wide and forms used by specific detachments or units.

4.2 All members of the MDTA Police may submit requests for new or modified forms. All requests for new or modified forms must be forwarded, through the chain of command, to the Budget & Planning Command.

4.3 Upon review of the form, Budget & Planning will forward recommendations for implementation of any new or revised form to the Office of the Chief for final approval.

4.4 All approved police forms will be posted for agency use on the police intranet in the necessary format for download and duplication.

Section III - The Directives System

1. Directives

1.1 Directives will be reviewed annually and updated as necessary.

1.2 All MDTA Police General Orders, Special Orders, Personnel Orders and Memorandums will be numbered, and will consist of two numbers, separated by a dash. The first number will be the last two digits of the current calendar year; the second number will be a sequential listing of numbers issued during that calendar year.

Examples:

The first General Order Number for the year 2001 will be 01-01. The second General Order Number for the year 2001 will be 01-02, the third 01-03, etc.

The first Personnel Order Number for the year 2001 will be 01-01. The second Personnel Order Number for the year 2001 will be 01-02, the third 01-03, etc.

1.3 All MDTA Police Special Orders and Memorandums originating from a Division, Detachment, or Unit will follow the same numbering system.

1.4 As a general rule, the intent of words such as “will”, “must”, and “shall” in any directive is to mandate a particular action. Words such as “should”, “may”, “can” and “normally” are less direct and imply a degree of choice.

1.5 Copies of all MDTA Police Directives will be forwarded to the Budget & Planning Command.

2. Directives Review

2.1 Generally, information to be incorporated into the Directives Manual will be prepared by or submitted through the Budget & Planning Command for an initial review. When information is forwarded through the staffing process, each command staff member will receive a draft for review and comment. The command staff may circulate the draft among subordinates to solicit comments for feedback.

2.2 Some directives may involve more extensive participation. The originating sponsor may request that a consultant or task force be appointed to help develop it. Some directives may involve coordination with agencies or offices outside the agency such as with the State’s Attorney, Attorney General, Executive Director, etc. An assigned member of the Budget & Planning Command will ensure such outside coordination is accomplished during the staffing process.

2.3 After the Chief of Police has approved a directive, the Budget & Planning Command will be responsible for its publication and distribution to each division, detachment and unit via Power DMS. The Budget and Planning Command shall monitor Power DMS to ensure that all personnel review and sign for directives. The Support Services Division will maintain files for copies of all personnel Acknowledgement of Receipt forms and maintain an index for all Directives posted to Power DMS.

2.4 All written directives will be reviewed for accreditation standard compliance prior to final distribution.

3. Directives Manual

3.1 The Budget and Planning Command is tasked with keeping an up to date Directives Manual available for all personnel via the police intranet. As new directives are disseminated, old directives are purged from the Directives Manual and archived, all personnel will be notified promptly via email whenever an update, addition, or revision to the Directives Manual is made. Personnel will sign for the updates on Power DMS.

3.2 Shift supervisors will be responsible for ensuring that all subordinates have read and understand all written directives.

3.3 Shift supervisors will review all new, supplemental or amended directives recently issued during roll call.

3.4 Should any employee wish to possess a hard copy of the Directives Manual, it is the employee's responsibility to maintain a copy with all current updates, additions, or revisions.

3.5 Any violation of directives contained in the Directives Manual may be grounds for disciplinary action.

4. Non-Agency Directives

4.1 Members of this agency are required to comply with various non-agency directives, which include, but are not limited to:

4.1.1 Federal law and mandates, including the Constitution of the United States;

4.1.2 State law and mandates, including the Constitution of the State of Maryland, COMAR, and the Code of Maryland;

4.1.3 The local codes and regulations of Anne Arundel County, Baltimore City, Baltimore County, Cecil County, Charles County, Harford County, Howard County, Montgomery County, Prince George's County and Queen Anne's County as they relate to local ordinances, emergency order plans, etc.;

4.1.4 Maryland Department of Transportation Human Resources System and other State of Maryland policies relating to procurement, finance, and inventory control.

5. Dissemination and Storage - Electronic Directives Manual (E-Manual)

5.1 The Budget & Planning Command will be responsible for maintaining the Directives Manual and its electronic version (E-manual).

5.1.1 The Budget & Planning Command will maintain the E-manual on the Police Intranet.

5.1.2 The E-Manual will be structured to allow the use of search functions, as well as, an easily accessible Table of Contents for the manual and each chapter.

5.1.3 Personnel may obtain copies of the E-Manual by downloading from the Police Intranet.

5.2 A Directives Manual will be issued to all newly hired personnel. The member will be responsible for inserting new directives, supplements or amendments in the proper sections of the manual accordingly or may choose to solely use the E-Manual.

5.3 The Budget & Planning Command will issue new or revised Directives (PDF Format) to all personnel via Power DMS.

5.4 All employees will regularly check their e-mail and Power DMS.

5.5 Supervisors are responsible for ensuring all subordinates have read and understand all Directives.

6. General Order Log

6.1 The Budget & Planning Command will maintain a General Order Index on the Police Intranet.

6.2 The General Order Index will list, in chronological order, all revisions to the Directives Manual. This will enable personnel to readily research manual revisions and remain updated on changes.

7. Extent of Authority and Liability

7.1 The Maryland Transportation Authority Police Directives Manual, General Orders and Special Orders are for internal use and may apply in civil or criminal proceedings. Violations of these regulations may form a basis for agency sanctions.

8. Standard Operating Procedures

8.1 Commanders of all units, detachments, programs, and teams shall review and update their Standard Operating Procedures annually. The updated SOP will be submitted to the Budget & Planning Command no later than March 31.

Chapter 03
Role & Legal Authority
Directives Manual Revision Date: 06/14/2019

TABLE OF CONTENTS

SECTION **PAGE**

Section I – The Oath of Office and the Code of Ethics.....01

Oath of Office, Code of Ethics – Sworn and Civilian Personnel, the Police Code of Ethics

Section II – Legal Authority.....03

Legal Authority Defined, Rules and Regulations of the MDTA, Services Provided

Section III – The Chief Police Officer.....04

As Defined by the Annotated Code of Maryland

Section IV – Limitations of Police Authority.....05

Local Courts, State's Attorney, Intelligence Activity, Changes of Law and Legal Representation

Section V – Guidelines for Constitutional Compliance.....07

Introduction, Basic Rule, Criminal Investigations, Miranda, Confessions, Securing Weapons, Interrogations, Waiver of Prompt Presentment

Section I - The Oath of Office and The Code of Ethics

1. Oath of Office

1.1 In accordance with the Constitution of Maryland, Article 1, Section 9, within three (3) days of the beginning of entry level training, the Oath of Office will be administered to new employees by a Clerk of the Court.

“I, _____, do swear and affirm that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof,

And that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of:

Police Officer - Maryland Transportation Authority

according to the Constitution and laws of this State.”

1.2 The Chief of Police will administer the following oath of office to sworn personnel upon graduation from the Police Academy:

“I do solemnly swear that I will bear true faith and allegiance to the United States of America and to the State of Maryland; that I will serve honestly and faithfully to uphold and defend the Constitution of the United States and the Constitution of Maryland; that I will enforce the laws of the State of Maryland; and that I will obey the orders of the Governor and of the Officers appointed over me according to the rules and regulations of the
Agency.”

2. The Code of Ethics – Sworn and Civilian Personnel

2.1 All personnel will comply with the Maryland Public Ethics Law, Maryland Annotated Code, General Provisions Article, Title 5. New employees will receive and sign for a copy of the law. It can also be found at
http://tsonet/Secretarys_Office/Human_Resources%20Homepage/index.html.

2.2 Ethics training will be conducted for all personnel at least once every two years. This training may be conducted in classrooms, during shift briefings, or in training bulletins.

3. The Police Code of Ethics

3.1 In order to enhance the professional image of police officers, all sworn officers are required to abide by a code of ethics. The MDTA Police has adopted the Law Enforcement Code of Ethics as published by the International Association of Chiefs of Police.

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

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

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

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

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

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

Section II - Legal Authority

1. Legal Authority Defined

1.1 Annotated Code of Maryland, Transportation Article, Section 4-208 gives all MDTA Police Officers all the powers granted to a peace officer and a police officer of this State.

1.2 Under this law, MDTA Police Officers may exercise police powers under the Annotated Code of Maryland, Transportation Article 4-208

2. Rules and Regulations of the Maryland Transportation Authority

2.1 The MDTA shall adopt rules and regulations governing the operation and conduct of the MDTA Police. These rules and regulations shall be consistent with the standards established by the Secretary of Transportation.

3. Services Provided

3.1 The MDTA Police shall provide services to the Maryland Transportation Authority, the Maryland Aviation Administration, and the Maryland Port Administration.

Section III - The Chief Police Officer

1. Definition: As defined by the Annotated Code of Maryland Transportation Article,

§ 4-208.1

A. The chief police officer of the Maryland Transportation Authority Police Force may appoint employees of the Authority to exercise the powers specified in subsection (b) of this section.

B. (1) An employee appointed under this section may issue citations to the extent authorized by the chief police officer for violations of those provisions of § 5-426 of this article relating to motor vehicle parking at Baltimore-Washington International Thurgood Marshall Airport.

(2) Issuance of citations under this section shall comply with the requirements of Title 26, Subtitle 3 of this article.

C. The chief police officer, in consultation with the Maryland Police & Correctional Training Commission, shall adopt regulations establishing:

(1) Qualifications for employees appointed under this section, including prerequisites of character, training, experience, and education; and

(2) Standards for the performance of the duties assigned to employees appointed under this section.

Section IV - Limitations on Police Authority

1. Local Courts

1.1 From time to time, the local courts may limit police authority to enforce State statutes and local ordinances. These limitations include but are not limited to:

1.1.1 enforcement of certain parking ordinances;

1.1.2 handling of juvenile offenders;

1.1.3 issuance of summonses as alternatives to arrests; and

1.1.4 restrictions relating to animal control ordinances.

2. State's Attorney

2.1 From time to time, the State's Attorney may issue opinions that may impose limitations on the police. These limitations include, but are not limited to:

2.1.1 prosecution of certain cases;

2.1.2 extradition; or

2.1.3 the enforcement of statutes pending legal opinions from the State's Attorney office.

3. Intelligence Activity

3.1 MDTA Police intelligence gathering activities will be limited to that information concerning criminal conduct relating to activities that present a threat to those areas under the jurisdiction of the MDTA Police, unless otherwise authorized by the Chief of Police.

3.2 Personnel and equipment will only be used in conjunction with intelligence gathering activities as defined above, in full compliance with all laws, and only with the advance approval of the Chief of Police.

3.3 Intelligence information will be collected, used, and processed as described in Chapter 26 of this Directives Manual.

4. Changes of Law and Legal Interpretation

4.1 Periodically, changes take place that may impose new limitations on police authority or remove or alter existing limitations. Normally, annual updates on such changes are provided to all personnel during in-service training.

4.2 Should immediate changes in operations be required, the information may be disseminated verbally and then followed-up in writing.

Section V - Guidelines for Constitutional Compliance

1. Introduction

1.1 The U.S. Constitution guarantees every citizen certain safeguards from government intrusion into their lives. These safeguards have become the cornerstones for the application of criminal justice in the United States. Consequently, these safeguards have placed limitations on the authority of police to enforce the laws of the nation and state.

1.2 Questioning/interrogation has been the subject of many court cases. Many investigations have been damaged because of improper tactics when introducing questioning. There are numerous "gray areas" to consider when introducing questioning into an investigation. The result is experimentation, ignorance, or confusion, thus having the potential for adverse effects on otherwise sound investigations. Experimentation may result in a favorable decision; however, this will receive thorough review by the courts. Experimentation by an investigating officer must have a sound basis in fact. The investigator must be thoroughly versed in the legal and technical areas associated with interrogations before attempting new applications.

1.3 The purpose of this section is to provide basic information to be used as a guide to agency personnel when conducting interviews and interrogations. It is not intended to be all-inclusive. The agency will periodically provide updated information on case law and significant court decisions affecting investigative techniques.

2. Basic Rule

2.1 Information and evidence obtained as the direct result of questioning/interrogation may be significantly affected by the legality for that questioning/interrogation. Generally, information and/or evidence discovered during an improper/illegal interrogation are not admissible at the time of trial. Exceptions to this rule may be considered when information/evidence developed during an improper interrogation inevitably would be discovered during another phase of the investigation, or the same information is discovered from an independent source. These exceptions will receive significant attention at the time of trial. Police personnel are to properly carry out all phases of an investigation to ensure a successful conclusion.

3. Constitutional Compliance during Criminal Investigations

3.1 All officers, when conducting criminal investigations will take all precautions necessary to ensure that all persons involved are afforded their constitutional safeguards. Police officers will ensure that:

3.1.1 All statements or confessions are of a voluntary nature and no coercion whatsoever is used.

3.1.2 All persons are advised of their rights in accordance with Miranda warning requirements and this directive.

3.1.3 All arrested persons are taken promptly before a Commissioner for formal charging.

3.1.4 All persons accused or suspected of a criminal violation for which they are being interrogated are afforded an opportunity to consult with an attorney, if requested.

3.1.5 Prejudicial pre-trial publicity of the accused is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

4. Miranda v. Arizona 384 US 436 (1966)

4.1 The United States Supreme Court established specific guidelines to be used by police for interrogations. The Miranda decision is based on the Fifth Amendment to the Constitution of the United States, under which an individual is protected against self-incrimination.

4.2 The Miranda rule applies to interrogation/questioning initiated by the police in a custodial, coercive, police-dominated atmosphere where information, statements, and confessions would tend to incriminate the individual being interrogated/questioned. The Miranda warnings must be given when these conditions exist. Some examples when a custodial environment is considered to exist are:

4.2.1 when an inmate of a correctional facility is being questioned in relation to a situation, which he is believed to have committed, but is not related to the charge for which he is presently incarcerated;

4.2.2 when a non-resident is arrested for a traffic violation;

4.2.3 when a Maryland resident is not entitled to receive a traffic citation for a violation of the State of Maryland Transportation Article; and

4.2.4 when the totality of circumstances creates the perception of a custodial environment. Circumstances which individually, or in a combination of, may infer a custodial environment are:

- Location
- Length of questioning
- Physical surroundings
- Number of police personnel
- Use of restraint devices
- Use/presence of weapons
- Age of the interviewee

- Required relocation of interview
- Presence of probable cause for arrest
- Subjective belief of the interviewee to his/her status
- Focus of the investigation
- Language used by interviewers
- Extent to which the interviewee is confronted with evidence of guilt
- The proximity of the questioning and arrest

4.3 Miranda rights apply when police personnel initiate custodial questioning/interrogation. Agency personnel are not obligated to stop an individual who spontaneously offers information and/or a confession, regardless of the custodial situation. The courts have held that the police may inject an essential question for the purpose of clarification and/or keeping the individual from straying from the original topic. Should the situation gravitate to questions and answers, Miranda would be required.

4.4 Generally, Miranda is not required unless an individual has been arrested or his/her freedom is restrained in any significant way and is subsequently questioned in connection with his/her involvement in the incident. The U.S. Supreme Court in Oregon v. Mathiason, 429 U.S. 492 (1977) has ruled that police officers are not required to administer Miranda warnings to everyone questioned. Further, the Court has held that Miranda is not required solely because questioning occurs at a police installation or because the person questioned is a suspect. Miranda warnings are required only where the person's freedom has been restricted, constituting custody. It is this custodial and coercive environment to which *Miranda* applies and should be limited.

4.5 Some situations where Miranda, absent extenuating circumstances, should not apply are:

4.5.1 Routine processing (fingerprinting, photographing and personal identification) based on reasonable grounds does not constitute a custodial interrogation.

4.5.2 Emergency situations where a custodial situation exists and questioning is initiated in the interest of immediate public safety and the answers are voluntary, e.g., a suspect is arrested and immediate questioning is initiated to locate an explosive about to detonate or a weapon that was discarded in a public place during a chase.

4.5.3 Investigative detentions, e.g., “stop and frisk”; the longer a person is detained, the greater the responsibility for using Miranda.

4.5.4 Roadside questioning normally associated with traffic stops. This is not considered "custodial" due to the brevity and relatively non-threatening circumstances. An individual stopped for a violation of the Transportation Article for which a traffic citation may be issued and the individual is entitled to sign and proceed does not constitute a custodial atmosphere.

4.5.5 Also, any other situation where the individual is not under arrest and/or is free to terminate the contact at any time. The individual must be aware/convinced of his/her freedom and this fact must be made part of the record.

4.6 Supreme Court rulings have refined the application of Miranda, dispelling the original interpretation where the police were required to advise individuals of Miranda rights in all situations where self-incriminating information is sought. The necessity of Miranda is significantly affected by the totality of the circumstances present and will be judged on a case-by-case basis.

4.6.1 Personnel confronted with the decision as to the appropriateness of Miranda and who do not have the opportunity for legal advice should advise individuals of their rights prior to questioning.

4.7 For the Miranda warning to be effective, the individual being interrogated must understand it. Read the rights from the Miranda card provided by the MDTA Police. Speak distinctly, providing the opportunity to the person questioned/interrogated to listen and understand each right. Any questions should be cleared up before proceeding. The opportunity is present for the person being interrogated to use this as a ruse to stall for time. Should this be the situation, do not initiate questioning until the person consults with legal counsel, or advised to proceed otherwise by the State's Attorney.

4.8 Individuals subject to interrogation who invoke any Miranda rights will not be questioned until the individual has consulted with an attorney and agrees to be questioned. Additionally, an individual who had waived his rights initially and during the interrogation wishes not to be questioned any further, will not be interrogated until he has consulted with an attorney and subsequently consents to additional questioning. The individual will be re-informed of his rights prior to any subsequent questioning especially when there is significant break in the interrogation, change in persons present or a change in location.

4.9 Only the individual interrogated (including juveniles) may waive these rights. In order for this waiver to be effective it must be done voluntarily, knowingly, and intelligently. Any evidence that an individual was threatened, tricked, or cajoled into a waiver, in whole or in part, may constitute an involuntary waiver.

4.10 The parents of a juvenile subject to interrogation cannot waive or invoke these rights for the juvenile. Should the situation present itself, the State's Attorney shall be contacted before the initial or renewed interrogation.

5. Confessions

5.1 For a confession to be admissible at trial, it must have been given voluntarily. The Miranda warnings should be applied when the police solicit a confession. Additionally, the confession must be given absent of any circumstances that may demonstrate an involuntary situation, or the confession, as well as evidence discovered as a result of the confession, would be inadmissible. The court will examine the totality of the circumstances on a case-by-case basis when determining if a confession was given voluntarily.

6. Securing Weapons

6.1 When a person is interrogated at a MDTA Police facility, all personnel involved will secure their weapons (Firearm, ASP Baton, C.E.W.) in a lock box. If the interrogation takes place at a location other than a MDTA Police facility, all weapons will be secured in a safe location. Weapons will be secured before any questioning so as not to create the impression of a coercive environment.

7. Interrogation in Investigations

7.1 Interrogations, questioning, and confessions must be considered as another piece of evidence in a total investigation. Personnel should be cautioned against total dependence on this tool. At times, it may be the only evidence available. Information developed through interrogation and/or confession should be corroborated to the extent possible by information and evidence available from other sources. If there is more than one suspect, information supplied by one about another must be substantiated by other information in order to be admissible.

7.2 Interrogations, statements, and confessions should be documented, witnessed, and signed by the suspect and the interrogator. The suspect and the interrogator should initial each page of the document. Ideally, the document should be in the suspect's handwriting. However, a dictated and transcribed version is acceptable with the suspect having had the opportunity to read and sign as indicated above. The documentation should include a description of the suspect's mental, physical and emotional state at the time of the interrogation.

7.3 Interrogations should be conducted in a professional manner. Every attempt should be made to neutralize the atmosphere of the setting in order to reduce the chance of being accused of threatening, coercing, or frightening the suspect under interrogation.

7.4 Interrogations of individuals of the opposite sex should be conducted with at least one additional police employee present, preferably of the same sex or gender identity as that of the person being interrogated. Juveniles should be interrogated with at least one parent, guardian, chaplain, or attorney present.

7.5 To achieve uniformity and ensure that individuals receive their Miranda warnings, police officers will be issued cards with the Miranda warnings and waiver on them. When advising individuals of their rights, the card will be read aloud. After the Miranda rights have been read, understood, and the individual wishes to waive them, officers will have them sign the Waiver of Rights form whenever possible.

8. Waiver of Prompt Presentment

8.1 Individuals arrested are required be taken before a Judicial Officer (Commissioner) without unnecessary delay and no later than 24 hours after the arrest or the first session of court following the filing of the charging document in the instance of a warrantless arrest.

8.2 Any confession or statements made by the individual may not be admissible at trial if given at the request of the police and detained by police for longer than 24 hours without appearing before a judicial officer to determine if probable cause existed to continue to detain the subject.

8.3 Unnecessary delay may occur where the police have deferred taking the accused before a Judicial Officer without justification, even in cases when the presentment is within the required 24-hour period. The following are generally accepted as justifications for delay:

8.3.1 routine processing procedures;

8.3.2 determining whether or not the charging document should be issued;

8.3.3 verifying the commission of the specified crime;

8.3.4 obtaining information likely to be a significant aid in averting harm to persons or the loss of property of substantial value; or

8.3.5 obtaining any relevant non-testimonial information likely to be significant in discovering the identity of accomplices or preventing the loss of relevant evidence.

8.4 The arrested party may voluntarily and knowingly waive the right of prompt presentment. This waiver would substantiate any delay and make admissible any statement/confession obtained prior to presentment. MDTA Police Form 56, Advice of Rights to Prompt Presentment, will be used for this purpose.

Chapter 04
Agency Jurisdiction
Directives Manual Revision Date: 06/17/2019

TABLE OF CONTENTS

SECTION **PAGE**

Section I – MDTA Police Statutory Authority & Jurisdiction…….....01

Primary Jurisdiction, Executive Order 01.01.2004.28, Memorandums of Agreement, State-Wide Authority of Maryland Police Officers

Section II – Procedures…….....06

Prohibitions, Required Actions, Notification Requirements, Joint Investigations, Rendering Assistance, Acting on a Request, and Emergency Situations, Responsibilities of MDTA Police Officers to Outside Police Officers Acting Within MDTA Jurisdiction, Injuries, Equipment Damage, Written Agreements for Services Provided

Chapter 04
Agency Jurisdiction
Directives Manual Revision Date: 06/17/2019

Section I - MDTA Police Statutory Authority & Jurisdiction

1. Primary Jurisdiction

1.1 Transportation Article, §4-208 of the Maryland Annotated Code creates the Maryland Transportation Authority Police Force.

1.1.1 §4-208 of the Transportation Article spells out the primary jurisdiction of the MDTA Police and provides the following:

1.1.1.1 A MDTA Police Officer has all the powers granted to a peace officer and a police officer of this State.

1.1.1.2 A MDTA Police Officer may exercise these powers on property owned, leased or operated by or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, and Maryland Port Administration.

1.1.1.3 The police officer may not exercise their police powers on any other property unless engaged in fresh pursuit of a suspected offender; specifically requested or permitted to do so in a political subdivision by its chief executive officer or its chief of police or ordered to do so by the Governor.

1.1.1.4 In addition to the above jurisdiction, for the purpose of establishing perimeter security, expanded jurisdiction is authorized on or within 500 feet of property owned, leased, operated by or under the control of the Maryland Department of Transportation, including the Maryland Transportation Authority, Maryland Aviation Administration, and the Maryland Port Administration, but does not apply to a highway as defined in Transportation Article §8-101 of the Maryland Annotated Code, or other public property or waterway open for public conveyance. However, it is only permitted when the Chairman of the Maryland Transportation Authority, with the approval of the Governor, determines on the basis of specific and articulable facts that the exercise of the powers is reasonable to protect against actual or threatened physical injury or damage to state employees or state property or assets and provides notice to the Chief Law Enforcement Officer in the local jurisdiction in which the perimeter and/or property is located.

1.1.2 MDTA Police Officers are required to know the geographical boundaries of the agency's jurisdiction.

1.1.3 Current, detailed official maps that include the boundaries of the MDTA Police jurisdiction will be maintained in the Standard Operating Procedures (SOP) Manual for each unit, division, or section.

2. Secondary Jurisdiction

2.1 Executive Order No. 01.01.2004.28

2.1.1 Executive Order No. 01.01.2004.28 issued by the Governor of Maryland, provides for the jurisdiction and authority of MDTA Police Officers while on duty to:

2.1.1.1 Protect its facilities and areas of primary jurisdiction and;

2.1.1.2 Enhance the protection and safety of all publicly owned, commercial and/or common carrier transportation assets throughout the state.

2.1.2 “Transportation Asset” under this order is defined as any property owned, leased, operated by or under the control of the Maryland Department of Transportation (MDOT) as stated in the Transportation Article §4-208(b)(2)(ii)(2). It is further defined as any facility, building, vehicle, real or personal property, conveyance, railroad, highway, street, or any other transportation resource, public or private, including those described in Transportation Article §21-101 and §3-101.

2.1.3 As required by the Executive Order 01.01.2004.28, the following policies and procedures have been adopted for the implementation of the order:

2.1.3.1 Notwithstanding the definition of “Transportation Asset” stated above, the authority and jurisdiction of MDTA Police Officers granted under Executive Order No. 01.01.2004.28 will be exercised only on property owned, leased or operated by or under the control of the Maryland Motor Vehicle Administration and/or the Maryland Area Regional Commuter (MARC) Train Service and Maryland Department of Transportation Headquarters.

2.2 Memorandums of Agreement

2.2.1 The Maryland Transportation Authority has entered into Memorandums of Agreement with the chief of police or the chief executive officer of the below listed political subdivisions. Absent an emergency situation, a MDTA Police Officer may exercise law enforcement jurisdiction in the political subdivisions listed below only within the boundaries and scope of each individual agreement, and in accordance with §4-208 of the Transportation Article.

- Anne Arundel County
- City of Aberdeen
- City of Baltimore
- Baltimore County
- Town of Bel Air
- Cecil County
- Charles County

- Harford County
- City of Havre de Grace
- Howard County
- Maryland Aviation Administration
- Maryland Natural Resources Police
- Maryland Port Administration
- Montgomery County
- Town of Perryville
- Prince George's County
- Queen Anne's County
- U.S. Coast Guard

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2.2.2 The Maryland Transportation Authority also entered into Memorandums of Agreement with Federal Agencies for participation in Task Forces with the Department of Justice and, Department of Homeland Security.

2.2.3 Copies of all Memorandums of Agreement, letters requesting assistance, pertaining to MDTA Police jurisdiction shall be maintained by the Custodian of Records and posted on MDTA Police intranet.

3. State-Wide Authority of Maryland Police Officers

3.1 The Criminal Procedure Article, Title 2 of the Maryland Annotated Code provides that listed police officers (MDTA Police officers included) may make arrests, conduct investigations, and otherwise enforce the laws of the State throughout the State without limitations as to jurisdiction subject to following limitations:

3.1.1 the officer is participating in a joint investigation with officials in any other state, federal, or local law enforcement agency, at least one of which shall have local jurisdiction;

3.1.2 the officer is rendering assistance to another police officer;

3.1.3 the officer is acting at the request of a local officer or a State Police Officer; or

3.1.4 an emergency exists; and

3.1.5 the police officer is acting in accordance with regulations adopted by the officer's employing agency.

3.2 The Criminal Procedure Article, Title 2, defines "Emergency" as a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare or property of a person from actual or threatened harm, or from an unlawful act. Enforcing motor vehicle law violations does not constitute an emergency.

3.3 The Criminal Procedure Article, Title 2, does not authorize police officers to enforce the Maryland Vehicle Law beyond the officer's sworn jurisdiction unless the officer is acting under a mutual aid agreement.

3.4 The powers granted by this section are in addition to the powers granted by §5-801, 5-802, 5-807, 5-808 and 5-901 of the Criminal Law Article and to the powers of fresh pursuit granted by Title 2, Subtitle 3 of the Criminal Procedure Article.

3.5 Pursuant to Criminal Procedure Article, Title 2, any police officer acting under the authority granted by this section shall notify the following persons of an investigation or enforcement action:

3.5.1 the Chief of Police, if any, or the Chief's designee, when in a municipal corporation;

3.5.2 the Police Commissioner or the Police Commissioner's designee, when in Baltimore City;

3.5.3 the Chief of Police or Chief's designee, when in a county with a County Police Department, except Baltimore City;

3.5.4 the Sheriff or Sheriff's designee, when in a county without a county police department;

3.5.5 the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

3.5.6 the respective Chief of Police or Chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

3.5.7 the Department of State Police Barracks Commander or Commander's designee, unless there is an agreement otherwise with the Department of the State Police; and

3.5.8 when a police officer participates in joint investigation with officials from other State, federal or local law enforcement unit, he/she is required to give the same notification to the above named individuals with reasonable advanced notice.

3.5.9 the Chief of Police or Chief's designee, when in a county with a County Police Department, except Baltimore City;

3.5.10 the Sheriff or Sheriff's designee, when in a county without a county police department;

3.5.11 the Secretary of Natural Resources or Secretary's designee, when on property owned, leased, operated by, or under the control of the Department of Natural Resources; or

3.5.12 the respective Chief of Police or Chief's designee, when on property owned, leased, operated by, or under the control of the Maryland Transportation Authority, Maryland Aviation Administration, or Maryland Port Administration; and

3.5.13 the Department of State Police Barracks Commander or Commander's designee, unless there is an agreement otherwise with the Department of the State Police; and

3.5.14 when a police officer participates in joint investigation with officials from other State, federal or local law enforcement unit, he/she is required to give the same notification to the above named individuals with reasonable advanced notice.

Section II - Procedures

1. Prohibitions

1.1 An officer may not exercise police powers under this directive unless:

1.1.1 Serving in a full-duty capacity with full police power; and

1.1.2 Properly equipped with badge, photo ID card and authorized firearm.

1.2 An officer exercising extra-jurisdictional police powers may not:

1.2.1 serve arrest warrants beyond the officer's sworn jurisdiction unless:

1.2.1.1 authorized by this directive; and

1.2.1.2 the officer is accompanied by a local or state law enforcement officer who has original jurisdiction at that location;

1.2.2 use a personal vehicle in the pursuit of a subject;

1.2.3 use the authority granted in this directive while working within the scope of a security-type secondary employment position, except if acting at the request of or rendering assistance to another police officer;

1.2.4 transport a subject, except in exigent circumstances. Await assistance from local law enforcement officer if possible; and

1.2.5 use the authority granted in this directive to facilitate or solicit secondary employment activities that would require or place the officer in a position to make arrests for a prospective employer.

2. Required Actions

2.1 An officer exercising extra-jurisdictional authority under this directive, whether acting on-duty or off-duty must:

2.1.1 act in conformance with law;

2.1.2 conform to the rules and regulations of the department except when such rules or regulations would be clearly inapplicable under the circumstances; e.g., regulations which apply to wearing the uniform would not be applicable when off-duty;

2.1.3 act in a professional manner so as not to reflect discredit upon himself/herself or the MDTA Police;

2.1.4 notify local law enforcement to have them take necessary action if circumstances permit such delay;

2.1.5 assess the consequences of acting, including the possibility of injury to self, suspect, or third party;

2.1.6 if practical, identify himself or herself to the suspect as a police officer by displaying badge and ID card and announcing intention to arrest;

2.1.7 identify oneself as a police officer to responding local law enforcement and citizens in the vicinity;

2.1.8 arrest an individual in a lawful manner by securing the suspect in a safe, efficient way that assures the arrestee's safety and security without unnecessary endangering the suspect, self or third party;

2.1.9 seize and protect any evidence, as well as providing physical integrity of a crime scene;

2.1.10 if it is necessary to transport an individual without local law enforcement support, transport only so far as necessary to obtain adequate assistance;

2.1.11 follow the orders of responding local law enforcement. If a conflict arises between your best judgment and local law enforcement orders on a critical issue, request that a local law enforcement supervisor be summoned;

2.1.12 follow the directions from an on-scene local law enforcement supervisor exercising supervision over the incident in question;

2.1.13 cooperate and participate in the handling of the arrestee and the handling of evidence;

2.1.14 prepare court documents insuring the placement of proper charges against the arrestee and cooperate with the court officer as directed;

2.1.15 provide the local jurisdiction with any information requested. Complete an Incident Report, as appropriate, detailing the incident;

2.1.16 obtain copies of the local jurisdiction field and investigative reports and any other pertinent documentation and submit copies to the MDTA Police with your report, if possible;

2.1.17 complete any other forms, reports, or documents required by the MDTA Police under these circumstances;

2.1.18 as soon as possible, notify the on-duty Shift Supervisor of your assigned Detachment/Unit and the nature of the incident, nature of the response by the police officer, the time of the incident, the local jurisdiction in which the incident took place and request the Shift Supervisor or designee to make the appropriate notifications.

3. Notification Requirements

3.1 Once the on-duty Shift Supervisor has been notified that an officer was involved in an incident including the use of extra-jurisdictional police powers he/she shall make the determination if an MDTA Police supervisor should respond to the incident site. If necessary, a Supervisor from the officer's assigned detachment (or the closest detachment to the incident) will respond.

3.2 The on-duty Supervisor or designee shall make notifications to the appropriate Command Staff as outlined in the Serious Accident/Incident Notification Procedures (Chapter 16).

3.3 In addition, the appropriate law enforcement official(s) must be notified in which the incident (jurisdiction) occurred. (Refer to the previous section - Notification to Police Officials).

4. Joint Investigations

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

4.2 Where notice in advance would endanger the life and safety of the investigators, or seriously compromise the effectiveness of the investigation, a "reasonable time in advance" may be abbreviated.

4.2.1 In such instances, the delay must be approved by an appropriate supervisor of the investigative team.

4.2.2 Notice should be given to the local jurisdiction at the first reasonable opportunity, as determined by the supervisor of the investigative team.

4.3 Notice must be given to each jurisdiction in which it is probable that an investigation will occur. If an investigation occurs unexpectedly in another jurisdiction, notice must be given at the first reasonable opportunity.

4.4 An officer shall represent the MDTA Police in a joint investigation outside the sworn jurisdiction only after assignment to the joint investigation by the Chief of Police or a Bureau Chief. The extent of the participation may be limited by the person making the assignment.

4.5 The investigative team shall include as one of its members, an individual with jurisdiction in the location of the investigation.

4.6 The officer must observe the regulations of the MDTA Police in the course of the investigation.

4.7 If practical, allow the local law enforcement to take any enforcement actions required.

4.8 The officer shall notify his/her supervisor immediately when the investigation terminates and submit a final report.

4.9 When summonsed to testify concerning a joint investigation, officers shall follow the usual procedures of the MDTA Police.

5. Rendering Assistance, Acting on a Request, and Emergency Situations

5.1 Limit action to that which will stabilize the situation.

5.2 Notify, or have notified, the primary responsible law enforcement agency that has jurisdiction, if not already on the scene.

5.3 Remain at the scene until the arrival of local law enforcement and render assistance if requested.

5.4 Report the incident and extent of involvement to supervisors immediately upon being relieved from the scene and, upon return to duty, furnish a written report of the incident.

6. Responsibilities of MDTA Police Officers to Outside Police Officers Acting Within MDTA Jurisdiction

6.1 If an officer from a foreign jurisdiction makes an arrest on Maryland Transportation Authority jurisdiction, the responding MDTA Police Officer shall follow usual arrest procedures including:

6.1.1 upon notification of an arrest, respond promptly to the scene and assume control of the situation, including giving direction to the arresting officer;

6.1.2 notify the on-duty Supervisor;

6.1.3 render assistance to injured parties;

6.1.4 secure the scene;

6.1.5 act to preserve evidence; and

6.1.6 obtain information for completion of any required MDTA Police reports.

6.2 The on-duty Shift Supervisor shall accept notification of the extra-jurisdictional use of police powers on properties under jurisdiction of the MDTA Police by outside law enforcement personnel.

6.3 The on-duty Supervisor shall accept notification of joint investigations.

6.4 The on-duty Supervisor shall make appropriate notifications as outlined in the Serious Accident/Incident Notification Procedures.

7. Injuries

7.1 A police officer that is injured while taking action pursuant to this directive shall follow MDTA Police procedures that apply to job related injuries.

8. Equipment Damage

8.1 Damage to, or loss of, equipment shall be handled in accordance with current MDTA Police procedures.

9. Written Agreements for Services Provided

9.1 The MDTA Police currently have contractual agreements with the Maryland Aviation Administration and the Maryland Port Administration.

9.1.1 Maryland Aviation Administration (MAA) – Under this agreement, the MAA subsidizes the Maryland Transportation Authority Police for law enforcement services provided to the MAA and MAA properties.

9.1.2 Maryland Port Administration (MPA) – Under this agreement, the MPA subsidizes the Maryland Transportation Authority Police for law enforcement services provided to the MPA and MPA properties.

9.2 Under both agreements, members of the MDTA Police retain all their employment rights, promotional opportunities, training opportunities, and fringe benefits as members of the MDTA Police.

Chapter 05
Compensation, Benefits
& Conditions of Employment
Directives Manual Revision Date: 05/25/2024

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Salary, Compensation & Benefits.....01

Salary Program, College Incentive Pay, Physical Fitness Pay Leave Benefits and Requests, Notification of Extended Military Leave, Retirement, Health Insurance, Disability and Death Benefits, Personnel Support Services Program, Line of Duty Death, Liability Protection, Clothing and Equipment, Educational Benefits, OIC and FTO Differential Pay, Collective Bargaining

Section II – Conditions of Employment.....09

Physical Examinations, Wellness Program, Substance Abuse Program, Random Selection Drug Testing Program

Section III – Modified Duty…….....12

Definitions, Policy, Procedure, Reporting, Duration of Light Duty, Personnel Order, Police Powers and Service Weapon, Use of MDTA Police Vehicles, Secondary Employment, Promotions, Limited Duty, Required Documentation, Pregnancy

Section IV – Employee Lateness.....17

Definition, Documentation, Disciplinary Action

Section V – The Payroll System.....18

Recording, Bi-Weekly Payroll Tracking Sheet, Duty Schedule, Electronic Pay Card, Overtime, Request for Overtime, Request for Compensatory Time, Overtime & Comp Time Tracking, Telephone Call Log, Bi-Weekly Leave Journal, Payroll Journals, Year-At-A-Glance

Section VI – Access to Medical Records.....24

Rules & Regulations

Chapter 05
Compensation, Benefits & Conditions of Employment
Directives Manual Revision Date: 05/25/2024

SECTION **PAGE**

Section VII – Secondary Employment.....25

Definitions, Policy, Approval, Revocations, Employee Responsibilities, General Restrictions, Limitations on Work Hours, Security Related Secondary Employment, Other Law Enforcement Agency Employment

Section VIII – Court Procedures.....32

On Duty, Off Duty, Evidence for Court, Court Disposition

Section IX – Employee Retention.....34

Outlines the agency's efforts in gathering data to make positive improvements to the organization and retain a highly qualified, engaged, and diverse workforce.

Section X – Military Service.....35

Outlines the agency's procedures for addressing military deployments lasting 30 days or less.

Section XI – Extended Military Deployment and Reinstatement Protocol....37

Outlines the Agency's procedures for conducting out-processing and in-processing for agency members who are enlisted in the Uniformed Services.

Chapter 05
Compensation, Benefits
& Conditions of Employment
Directives Manual Revision Date: 05/25/2024

Section I - Salary, Compensation & Benefits

1. Salary Program

1.1 The MDTA Police will adhere to the salary and salary augmentation program as outlined by the Maryland Department of Transportation Policy and as stated in the Transportation Service Human Resources System, Policies and Procedures Manual, Section 9B, “Compensation” and Section 8G “Compensatory Leave”.

2. College Incentive Pay

2.1 Sworn police personnel that have completed the police academy or the lateral training program and have graduated with an Associate’s, Bachelor’s, Master’s, or higher, from an accredited institution of higher learning are eligible to participate.

2.1.1 Personnel who received the college incentive payment prior to October 1, 2015, are not eligible to receive this additional incentive pay.

2.2 This additional compensation will be payable in the first calendar quarter of 2016 and in January of each subsequent calendar year.

2.3 Sworn police personnel are eligible for additional compensation based on their level of formal education. The additional annual compensation will be as follows:

- $125.00 - Associate’s Degree
- $250.00 - Bachelor’s Degree
- $375.00 - Master’s Degree
- $500.00 - PhD

2.4 The MDTA Police Personnel Services Coordinator is responsible for managing this program.

2.5 Those personnel who qualify for this incentive will use Form #106 to initiate the process of receiving the annual payout.

2.6 Employees who have earned more than one degree may only receive compensation for one degree.

3. Physical Fitness Incentive Program

3.1 The Physical Fitness Incentive Program will be scheduled throughout the calendar year and will be administered by the Training Unit.

3.2 The physical fitness assessments will be conducted during on-duty hours and require supervisor approval prior to scheduling.

3.3 A maximum number of participants per day will be announced based on logistics and staffing.

3.4 Employees who do not successfully complete any part of the assessment or meet the minimum standards are not eligible for the fitness incentive bonus.

3.5 Employees may participate in more than one of the physical assessments until they successfully complete and meet the standards. Sworn personnel must successfully complete all activities and meet the minimum standards of the assessment in the same day to be eligible for the fitness incentive bonus.

3.6 Below are the listed exercises and minimum standards that will be conducted during the assessment:

- Pushups - 18 in one minute
- Sit Ups - 27 in one minute
- Flexibility - 16.25 inches, measurement on box (1.25 inches beyond toes) the best of three tries that are recorded
- Run - 1.5 miles in 15:20 minutes or less

3.7 Upon successful completion and meeting the minimum standards above, sworn personnel will be entitled to a fitness incentive bonus of $1,000.00 per calendar year.

4. Leave Benefits

4.1 The MDTA Police will adhere to the leave policies outlined in the Transportation Service Human Resources System, Personnel Policies and Procedures Manual.

4.2 Employees should be familiar with the MDTA Policies & Procedures Manual. This contains various Directives applicable to police personnel, including: Meal Chits SOP and Emergency Essential Personnel (D-00-3).

5. Leave Requests

5.1 The Leave Request Form must be used when requesting leave.

5.2 The use of annual, personal, or holiday leave once approved may not be revoked in whole or in part. The employer reserves the right to cancel or revoke leave for exigent circumstances to include a state of emergency declared by the Governor. The Chief of Police or his/her designee must approve such revocation of approved leave.

6. Sick Leave & Emergency Leave Requests

6.1 The MDTA Police will adhere to the sick leave policies outlined in the Transportation Service Human Resources System, Personnel Policies and Procedures Manual, section 7F "Sick Leave Monitoring Policy". Emergency Leave is any leave requested with less than 24 hours' notice and/or without the prior approval of the requesting employee's assigned supervisor. An emergency is generally a sudden or unexpected event requiring the employee's immediate action and attention. If possible, personnel requesting emergency leave will provide documentation to verify the reason for which the emergency leave was granted.

6.2 All personnel must request sick/emergency leave at least three hours prior to the commencement of his/her duty assignment. Sick leave cannot be denied. A supervisor may waive the three-hour notification requirement when there is a reasonable and logical excuse for notifications made less than three hours before the start of a scheduled duty assignment.

6.3 Employees requesting sick leave will only be required to call once and will advise an anticipated date of return. Employees will also provide the address and contact number where confined, if different from that on file. If the employee is unable to return to work on the projected date, a second call is required to update the anticipated date of return and any changes in contact information. This procedure will continue until the employee returns to duty. Shift supervisors will periodically call to check on the sworn employee's status. All sick calls, incoming and outgoing, will be documented in the Telephone Call Log-Book or other electronic file.

7. Extended Leave Requests

7.1 Employees who are reassigned or transferred at their request will have all pre-approved leave reviewed for consideration in their new assignment. The commander may modify or revoke any pre-approved leave based on the needs of the new assignment.

7.2 To be considered for approval by seniority, extended leave requests must be submitted between December 15th of the current year and January 15th of the next calendar year.

7.3 Bargaining Unit Seniority is determined by the highest rank and then time in rank. In the event that two or more bargaining unit members are the same rank and time in rank, seniority will be based on tenure with the MDTA Police from the date of appointment as a Police Officer. If two or more bargaining unit members have the same rank, time in rank and tenure with the

MDTA Police from the date of appointment as a Police Officer, seniority will be based on police academy class rankings.

7.4 Commissioned Seniority (Lieutenant only) is determined by rank and time in rank. In the event that two or more Lieutenants have the same time in rank, seniority will be based on promotional process ranking.

7.5 Executive Service Appointment Seniority (Captain and above) is determined by the highest rank and then time in rank. In the event that two or more Executive Service Employees have the same time in rank, seniority will be determined by time in the prior rank. If they both have the same time in their prior rank then the next prior rank will be used, etc.

7.6 Extended leave will be approved or disapproved by January 31st each year.

7.7 Employees may submit more than one extended leave request but only one request will be granted based on seniority. Requests should be numbered in order of preference.

7.8 Leave requests of greater than twenty-one (21) scheduled working days can only be approved by the employee's Division Commander.

7.9 Routine leave requests submitted after January 15th and throughout the year will be processed on a first come, first serve basis. They will be reviewed for approval or disapproval as soon as practical, not to exceed two (2) of the requesting employee's scheduled work days. If the requesting employee's supervisor is unavailable to approve/disapprove the request due to extended absence, the request will be approved/disapproved by the Detachment/Unit Commander or designee within two (2) of the requesting employees scheduled working days.

8. Retirement Program

8.1 The MDTA Police participate in the Law Enforcement Officers' Pension System (LEOPS) and also adhere to the Maryland State Retirement and Pensions Systems (SRPS) as described in the Transportation Service Human Resources System Policies and Procedures Manual, Section 8B, "Benefits - General".

9. Healthcare Insurance Program

9.1 The MDTA Police participate in the health care insurance benefits as offered in the Transportation Service Human Resources System Policies and Procedures Manual, Section 8B, "Benefits –General".

10. Disability and Death Benefits Program

10.1 The MDTA Police participate in the disability and accidental death benefits as described in the Law Enforcement Officers' Pension System (LEOPS), the Employees' Pension System, the Employees' Retirement System (Plan C) and according to the Annotated Code of Maryland, State Personnel and Pensions Article, Title 26, "Law Enforcement Officers' Pension System".

11. Personnel Support Services Program

11.1 The MDTA Police participate in the Employee Assistance Program ("EAP"), as offered in the Transportation Service Human Resources System Policies and Procedures Manual, Section 7D, "Employee Assistance Program".

11.2 The State of Maryland provides a confidential service to help State employees who face personal matters that adversely affect their lives and job performance. Supervisors are encouraged to officially refer employees to EAP whenever performance and/or behavioral problems have been identified. The program is voluntary and is available to all employees.

12. Line of Duty Death

12.1 Line of duty deaths will be handled in accordance with the *MDTA Police Line of Duty Death and Funeral Guidelines Manual*.

13. Liability Protection Program

13.1 All MDTA Police vehicles are covered by the self-insurance protection under Maryland Tort Claims Act, State Government Article, Sections 12-101 through 12-110, issued by the Maryland State Treasurer. Moreover, the Maryland Transportation Authority's fleet coverage protects the drivers of state-owned vehicles, subject to the terms of the applicable policy when they are involved in accidents while performing their official duties.

13.2 Liability protection covers employees for negligent acts or omissions directly related to law enforcement functions which may lead to tort, personal injury, death and/or property destruction which in turn, could lead to civil action against the employee. The liability protection program covers all sworn employees and civilian employees.

14. Clothing and Equipment

14.1 The MDTA Police provide employees with the uniforms and equipment needed to effectively perform their duties.

14.2 A clothing allowance will be paid quarterly to all sworn personnel, regardless of assignment, for uniform maintenance.

14.3 Sworn personnel suspended from duty without pay for more than 80 hours in a month will not be eligible for the clothing allowance for that month.

14.4 Commanders shall submit a list of employees who are not eligible for clothing allowance to the MDTA Police Personnel Services Coordinator no later than seven (7) days after each quarter.

15. Educational Benefits

15.1 The MDTA provides employees the opportunity to obtain a college education through the Tuition Reimbursement Policy as described in the Maryland Department of Transportation Program and stated in the Transportation Service Human Resources System Policies and Procedures Manual, Section 7J, “Tuition Reimbursement”.

15.2 Employees are also encouraged to participate in programs that provide developmental opportunities to update their skills and expertise.

15.3 With the appropriate supervisory approval, sworn personnel may take leave to attend classes, attend classes during working hours, have their schedules adjusted to attend classes and use MDTA Police computers, faxes, copiers, libraries, and books.

16. OIC and FTO Differential Pay

16.1 In recognition of the additional duties and responsibilities assumed by personnel when they are working as an Officer-In-Charge (OIC) or a certified Field Training Officer (FTO), personnel in the classification of MDTA Police Officer II, Pay Grade 0152, Senior Officer, Pay Grade 0153, or Police Corporal, Pay grade 154 will receive differential compensation. Those eligible personnel, Officer II and Senior Officer, performing these duties will be compensated at the pay rate of an MDTA Police Corporal, Pay Grade 0154, and Corporals will be compensated at the pay rate of an MDTA Police Sergeant, Pay Grade 155, on an hourly basis for the hours that the officer/supervisor is assigned those duties.

16.2 To be eligible for FTO differential pay, officers/supervisors must have completed a certified MPTSC Field Training Officer’s School and must be designated as an MDTA Police Field Training Officer.

16.3 MDTA Police Personnel Services will issue the recording protocol for claiming and reporting OIC/FTO pay through M-Track in conjunction with this program.

17. Collective Bargaining

17.1 The State Personnel & Pensions Article of the Annotated Code of Maryland, Title 3, establishes collective bargaining for state employees and describes the role of various governmental entities and others involved in the process.

17.2 Organizations certified as exclusive bargaining representatives are entitled to negotiate with the Governor or his designee(s) regarding wages, hours, and working conditions on behalf of bargaining unit employees.

17.3 The State Labor Relations Board, an independent agency, oversees the election and certifications of exclusive representatives of bargaining units and resolves disputes arising from the interpretation of contracts negotiated between the state and the elected exclusive representatives of State Employees.

17.4 The Management and Personnel Services Division formed within the Office of Personnel Services and Benefits of the Department of Budget and Management assists State agencies with implementing and interpreting memorandums of understanding negotiated for their employees through the collective bargaining process.

17.5 All full-time MDTA Police sworn employees at the rank of 1st Sergeant and below are included in the State's collective bargaining process and are afforded a separate bargaining unit.

17.6 The MDTA Police recognizes F.O.P. Lodge 34 of the Maryland Transportation Authority Police as the sole collective bargaining unit for sworn Police Officers at the rank of 1st Sergeant and below. The MDTA Police also recognizes A.F.S.C.M.E.-Maryland as the exclusive bargaining unit for civilian employees.

17.7 The MDTA Police are committed to:

17.7.1 Participating in "good faith" in all matters related to collective bargaining;

17.7.2 Abiding by all ground rules that arise out of the bargaining process or established by law; and

17.7.3 Abiding, in both letter and spirit, to any memorandum of understanding ratified by the Governor and a majority of the votes cast by the MDTA Police sworn employee exclusive bargaining unit.

17.8 The Commander of the Support Services Division or designee, on behalf of the Chief of Police will:

17.8.1 Assist the MDTA Office of Human Resources and Workforce Development, MDOT Office of Human Resources, and the Department of Budget and Management on all collective bargaining issues involving MDTA Police sworn employees as appropriate.

17.8.2 Obtain a written, signed copy of the memorandum of understanding upon ratification.

17.8.3 Review and amend, if necessary, all written directives and procedures to coincide with the terms of the memorandum of understanding;

17.8.4 Disseminate information relative to a new memorandum of understanding, including modifications to existing memorandum of understanding, to managers and supervisors of bargaining unit employees.

17.8.5 Ensure an electronic copy of the current memorandum of understanding is posted on the MDTA Police intranet.

Section II - Conditions of Employment

1. Physical Examinations

1.1 The MDTA Police do not require its sworn personnel to take annual physicals. However, physicals are required in the following situations:

1.1.1 On-the-Job Injuries - Sworn employees injured on the job will be medically examined to determine the extent of the injury, the treatment of the injury and the recovery time needed for the sworn employee to return to duty.

1.1.2 Referral Services - The Agency physician will function as a referral agent for those sworn employees requiring specialized treatment.

1.1.3 Off-the-Job Injuries - Upon request of the Chief of Police, a medical evaluation will be given to sworn employees injured off the job to determine the extent of the injury, the treatment of the injury, and the recovery time needed for the sworn employee to return to duty.

1.1.4 Personal Protective Equipment exams

1.2 Physical examinations will be provided at no cost to the employee.

2. Wellness Program

2.1 The agency supports the Maryland State Employee Wellness Program and encourages its employees to participate in this worthwhile endeavor. Bulletins and brochures concerning health suggestions and programs are posted in the roll call room and a wellness coordinator is available to direct employees to their areas of concern or interest.

3. Physical Agility Assessment

3.1 Purpose - Effective July 1, 2022, all certified police officers in the State of Maryland, as defined by Public Safety Article §3-201 must submit to a physical agility assessment as determined by the Maryland Police Training and Standards Commission (MPTSC). This physical agility assessment is a requirement for initial certification, and as a condition of certification, a police officer is required to submit to an annual physical agility assessment to establish continuing fitness to carry out the officer’s assigned duties as a police officer.

3.2.1 Components of the Physical Agility Assessment:

- Ability to climb over a barrier of at least 32 inches in height.
- Ability to pull/drag a 150lb individual at least 15 feet.
- Ability to run (continuous non-stop effort) for a distance of at least 300 feet.
- Ability to traverse up and down at least two (2) flights of stairs of at least 13 steps per flight (standard flight of stairs).
- Submit to the physical agility assessment in the in-service uniform of the day.

3.3 The physical agility assessment will be conducted annually throughout each calendar year during In-Service training and will be administered by the Training Unit. Sworn personnel must successfully complete all activities and meet the minimum standards of the assessment in the same day to be eligible for certification/re-certification.

3.4 Sworn personnel who do not submit annually to the physical agility assessment will be ineligible for certification/re-certification.

3.5 Modified Duty - Sworn personnel who are in a modified duty status and unable to submit to the physical fitness assessment will be provided an opportunity to submit to the assessment as soon as they are released to full duty. Should their Modified Duty status extend beyond the MPTSC mandated certification period, their police powers will be suspended until they are able to return to full duty and submit to the assessment.

3.6 Sworn personnel who submit, but are unsuccessful in meeting the minimum standard of the MPTSC of any portion of the assessment, will be offered additional attempts to successfully complete the assessment. Should sworn personnel continue to be unsuccessful in the completion of the assessment, they will be placed on a performance improvement plan and offered assistance from the MDTA Police Physical Fitness Coordinator as well as the Health and Wellness Unit to improve their physical fitness abilities. Sworn personnel will be given an opportunity to resubmit to the physical agility assessment at a later date within the calendar year.

3.7 Documentation - Performance of the assessment by sworn personnel will be documented by the facilitator, entered into Skills Manager by the MDTA Police Administrative Certification Coordinator, and submitted to the Colonel or designee. The Colonel or designee must attest in writing that each officer has the physical ability to carry out the Officer's assigned duties.

4. Substance Abuse Program

4.1 The MDTA has a Random Selection Drug Testing Policy for all employees in safety sensitive jobs. The Random Selection Processing of employees required to participate is accomplished by the police MDTA Personnel Services Coordinator.

4.2 The MDTA Police will follow the procedures and guidelines as set forth in the Maryland Transportation Authority Directive D-90-1, Alcohol and Controlled Substances Testing Directive.

4.3 It is the policy of the MDTA Police to provide a drug- and alcohol-free workplace for its employees. The MDTA Police support and fully participate in the Maryland Department of Transportation Substance Abuse Program.

5. Random Selection Drug Testing Policy

5.1 When notified by the Office of the Chief of Police or appropriate designee, the detachment or division commander will:

5.1.1 Verify the member's duty status (extended sick leave, pre-approved vacation, other pre-scheduled appointment) and note any of these conditions on the Order to Submit to Urinalysis form MDTA-60P;

5.1.2 If the member is scheduled to return to duty within two days, the MDTA-60P is to be given to that member upon his/her return. The MDTA-60P must be issued to the employee no sooner than 8 hours prior to testing. If the member is going to be absent for an extended period of time, the member's Commander will note the condition on the MDTA-60P form and return it to the Chief, or his designee;

5.1.3 Ensure that employees may be sent to the MDTA Police physician for drug testing at any time during their regular shift; and

5.1.4 Ensure the member to be tested is promptly notified and form MDTA-60P is signed.

6. Declaration of Involvement in Civil Cases

6.1 The MDTA Police Declaration of Involvement in Civil Cases Form #84 will be completed by all personnel upon separation of employment. The information obtained from this form will be used to locate former employees who are involved as witnesses or defendants in lawsuits against the MDTA and/or its employees.

Section III - Modified Duty

1. Definitions

1.1 Modified Duty - Duties temporarily assigned by the Commander of the Support Services Division, or designee, to an employee who has a temporary medical condition which:

1.1.1 prohibits the employee from performing all of the essential functions of the job, but who can perform less vigorous duties, as determined by the MDTA Police physician; or

1.1.2 the employee may be capable of the full performance of his/her job description, but for a limited hourly duration as determined by the MDTA Police physician.

1.2 On-The-Job Injury - Any accidental injury suffered as the result of action taken while performing officially sanctioned police duties or functions, under the direction of the Maryland Transportation Authority and for which the employee is being compensated by the Maryland Transportation Authority.

1.3 Off-Duty Injury - Any injury suffered by an employee while performing activities of his/her own choosing, for which they are not being compensated by the Maryland Transportation Authority.

1.4 MDTA Police Physician - The medical organization selected by the Maryland Transportation Authority to administer medical policies and procedures as related to the Transportation Authority Police.

1.5 Follow-up Medical Treatment - Outpatient treatment deemed necessary by the MDTA Police physician.

2. Policy

2.1 The MDTA Police comprehensive modified duty policy meets the current needs of the force and its employees. Modified duty is provided to employees who require temporary medical rehabilitation time to make a full recovery and return to full duty.

3. Procedure

3.1 Employees who are injured in the line of duty or sustain an off-duty injury or illness may be given modified duty assignments when available, in accordance with their medical situation and as specified by the agency physician. Placement in modified duty assignments will be based on the needs of the MDTA Police. The employee’s current shift and duty assignment will

be taken into consideration whenever possible and practical. The modified duty assignment will be conducive to aiding the employee to return to full duty.

3.2 Modified duty assignments will be coordinated through the Support Services Division, in conjunction with the State of Maryland contracted medical provider/physician. No employee will be placed on a modified duty assignment without such coordination.

3.3 Personnel that claim an off-duty injury must report to the State of Maryland contracted medical provider/physician when ordered so that their duty status (continuation of sick leave, assignment of modified duty, or return to full duty) can be determined. The State of Maryland contracted medical provider/physician will evaluate the employee and the appropriate medical records to provide a recommendation to the Support Services Division.

3.4 There are no situations in which modified duty is guaranteed.

3.5 With the exceptions of court appearances and appointments with the State of Maryland contracted medical provider/physician, employees working in a modified duty status are not eligible to work overtime, unless specifically approved by the employee's commander.

4. Reporting

4.1 Except where specifically exempted, the employee is responsible for reporting any on-the-job injuries or illness to his/her immediate supervisor at the time of the occurrence. Off-duty injuries which would restrict the sworn employee's ability to perform any job function shall be reported to the MDTA Police as soon as practical and prior to the employee beginning his/her next tour of duty. Failure by any employee to notify the MDTA Police as specified could result in the denial of leave or modified duty assignment and/or disciplinary action.

5. Duration of Modified Duty

5.1 The State of Maryland contracted medical provider/physician will determine the actual duration of a modified duty assignment, not to exceed 180 consecutive days.

5.2 A modified duty assignment may be extended for an additional 180 consecutive days, based on the recommendation of the MDTA Police physician and at the discretion of the Commander of the Support Services Division.

5.3 No employee may return to full duty status until authorized by the Commander of the MDTA Police Personnel Services, in consultation with the agency physician.

5.4 If at any time during the modified duty assignment the State of Maryland contracted medical provider/physician determines that the member will not reach full recovery enabling a return to full duty, the assignment may be terminated and other appropriate personnel action taken.

5.5 Employees will be responsible for transportation to and from modified duty assignments.

6. Personnel Order

6.1 The Commander of the MDTA Police Personnel Services, in conjunction with the employee's commander, will determine, on a case by case basis, the following, which will be specified in a Personnel Order:

6.1.1 The proper attire for the modified duty assignment;

6.1.2 Possession of, and the carrying of, the service weapon;

6.1.3 The status of employee's police badges, I.D. card, and MPTSC Certification card;

6.1.4 The use of an MDTA Police vehicle;

6.1.5 Attendance at in-service training and seminars;

6.1.6 Court appearances.

7. Police Powers and Possession of the Service Weapon

7.1 The Commander of the Support Services Division or designee may suspend the police powers of anyone placed on modified duty. Any modified duty or sick/accident leave that extends beyond thirty calendar days shall result in the suspension of police powers if a determination is made that the individual is unable to perform the essential functions of the job.

8. Use of MDTA Police Vehicles While on Modified Duty

8.1 When a Commander determines that an employee assigned to modified duty requires the use of an MDTA Police vehicle, and his/her physical or psychological condition does not preclude the use of a vehicle, the Commander may:

8.1.1 Permit the employee to use an MDTA Police vehicle to perform assigned modified duty tasks;

8.1.2 Permit the employee to use a MDTA Police vehicle during duty hours, and on occasions deemed appropriate.

9. Secondary Employment While on Modified Duty

9.1 Employees who are assigned to modified duty status may continue secondary employment, as determined by the Commander of the Support Services Division. The following will be considered when making a determination if continued secondary employment is appropriate:

9.1.1 If the employment conflicts with the employee's ability to perform modified duty assignments;

9.1.2 If the secondary employment hinders the employee's return to his/her full duty assignment;

9.1.3 If the secondary employment involves the performance of functions or activities that the employee has been determined unable to perform in his/her full duty assignment;

9.1.4 The recommendation of the agency physician.

9.2 The Commander of the Support Services Division will make the final determination as to whether secondary employment will be approved. This will apply to existing approved secondary employment, as well as applications for new secondary employment.

10. Promotional Considerations

10.1 An employee in a modified duty status may participate in the promotional process, if otherwise eligible.

11. Required Documentation

11.1 Employees who are placed on modified duty as a result of an off-duty injury or illness must provide the State of Maryland contracted medical provider/physician with documentation of treatment(s) received and prognosis from his/her physician.

11.2 Employees shall provide the State of Maryland contracted medical provider/physician continuing medical documentation after any follow-up appointments the employee has with their personal physician(s) regarding the illness/injury while on Modified Duty Status.

11.3 Failure to provide the required documentation may result in termination of the employee's modified duty status.

12. Pregnancy

12.1 It is the policy of the MDTA Police that all employees will strictly adhere to the Pregnancy Discrimination Act.

12.2 The employee shall submit a statement from her physician to the Commander of the MDTA Police Personnel Services, via the chain of command, confirming that she is pregnant, as soon as pregnancy is verified.

12.3 The employee's physician will estimate a date after which the pregnant employee may be unable to perform her full duty assignment and notify the Commander of the MDTA Police Personnel Services of the projected date. Unless otherwise notified during the course of the pregnancy, the Commander of the MDTA Police Personnel Services will assign the employee to modified duty, as available, on the projected date.

12.4 Interim medical information need not be submitted unless required under the agency sick leave policy. Employees shall use authorized leave as needed.

12.5 After delivery of the child, the employee shall use authorized leave as needed.

12.6 Prior to returning, the employee shall submit a statement from her physician to the Commander of the MDTA Police Personnel Services, via the chain of command, verifying her ability to resume full duty status.

Section IV - Employee Lateness

1. Lateness

1.1 An employee will be considered late when he/she fails to report for his/her scheduled duty assignment at the required time.

1.2 When an employee is late reporting for duty and cannot provide legitimate documentation for the lateness or the occurrence is deemed avoidable, the following steps will be followed:

1.2.1 Employee lateness will be documented on a Fact & Observation Form (F&O Form); and

1.2.2 The following information must be included on the F&O Form:

- the employee's scheduled reporting time;
- the actual reporting time;
- the amount of minutes/hours the employee was late;
- the frequency of the occurrence;
- and the amount of time the employee is to be charged leave without pay.

1.3 If an employee accumulates three avoidable and/or non-documented late occurrences in twelve months, appropriate disciplinary action will be taken.

1.4 If the employee calls prior to the commencement of his/her assigned duty assignment and/or can provide satisfactory verification their lateness is due to unavoidable circumstances, his/her supervisor may permit the employee to use paid leave.

1.5 In all cases, the employee's lateness will be noted on the Duty Schedule Form under the Sick/Late block provided.

Section V - The Payroll System

1. Recording

1.1 The payroll recording system consists of: Electronic Pay Card, Duty Schedules, Off-Duty Police in Work-Zones Form, Court Overtime Slip, Request for Overtime form, Employee Request for Approval to Earn Compensatory Time In Lieu of Cash Overtime Form, Telephone Call Log (composition book), Bi-weekly Leave Journals, Payroll Journals, Bi-weekly Payroll Tracking Sheets and the optional Year-At-A-Glance.

2. Bi-weekly Payroll Tracking Sheet

2.1 Bi-weekly Payroll Tracking Sheets will be available on the Police Intranet under the Police Forms page.

2.2 Supervisors will complete the Bi-weekly Payroll Tracking Sheet for each shift, noting days/hours worked, leave type used, and overtime/compensatory time earned per day. It will be the responsibility of each employee to inform their supervisor of hours worked at another location; provide them documentation with a signed Duty Schedule, signed Significant Incident Duty Schedule, signed Construction Overtime Sheet, etc; supervisors will include this information on the employee's Bi-weekly Payroll Tracking sheet once verified.

2.2.1 All supporting documentation will be attached to the Bi-Weekly Payroll Sheets and maintained.

2.3 Coding will be by letter and color designations. Color-coding for all types of leave will be done manually.

2.3.1 Coding will be as follows:

- Vacation (Annual) - V (blue)
- Personal - P (yellow)
- Holiday - H (orange)
- Sick - S (green)
- Administrative - A (gray)
- Military - M (pink)
- Compensatory Time Used - C (purple)
- Overtime - OT (red)

2.3.2 Leave days will be entered as an "L" with no color designation.

2.3.3 Overtime coding will include the hours worked, assigned Project Number, RC Code, or reason for overtime. If the officer worked as an OIC or FTO, include the date and type of incentive pay.

3. Duty Schedule

3.1 The Duty Schedule form will be available on the Police Intranet under the “Police Forms” page.

3.2 A Duty Schedule will be completed for each shift.

3.3 Personnel on sick leave or reporting late for duty will be recorded on the Duty Schedule in the Sick/Late section. To differentiate the types of leave, enter (S) after the person’s name for sick leave and (L) after the person’s name for lateness.

3.4 All overtime for the shift will be recorded on the Duty Schedule.

3.5 The Duty Officer will sign the Duty Schedule as verification that all information is correct.

4. Electronic Pay Card (MTrack)

4.1 Employees shall complete their electronic pay card each pay period and submit at least 14 hours before the due date and time announced by MDTA Human Resources. Employees will not make any changes to their electronic pay card once it is submitted within 14 hours of the due date and time.

4.2 Unless an exception is approved by a, Detachment/Unit Commander, work hours will commence when an employee arrives at his/her duty assignment.

4.3 Employees are responsible to ensure the information placed in MTrack accurately reflects the actual hours worked and not approximations. Employees will certify each card electronically at the time of submission attesting to the accuracy of the actual hours worked and the total hours worked.

4.4 Employees who are on leave and unable to submit their pay card by the time due shall make arrangements with their supervisor to ensure it is submitted timely. Supervisors shall also ensure another supervisor or commander is available to approve the pay cards by the date and time due.

4.5 Employees who are on leave and unable to certify their electronic pay card at the time of submission shall certify their pay card upon their return.

4.6 Overtime or compensatory time shall be listed on the electronic pay card on the day it is earned. A brief reason for the overtime or earned compensatory time shall be included in the comments section. In the event the pay card has already been approved, the employee shall submit a corrected pay card listing the overtime or compensatory time on the day earned.

4.7 Below explains the information to be used on the electronic pay card:

4.7.1 RC To: Employees shall ensure the proper Responsibility Center (RC) is listed on the electronic pay card. If the work performed is for a Detachment/Unit other than their assigned RC, list that RC. If the work performed is for the employees assigned Detachment/Unit, leave the "RC To" section blank.

4.7.2 Charge Code: Use the appropriate "Pay Indicator" and include "Project/Administrative Code" if one is assigned to the project or event.

4.8 Supervisors are designated as pay card approvers and are responsible to review each pay card for accuracy. Supervisors will ensure information listed on each pay card is consistent with the information listed on the Bi-weekly Payroll Tracking Sheet. If an error or discrepancy is identified, the supervisor should immediately contact the employee, if they are on-duty to explain the error or discrepancy and have the employee correct their pay card. On rare occasions, when there is not enough time or the employee is off-duty, to have the employee make the correction prior to the due date/time, the supervisor will make the appropriate correction. The supervisor will make an immediate notification to the employee via agency email. Once accuracy is confirmed, each pay card shall be approved at least two (2) hours before the due date and time announced by MDTA Human Resources each period.

4.9 On rare occasions, the agency, upon notification from MDTA Human Resources, will notify all employees in advance about issues that may occur with certain payroll periods when only cash overtime or earned comp can be selected during that pay period. It will be the employee's responsibility to select either cash overtime or earned comp for that pay period. If an employee enters a combination of cash overtime and earned comp during that pay period, it will be changed to permit processing.

4.9.1 Employees who do not submit their electronic pay card by the due date and time may be required to have appropriate earned leave (vacation, personal, holiday, and/or comp) placed into the entire pay period. Sick leave would be excluded unless the employee has a documented sickness per Directives. If the employee does not have the needed balance of the appropriate earned leave, the employee may not be compensated for that period. A corrected card with actual hours worked would then need to be submitted per Directives to receive the employee's earned leave back. In addition, employees are subject to progressive discipline for failing to comply with the Directives.

4.10 If changes occur to a pay card after approval, a corrected card shall be completed in a timely fashion.

4.10.1 Corrected cards cannot be submitted until the Friday after the pay period ended.

4.10.2 Employees are to inform their supervisor that a corrected card was submitted.

4.10.3 Supervisors shall review the corrected card and if accurate, approve as soon as practical.

5. Overtime

5.1 Extra-duty overtime assignments (e.g., State Highway Administration construction details, escorts, etc.) that are assigned by the MDTA Police, shall be assigned as equitably as practical. Good faith attempts will be made to equalize overtime opportunities at each detachment.

5.2 Any overtime vacancy shall be offered to the most senior sworn employee at the vacant rank who is on-duty at the detachment or unit when the overtime vacancy becomes available.

5.3 Employees who are called to work by a supervisor during non-scheduled work hours, and who are able to work from their residence or off-site, i.e. make phone calls from off-site location to correct or address the problem, etc., and do not have to report to a facility, shall be compensated a minimum of 30 minutes at their overtime rate. Any time beyond 30 minutes, upon request the employee will be compensated for the actual time on the phone at the overtime pay rate. Any additional telephone calls relating to the same matter will not be eligible for an additional 30 minute minimum of overtime pay. If the total time of all telephone calls exceeds 30 minutes then compensation will be paid for the actual time on the phone.

6. Request for Overtime

6.1 The working of overtime is not at the employee's discretion and will be authorized by a supervisor prior to the period the overtime is worked.

6.2 Projected overtime requests will be made using a Request for Overtime form or, if available, via the appropriate database. One copy of the Request for Overtime will be stored at the detachment after approval/disapproval, and the employee's copy will be returned to the employee. The detachment's copy will be discarded after the time period requested has expired.

6.3 Immediate overtime requests will be made in accordance with the direction of the requesting supervisor.

6.4 Personnel will not schedule themselves, nor will be scheduled by supervisors, for more than sixteen hours of duty in a twenty-four hour period. This work hour limitation includes both agency overtime, extra duty overtime and secondary employment. Employees must be off-duty for at least eight (8) continuous hours in a 24-hour period. Mandatory court appearances are not included. In exigent circumstances, supervisors may deviate from this policy. Employees will monitor the number of hours worked within a 24-hour period to ensure they do not exceed the work hour limitation.

7. Request to earn Compensatory time in lieu of cash overtime

7.1 1st Sergeants and below may elect to receive compensatory leave at one and one-half times the overtime hours worked rather than overtime pay. Personnel will complete the Employee Request For Approval To Earn Compensatory Time In Lieu Of Cash Overtime Form.

7.2 1st Sergeants and below are permitted the right to earn compensatory time and cash overtime during the same pay period.

7.2.1 Employees may not earn compensatory time and cash overtime on the same day.

8. Overtime & Compensatory Time Tracking

8.1 A standardized overtime tracking spreadsheet will be used for more effective tracking of reasons for overtime and earned compensatory time. This will be completed on a bi-weekly basis, in conjunction with MTrack submissions and monitored by the Detachment/Unit Commander. The overtime tracking spreadsheet can be found on the Forms page of the MDTA Intranet.

8.2 The use and approval of overtime or compensatory time will comply with current Directives.

8.3 Overtime audits will be conducted by Detachment/Unit Commanders on a quarterly basis. A Special Report detailing the audit findings accompanied by the overtime tracking spreadsheet will be forwarded through the chain of command to the appropriate Bureau Chief. This audit report will be due to the Bureau Chief on the last day of the following month at the end of each quarter.

9. Telephone Call Log

9.1 The Telephone Call Log will be used for noting incoming or outgoing calls for sick leave, late calls, notifications, and calls received or made to other police agencies.

9.2 This log will not be used to record the Duty Schedule. If no calls are received or made there will be no entries made.

10. Bi-weekly Leave Journal

10.1 Bi-weekly leave journals are produced by the Payroll Office and maintained by the MDTA Police Personnel Services.

10.2 They shall be used to correct any discrepancies with earned leave.

11. Payroll Journals

11.1 Payroll journals are produced by the Payroll Office and distributed to Commanders.

11.2 Commanders shall review the journals for accuracy, sign and return to MDTA Police Personnel Services.

12. Year-At-A-Glance

12.1 The Year-At-A-Glance form will be available on the Police Intranet under the “Police Forms” page.

12.2 This form may be used by employees or supervisors to track an employee’s days/hours worked or leave used. Completion of this form is optional.

Section VI - Access to Medical Records

1. Rules & Regulations

1.1 No medical documentation will be maintained at the division, unit, or detachment level, with the exception of employee leave slips, medical receipts that specify the time during which the employee is to be absent, or any documentation that refers to an employee's duty status.

1.2 All employee medical records shall be kept in a centralized location with restricted access, i.e. the MDTA Police Personnel Services. In addition, such documentation must be secured in a separate location from other personnel files.

1.3 Documentation containing information regarding a diagnosis or medical procedure shall be forwarded directly to the MDTA Police Personnel Services Coordinator and may be done so by the employee.

1.3.1 Employees are not exempt from providing required documentation to substantiate his/her leave of absence. If submitted documentation to substantiate an absence includes the diagnosis, the information will be censored.

1.4 Only the offices of the MDTA Human Resources and the MDTA Police Personnel Services), Risk Management and the MDTA Police physicians are authorized to maintain medical records.

1.5 All employees have the right to access his/her medical records and may obtain a copy by contacting the appropriate MDTA Human Resources Office, MDTA Police Personnel Services, or the Office of Risk Management.

Section VII - Secondary Employment

1. Definitions

1.1 Employment: Any work, occupation, labor, or profession that results in compensation to the employee.

1.2 Secondary Employment: Any employment not required by the MDTA Police. MDTA Police personnel that own and operate their own businesses are considered to be engaged in secondary employment.

1.3 Security Related Secondary Employment: Any employment where the employee is hired for the express purpose of protecting the proprietary interests of the employer.

1.4 Extra-Duty Employment: Overtime in which sworn employees work under the auspices of the MDTA Police performing such tasks as escorts of oversize and overweight vehicles, construction or maintenance projects, and reimbursable overtime projects when compensation for working is paid through the MDTA.

1.5 Day: In this section a day is defined as twenty-four consecutive hours.

2. Policy

2.1 Employees of the MDTA Police will not engage in any secondary employment unless their Division Commander has authorized such in writing. Employees desiring permission to engage in secondary employment will submit an Application for Secondary Employment, Form 3.

2.2 Before accepting secondary employment, the employee will complete the Secondary Employment Request, Form 3, and forward it to their Division Commander, through the Chain of command, for approval. All secondary employment requests shall be acted upon within 10 days of receipt by the Division Commander where practicable.

2.3 After the Division Commander's review, the original application will be forwarded to the Commander of Support Services and placed in the applicant's personnel file. The applicant's Division Commander will issue a copy of the application to the applicant and the applicant's Commander.

3. Approval

3.1 All requests for secondary employment will be examined on an individual basis to ensure that no actual or potential conflict exists.

3.2 Secondary employment application requests will be automatically disapproved for the following:

3.2.1 If secondary employment constitutes employment of a member in a business that the Maryland Transportation Authority regulates.

3.2.2 If there is an indication that secondary employment will impair the employee's ability to perform regular MDTA Police duties.

3.2.3 If employment will interfere with the performance of a sworn employee's official duties, including overtime assignments and response to emergency calls.

3.2.4 If employment is with a medical cannabis related business.

3.3 All other requests for secondary employment will be treated on an individual basis. No secondary employment requests will be unreasonably denied. If the employee's Division Commander feels that a conflict exists, he/she will show good cause, in writing, for disapproval of the secondary employment request. The employee's Division Commander will notify the employee requesting secondary employment of their disapproval without delay.

4. Revocations

4.1 The Division Commander may, at any time, revoke official authorization for an employee to pursue secondary employment if such employment conflicts with the employee's official duties, when the employment constitutes a conflict of interest with the MDTA Police, or for disciplinary reasons as outlined in Chapter 10 of the MDTA Police Directives Manual.

4.2 If there are any changes to the scope, location or type of the approved secondary employment, the employee shall immediately notify the Division Commander by completing a new secondary employment request (Form 3).

4.3 When an employee terminates secondary employment, the employee shall immediately notify the Division Commander by completing the withdrawal of secondary employment request located on page 2 of Form 3.

5. Employee Responsibilities

5.1 The primary duty, obligation, and responsibility of every employee is to the MDTA Police. Employees who are directed to work overtime or are directed to report to work on their days off, will do so regardless of the fact that secondary employment has been approved. Secondary employment shall not become additional full-time employment.

5.2 Any injury or illness arising from secondary employment (i.e. not a State occupation) is not compensable by the State. Employees have only personal or job insurance and State sick and vacation leave to rely on for income while ill or injured. Serious illness or injury might result in being disqualified to resume State employment.

5.3 If an MDTA Police employee owns a business or is in charge of hiring personnel, including MDTA Police employees, the employee must disclose this information when the application is made for secondary employment.

5.4 Sworn employees will be allowed the use of safety equipment (specifically their side arm, body armor and radio as described in 5.5) during authorized uniformed and non-uniformed secondary employment including security related secondary employment in Maryland. Police authority may only be exercised in those specific incidents as authorized by existing laws.

5.5 Employees working secondary employment in Maryland in a non-uniformed capacity may carry their MDTA Police issued handgun during the course of secondary employment only if it is not carried or displayed in an obvious or flagrant manner or in any manner which would invite unfavorable comment from the public. Members may also wear their MDTA Police issued body armor concealed under their clothing and use the MDTA Police issued radio if necessary.

5.6 Employees shall not carry any MDTA Police issued weapons and equipment while working secondary employment outside the State of Maryland.

5.7 Employees must comply with applicable laws and report all compensation to the appropriate agencies as required. Employees must ensure applicable tax, social security and workers compensation insurance deductions or payments are made.

6. General Secondary Employment Restrictions

6.1 Employees shall not engage in any secondary employment which conflicts with the State of Maryland or the MDTA Police.

6.2 Employees will not engage in any outside employment that will adversely affect their ability to perform their MDTA Police duties.

6.3 Employees will not be permitted to engage in secondary or extra duty employment while on sick leave, in entry level training, on FMLA leave, on administrative leave, or assigned to other administrative duties on a case-by case basis.

6.4 If, during the course of secondary employment, a sworn employee finds it necessary to act in an official capacity, within his/her jurisdiction, police functions shall be given priority.

6.5 Employees that do not meet standards for job performance, as judged by their Commander, shall not be permitted to engage in secondary employment.

6.6 Employees shall not participate in any type of secondary employment that may, because of its location or nature, bring disfavor, disrespect or discredit to either the employee or the MDTA Police.

6.7 Employees shall not conduct any secondary employment related business that may, because of its location or nature, bring disfavor, disrespect or discredit to either the employee or the MDTA Police. This includes receiving schedules, pay, direction or other related activities.

6.8 The Maryland Code of Ethics prohibits the spouse of a member of this agency to engage in secondary employment in any business enterprise that is licensed or under regulatory control of the Maryland Transportation Authority. However, this prohibition does not include employment in a large commercial establishment, which may, as part of its business, be involved in an area that the Maryland Transportation Authority regulates.

6.9 Secondary employment, which would involve the use of MDTA Police records, documents or files, shall not be approved for any employee.

6.10 Employees, in the performance of their secondary employment, will not take advantage of any services provided by the MDTA Police. Under the provisions of the CJIS Law, it is a violation to disseminate criminal record information to non-criminal justice agencies or to anyone when not in the scope of official business. Further, obtaining any information, criminal or non-criminal, can only be done in the same capacity as a private citizen when not for official police activity. Any deviation from this can subject the employee to disciplinary action, tort liability and/or prosecution.

6.11 Examples of barred quasi-police professions for secondary employment would include, but not limited to:

6.11.1 Collecting bad checks and/or debts;

6.11.2 Collision investigation, vehicle repossession, private investigation involving politics, divorce or claims adjustment;

6.11.3 Civil process service;

6.11.4 The solicitation for, and execution of, criminal bail bonds, as well as engaging in “bounty hunting”;

6.11.5 Any employment that results in violation of the MDTA Police rules and regulations.

6.12 Sworn employees will not engage in secondary employment in any capacity for any business that sells, dispenses, or handles alcoholic beverages with the following exceptions:

6.12.1 A sworn employee may work for a store, motel, hotel, restaurant, country club, or similar establishment as a security person, desk clerk, or similar capacity, provided no part of the sworn employee's specific duties are related to or involve the bar area where alcoholic beverages are sold or dispensed, the employment does not require bouncer duties, and the sale, dispensing, or handling of alcoholic beverages is not the primary business of the establishment.

6.13 All of the aforementioned job professions represent only the outright prohibitions. Secondary employment is also prohibited in any type of outside employment which could possibly impair the independent judgment of a State employee in the performance of his/her duties, or employment which comes about as a direct result of, or for the intention or use of, the prestige of a State office for the benefit of an employee or the benefit of another.

6.14 Employees are responsible for ensuring secondary employment does not conflict with State ethic laws.

6.15 Employees will not divulge their association with the MDTA Police in the course of their employment as a salesperson.

7. Limitations on Secondary Employment/Extra Duty Hours

7.1 This policy is intended to reduce fatigue and conflicts with regular duty assignments.

7.2 Regardless of duty status the next day, employees will only be scheduled to work a maximum of sixteen hours per day when combining a regularly scheduled shift, which includes all hours worked, secondary employment and extra duty. On non-duty days, employees may work a maximum of sixteen hours of secondary employment/extra duty.

7.3 Employees must be off-duty for at least eight continuous hours prior to working extra duty followed by a regular MDTA shift, or a regular shift followed by extra duty, if the time off between shifts is less than eight hours.

7.4 After working sixteen continuous hours of any combination of a regular shift, including all hours worked, secondary employment or extra duty, employees must be off-duty for at least eight continuous hours prior to returning to duty. After working eight hours, then being off-duty for less than eight hours, will not qualify an employee to work more than an additional eight hours. (Example: an employee who works eight hours, is off-duty one hour and then works eight hours, must be off-duty for eight continuous hours prior to working another shift or any part of a shift.)

7.5 Only forty hours of total secondary or extra duty will be permitted during a period of seven consecutive days that includes two leave, holiday or vacation days.

7.5.1 In seven consecutive day periods that have less than two leave, holiday or vacation days, the secondary employment or extra duty allowed will be reduced by eight hours for each leave day less than two in that period. (Example: For a seven-day period with one leave day, the employee will be permitted to work a maximum of thirty-two hours of secondary employment or extra duty employment)

7.6 If verifiable circumstances beyond an employee's control (e.g., weather, traffic or road conditions) cause an employee to work beyond the maximum allowable number of hours for secondary employment, no disciplinary action will be taken.

7.7 All secondary employment must be scheduled in a manner that does not conflict or interfere with the employee's duty performance.

7.8 An employee engaged in secondary employment is subject to call out in case of emergency and is expected to leave secondary employment if called out.

7.9 Nothing in this section will prevent the use of MDTA Police overtime that arises from a public safety emergency.

8. Security-Related Secondary Employment

8.1 In addition to the restrictions previously listed in this Directive Manual chapter, the following restrictions apply to Security-Related Secondary Employment:

8.1.1 No employee shall work in security-related secondary employment unless the employee has been employed by the MDTA Police for at least one year; and

8.1.2 The employee will work only as a surveillance guard and, if the employee anticipates a situation where the presence of on-duty uniform Police Officers would have a calming or deterrent effect, they will be requested.

8.2 Security-related secondary employment shall be limited to duties customarily associated with those performed by a watchman or guard and shall not include background investigations or any form of investigative surveillance work related to any divorce, separation, or other domestic situation.

8.3 When the employee determines that an offense report should be initiated, the employee will call an on-duty Police Officer from the applicable jurisdiction to take the report and initiate an investigation to the same extent as if a private citizen had called the Police. This policy is not intended to prohibit a sworn employee witnessing the commission of a crime from taking immediate and appropriate police action. However, once the situation is under control, the sworn employee will call on-duty Police Officers.

8.4 Employees will not be permitted to work Security Related Secondary Employment unless the secondary employer agrees to the following:

8.4.1 Pay employees appearing in court on their day off or during non-regular scheduled working hours for civil incidents arising from off-duty employment activity; and

8.4.2 Provide Worker's Compensation Insurance coverage for the employee, if required by law;

8.4.3 Make no attempts to exert any influence regarding a police decision involving whether an arrest should be made.

8.4.4 Initiate all formal charges for trespassing, and not letting the employee initiate such charges; and

9. Other Law Enforcement Agency Employment

9.1 Sworn personnel are prohibited from engaging in any secondary employment with another law enforcement agency wherein the actual or potential use of law enforcement powers is anticipated.

Section VIII - Court Procedures

1. On-Duty

1.1 When sworn employees have court appearances on a scheduled workday, they will leave work with a sufficient amount of time to make the scheduled appearance.

1.2 A vehicle will be supplied for transportation to court. If a vehicle is not available, the sworn employee will be transported to and from court.

2. Off-Duty

2.1 All officers will receive a minimum of four (4) hours pay at their overtime rate whenever they are required to attend court or judicial proceedings for work while off-duty. This will be calculated as follows:

2.1.1 All court appearances attended in the morning hours (0001-1159 hours) will be eligible for the minimum four (4) hours overtime pay, regardless of the amount of cases or docket times.

2.1.2 All court appearances attended in the afternoon hours (1200-2400) will be eligible for the minimum four (4) hours overtime pay, regardless of the amount of cases or docket times.

2.1.3 If the amount of time required in court, exceeds the minimum four (4) hours, officers will be compensated for the actual time spent in court.

2.1.4 Sworn Employees who travel to and from court in a personal vehicle are not eligible for mileage reimbursement.

2.2 The officer will complete a Court Overtime Slip when scheduled to appear while off duty.

2.2.1 The Court Overtime Slip will be taken to court with the officer. The slip will have a blank area to be time-stamped at the courthouse showing when the officer arrives and leaves the courthouse. All courthouses have a time stamp machine at the Clerk’s Office or other accessible location that the officer will be able to utilize.

2.2.2 The Court Overtime Slip is to be signed by an authorized court employee. It may be signed by the Judge, Bailiff, State’s Attorney, or other acknowledged judicial employee.

2.3 When the officer reports for duty on the next scheduled tour of duty, the officer will have the slip completed and signed by a supervisor, who will then turn it into the payroll coordinator. Court documentation (the Court Disposition, Traffic Docket sheet, or summons) will be attached to the slip.

2.4 If an officer is required to appear in two different court locations, e.g., a prayed jury trial stemming from District Court, two court slips will be completed.

2.5 If an officer is ill on a day of scheduled court he/she will call the Shift Supervisor, so that the court may be notified.

3. Evidence for Court

3.1 When the officer needs to pick up evidence, he/she will handwrite the time he/she leaves home on his court slip in the “In” box area.

3.2 The officer will handwrite the time in the “Out” box of the slip when reporting to the respective detachment or assignment to return the evidence after court.

3.3 The Court Overtime Slip will still be stamped and signed accordingly at the courthouse.

4. Court Disposition

4.1 It is the duty and responsibility of all MDTA Police Sworn Employees to record the progression of all criminal cases that they are involved in as the primary investigator or an arresting officer. Traffic arrests that result in criminal charges also require a record of the progression of the case.

4.2 Sworn Employees will record the disposition of all court cases covered in 4.1 of this section using the Supplement Report in RMS and Court Disposition Form in the attachment section of the Incident Report and promptly submit it to their supervisor, in accordance with regular report guidelines.

4.3 In the event of a postponement, the future court date and location (if known) will be reported. If the date has not been determined, it will be noted in the report.

4.4 Failure to maintain court disposition histories or report them in a timely manner may result in disciplinary action.

Section IX - Employee Retention

1. Exit Interview

1.1 The MDTA Police value input from all employees in an effort to make positive improvements to the organization and retain a highly qualified, engaged and diverse workforce.

1.2 One of the methods used to receive valuable input on the agency's strengths and weaknesses is through employee exit interviews.

1.3 Exit interviews will be conducted with all employees upon notification of separation from employment with the MDTA Police.

1.4 The Detachment/Unit Commander of the departing employee will immediately notify the Commander of the Support Services Division upon receipt of an employee's intent to separate from employment to allow sufficient time to conduct an exit interview.

1.5 Exit interviews will be conducted by the Commander of the Support Services Division or designee.

1.6 The separating employee will be contacted by the Commander of the Support Services Division or designee to schedule the exit interview.

1.7 The MDTA Police Exit Interview Form #248 will be used to document the employee's feedback on their employment with the MDTA Police.

1.8 The completion of the exit interview will be documented on the Out-Processing Form 105.

1.9 The Commander of the Support Services Division or designee will conduct an annual analysis of completed exit interviews to identify issues or trends.

1.10 The results of the analysis, as well as employee's responses and suggestions will be presented to the Chief of Police and Senior Command Staff.

1.11 All information will be considered to make improvements or enhancements as directed by the Chief of Police.

1.12 The information will also be shared with the Commander of the Recruitment & Selection Unit for development of their recruitment plans.

1.13 Completed Exit Interview Forms will be maintained in a separate file within the MDTA Police Personnel Services for a period of three (3) years.

Section X - Military Service

1. Purpose

1.1 To outline the duties and responsibilities of the MDTA Police and its employees who are members of a national guard or a military reserve component of the armed forces.

2. Policy

2.1 The MDTA Police will support employees who serve in the military.

3. Applicability

3.1 The policies contained in this section apply to short-term training that lasts less than 30 days.

4. Amount of Leave

4.1 In accordance with Transportation Service Human Resources System Policy 8L: Other Leave with Pay, an MDTA employee who is a member of the organized militia, Army, Navy, Air Force, Coast Guard, or Marine Reserves, shall be entitled to not more than fifteen days per calendar year or 120 hours of leave with pay for military training.

5. Personnel Information and Notification

5.1 Commanders will survey their personnel every year during the month of January to see which employees are members of a national guard or a military reserve component of the armed forces.

5.2 The employee will provide the following information to their Commander:

a. Name and I.D. Number
b. Identification of military unit
c. Duty assignment or military specialty
d. Anticipated training dates for the next year, including if an employee is alerted to a Title 10 activation (a federal call up order to be placed on active duty for a mobilization above and beyond training, including but not limited to deployment overseas).

5.3 The Commander will submit this information to the MDTA Police Personnel Services Coordinator by February 1st each year.

5.4 Military Training

5.4.1 Full time employees will be granted 120 hours (15 days) of military leave each calendar year to receive military training.

5.4.2 Military training is considered administrative leave with pay and is charged against the employee's military leave benefit.

5.4.3 If an employee exhausts his/her military leave and requires additional leave for military training, other options may be considered by the MDTA Police after evaluation of staffing needs and overtime costs.

These options include:

a. Granting accumulated annual, personal or compensatory leave
b. Granting leave of absence without pay (LAW) after obtaining authorization.
c. Modifying the employee's work schedule so that leave days coincide with military training times

5.5 An advance for military leave credit for future years may be approved by the Chief of Police.

5.6 An employee will submit a schedule of unit training periods to his/her commander once every six months, no later than June 15th and December 15th.

5.7 If an unanticipated training session is scheduled, the employee will immediately notify his/her commander, regardless of whether the training has been confirmed or is only tentative.

5.8 Employee's Responsibility

5.8.1 An employee's participation in a military unit will not adversely affect the performance and welfare of the MDTA Police.

5.8.2 Consistent with staffing needs of the unit, annual leave may be granted consecutively with military leave at the discretion of the commander.

5.8.3 An employee will provide his/her commander with a copy of proper military orders authorizing the training, to include the specific beginning and ending dates prior to the commitment, if possible.

Section XI - Extended Military Deployment and Reinstatement Protocol

1. Purpose

1.1 To establish guidelines to assist all employees who are preparing for active-duty deployment exceeding 180 calendar days and to set forth procedures for returning from extended active-duty deployment.

2. Definition

2.1 In accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994, The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full time National Guard duty, a period of which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to any such duty, and a period for which a person is absent from employment for the purpose of performing funeral honors duty as authorized by Section 12503 of Title 10 of Section 115 of Title 32.

3. Notification of Extended Military Leave

3.1 Military leaves of absence for employees entering the Armed Forces of the United States or reservists ordered to active duty shall comply with the Annotated Code of Maryland, State Personnel and Pensions Article, Section 9-1107, Military Administrative Leave.

3.2 The Commander of the Support Services Division will serve as the Agency’s point of contact for all active military persons.

3.3 Upon receiving of orders which place an employee on extended active-duty military deployment, the active employee will:

- Submit a Special Report, with a copy of the military orders, to the Commander of the Support Services Division through the Chain of Command. Notification shall be made as soon as the activated member is aware of specific dates.

4. Pre-Deployment

4.1 Prior to deployment, the activated member will meet with the Commander of the Support Services Division for an exit interview.

4.2 The activated member, will provide the Commander of the Support Services Division, or his/her designee, contact information for the member while they are deployed.

4.3 The activated member will set up a date and time to report to the training unit to turn in all MDTA Police issued weapons, ammunition, magazines, ASP Baton, OC Spray, CEW, MPTSC Card, MDTA Police ID, PPE Equipment, BWI/TM Airport ID Card, Computer, Phone, Badges and Portable Radio. This information will be captured on Form 104 (Long Term Military Deployment Equipment Out-Processing & In-Processing Record). The equipment will be stored within the training unit in a designated secure location until the member returns from active duty.

4.4 Prior to active-duty deployment the sworn employee will turn in their assigned vehicle to the detachment/unit.

4.4.1 The activated member will then report to MDTA Human Resources as directed by the Commander of the Support Services Division to coordinate continuation of benefits to include but not limited to healthcare, disability and retirement.

4.5 The Commander of the Support Services Division, or his/her designee, will ensure that communication is maintained with the activated member or his/her immediate family consistently throughout their deployment. This communication will be utilized to check on the activated member's welfare and to keep the activated member abreast of agency news, events, policy revisions and promotional activities.

4.6 A leave of absence for military duty shall be approved in accordance with Transportation Service Human Resources System Policy, Section 8C, Leave-General, Sub-section 11: Leave of Absence without Pay.

5. Post Deployment - Reinstatement Following Military Service

5.1 Purpose

5.2 The Uniformed Services Employment Reemployment Rights Act (USERRA), Section 1002.115 authorizes that employees have a set period of time, dependent on the military time period served, to submit an application for reemployment (written or verbal) with the employer. For personnel returning from a military deployment of:

a. 181 days or more, the application for employment must be submitted within 90 days after completion of service; or
b. For more than 30 but less than 181 days, the application for employment must be submitted not more than 14 days after the completion of service.

5.3 Any State employee in the State Personnel Management System, other than a temporary or emergency employee, who, due to entry in the United States Armed Forces, leaves his/her position with the State of Maryland, will be reinstated to the classification within his/her agency which was held prior to entry into the armed forces or to a position of equal responsibility, qualifications, and pay, provided:

5.3.1 He/she applies for reinstatement within ninety days of the date separation from the armed forces, if entered involuntarily, or within ninety days of termination of the first period of enlistment, if entered voluntarily.

5.3.2 The applicant separates from the armed forces after involuntary service or the first period of enlistment and he/she applies for reinstatement within 90 days of discharge from a hospital, provided such hospitalization is directly connected with, related to, and immediately follows the applicant's separation from the armed forces and the period of hospitalization does not extend beyond a year from the date of such separation.

5.4 Any employee qualifying for reinstatement under the above provisions qualifies for the salary and rate of earnings for leave which he/she would have received if he/she would have remained continuously in State service.

6. In-Processing

6.1 An Employee deployed five (5) years or more, returning to police duty must have a modified background check. The Commander of Support Services Division will direct the Commander of Recruitment and Selection Unit to have a Background Investigator do the modified background check.

6.1.1 All results should be coordinated through the MDTA Police Personnel Services Coordinator who will provide results to the Commander of Support Services Division who will then issue the Personnel Order reinstating the member's Police Powers if the member meets all certification requirements.

6.2 Upon returning to the MDTA Police, the Commander of the Support Services Division will ensure the employee receives a copy of this directive.

6.3 Upon returning to duty with the MDTA Police, an employee will be placed on five days of special assignment to conduct in-processing. During this period the employee will contact the Benefits Coordinator that oversees all MDTA personnel or contact the Commander of the MDTA Police Personnel Services.

6.4 The MDTA Police Personnel Services Coordinator will schedule an interview with the Commander of the Support Services Division. The Commander of the Support Services Division or his/her designee will conduct an initial interview with the returning employee. The employee will be scheduled for a re integration, Psych-Educational Intervention with the State Medical Directors Designee, which will be scheduled by the MDTA Police Personnel Services Coordinator.

6.5 Upon approval of the Commander of the Support Services Division for return to full duty status, the returning member will arrange with the Training Unit to attend any necessary in-service and firearms training to obtain MPTSC certification as determined by the Commander of the Training Unit or his/her designee.

6.6 The member will familiarize themselves with all, general and special orders, manual revisions, and legal updates issued during their deployment.

6.7 Upon the successful completion of the training and certification processing, a supervisor from the Training Unit will return the surrendered police equipment to the in-processing employee and have the employee sign the Long-Term Military Deployment Equipment Out-Processing & In-Processing Record.

6.8 Upon completion of all necessary in-service and firearms training the Commander of the Training Unit will contact the returning member's detachment/unit commander, determined by the Commander of the Support Services Division, to notify him/her that the returning member has completed all required training. The returning member will contact his/her assigned Commander to obtain work schedule and any other pertinent information.

6.9 To the extent practical, Detachment/Unit Commanders will assign the returning member to a Field Training Officer for a period not less than two weeks to ensure the returning member is adequately reacquainted with policies, procedures, and operational aspects of their duty assignment.

Chapter 06
Fiscal Management & Responsibility
Directives Manual Revision Date: 11/25/2019

TABLE OF CONTENTS

SECTION **PAGE**

Section I – The Budgetary Process……..**01**

CEO Authority & Responsibility, Budgetary Process, Functional Budget Recommendations

Section II – Purchasing, Accounting and Cash….**04**

Requisition & Purchase Procedures, Accounting System, Petty Cash Fund, Covert Funds, Cash as Evidence or Found Property, Sale of Copies of Reports, Internal Affairs Unit Cash Account, and Audits

Section III – Inventory, Control and Issuance of Property……..**09**

Inventory, Issuance & Reissue Procedures

Chapter 06
Fiscal Management & Responsibility
Directives Manual Revision Date: 11/25/2019

Section I - The Budgetary Process

1. CEO Authority & Responsibility

1.1 The Chief of Police has the authority and responsibility for fiscal management and fiscal matters for the MDTA Police and must comply with financial requirements established by the State of Maryland and the MDTA. The Chief of Police has the ultimate accountability over all fiscal matters of the MDTA Police.

1.2 The Chief of Police will personally be involved in the agency's financial management.

1.3 The Commander of the Support Services Division will be responsible for administrative, budgetary and personnel actions of a financial nature.

2. Budgetary Process

2.1 The MDTA Police will submit budget requests to the MDTA Division of Finance for inclusion in the MDTA overall budget. The annual budget cycle is July 1 through June 30 of each year.

2.2 The Chief of Police, the Bureau Chiefs and the Division Commanders will be involved in the budget preparation process. This will include written recommendations and justification for budget requests for both equipment and operational items. Requests for additional personnel or new capital item acquisitions must also be justified and approved. Recommendations are based, in part, on the MDTA Police goals and objectives.

2.3. Budget preparation for future fiscal years begins in the spring of each year with Division Commanders conducting an assessment of future needs for their commands. Each Division Commander should assess future operational needs, equipment needs, and information processing (IP) needs.

2.4 As part of the annual budget process, the number, types and grades of positions will be established for the organization.

2.5 As part of the annual budget process, each Division Commander will conduct a documented review of the positions under his or her command to include:

2.5.1 the number and type of each position authorized in their division.

2.5.2 location of each authorized position within the division's organizational structure.

2.5.3 position status information, whether filled or vacant, for each authorized position within the division.

2.6 As part of the annual budget process, each Division Commander will conduct a documented review of each specialized assignment under his or her command to determine whether or not it should be continued. This review shall include:

2.6.1 a listing of the divisions specialized assignments.

2.6.2 a statement of the purpose for each listed assignment.

2.6.3 an evaluation of the initial problem or condition that required the implementation of the specialized assignment.

2.7 After reviewing the positions and assignments under his or her command, each Division Commander will use this information to determine any future personnel needs. This may include requesting additional personnel, specialized assignments, or reducing the number of personnel or specialized assignments based on expected future needs.

2.8 Division Commanders will forward this annual staffing review to the Commander of Support Services Division, who will use this information as part of the agency's overall position management system.

2.9 At least once every three years, the Commander of Support Services will prepare a documented workload assessment for review by the Chief of Police. This workload assessment will be used by senior staff when assessing how the agency allocates its personnel to ensure appropriate staffing distribution within all organizational components.

2.10 Each written budget recommendation from a Division Commander to the Budget & Planning Command should include a written justification. Proper Division of Finance forms may be obtained online or through the Budget & Planning Command.

2.11 The MDTA Police Budget and Planning Command will review, analyze, and prepare the final budget for submission to the MDTA Division of Finance. The MDTA Police operating budget will be completed by the Budget & Planning Command and submitted using the budget preparation packet provided by the MDTA Division of Finance. A budget request will be generated for each responsibility center assigned to the Police.

2.12 The Chief of Police must approve all budget requests prior to submission to the Division of Finance.

2.13 Once approved by the Chief of Police, the Budget and Planning Command will forward all budget requests to the MDTA Budget Director for approval and inclusion in the MDTA overall budget.

2.14 Once all budget requests are submitted to the Division of Finance, the Division of Finance will review the requests from and with the various MDTA administrative, operational, and public safety organizational units.

2.15 The Division of Finance will be responsible for recommending an overall MDTA budget to the Executive Director, who will then recommend a Preliminary Budget to present to the MDTA Board. The MDTA is an independent State agency with a “non-budgeted” status; the MDTA budget is submitted to the State Legislature for review only.

3. Functional Budget Recommendations

3.1 Each year, the Commander of the Special Operations Division will prepare written budget recommendation for the Baltimore Washington International/Thurgood Marshall Airport Detachment, and the Port Detachment. These recommendations may include the categories of Operations, Equipment and Information Processing (IP). The Commander of the Special Operations will forward budget recommendations to each MDOT Transportation Business Unit by April 1st for their review and approval. Once budget recommendations are reviewed and agreed upon by the MDTA Police and the MDOT Transportation Business Unit, the recommendations will be sent to the Commander of the Budget & Planning Command by June 1st. The MDTA recovers the cost of police services from these agencies under contractual agreements.

3.2 Each year, the Commanders of the Patrol Division, Special Operations Division, Logistics Division, and Support Services Division will prepare written budget recommendations for each detachment or unit with an assigned responsibility center number under their command. Division Commanders should solicit input from their detachment and unit commanders. All division budget recommendations shall be submitted to the Commander of the Budget & Planning Command by June 1st.

Section II - Purchasing, Accounting, and Cash

1. Requisition & Purchasing Procedures

1.1 All purchases of supplies and equipment will be in compliance with the Code of Maryland Regulations (COMAR), Title 21 and the MDTA Fixed Asset (Furniture Equipment) Inventory Control Manual. The Quartermaster Unit and Accreditation Section will be responsible for maintaining the manuals on file.

1.2 Emergency acquisitions must be processed in accordance with the COMAR, Title 21. The Chief of Police must approve all other emergency funding with the concurrence of the Executive Director.

1.3 MDTA procedures provide adjustment mechanisms that the Chief of Police may use to request approval for the transfer of funds from one category to another as shortages and/or overages are respectively identified. Such requests are made to the MDTA Chief Financial Officer.

1.4 The MDTA Police follows the guidelines for bidding procedures and selection of vendors and bidders as set by the COMAR, Title 21.

2. Accounting System

2.1 The MDTA Police accounting system is governed by the MDTA Division of Finance accounting system to ensure orderly, accurate, and complete documentation of the flow of funds.

2.2 The funding for each responsibility center within the MDTA Police is approved by the MDTA Board after going through the process outlined in Section I of this chapter.

2.3 The Chief of Police or his/her designee is responsible for maintaining a record reflecting all fiscal transactions on a fiscal year basis.

2.4 Monthly, the Budget & Planning Command uses the MDTA Business Portal to create budget status reports for dissemination to responsibility center commanders. Monthly budget status reports include:

2.4.1 initial appropriation for each account

2.4.2 balances at the commencement of the monthly period

2.4.3 expenditures and encumbrances made during the period

2.4.4 unencumbered balance

3. Petty Cash Fund

3.1 All cash funds in the agency will be properly collected, safeguarded and disbursed. Appropriate personnel will maintain a balance sheet that identifies initial balance, credits, debits and current balance on hand.

3.2 A petty cash fund of $300.00 is authorized by the Chief Financial Officer of the MDTA and maintained in the office of the Chief of Police. The fund is to provide a ready source of cash to reimburse personnel for small purchases, parking expenses, postage or shipping fees. The cost of purchases shall not exceed $25.00. Replenishment of the petty cash fund will be requested through the Chief Financial Officer. The administrative assistant to the Chief of Police maintains this account and is authorized to disperse funds from this account.

3.3 All transactions in the petty cash fund will be properly accounted for in a ledger account book. All receipts or written documentation related to expenditures will be maintained in the Office of the Chief and submitted to the MDTA Division of Finance at the time replenishment of petty cash is requested (using check request and purchase requisition showing allocation of expenditures to specific departmental budget lines).

3.4 Requests for reimbursement from petty cash must be accompanied by written evidence of expenditure (cash receipts or statement of expenditure signed by the employee requesting reimbursement).

3.5 Employees will sign for receipt of petty cash funds disbursed from the Office of the Chief.

3.6 The Chief of Police or his/her designee will maintain copies of all petty cash transactions for 5 years.

4. Covert Funds

4.1 Special expenses necessitate the establishment of a covert fund to support operation of vice and organized crime control functions such as, but not limited to: paying informants, purchasing contraband as evidence, and expenses for surveillance activities and equipment.

4.2 The Commander of the Criminal Investigations Unit is responsible for administration and maintenance of covert funds and will maintain a ledger showing initial balance, credits, debits, and available balance. Each entry must have corresponding receipts and/or other documentation.

4.3 Requests for covert funds may be made to the Commander of the Criminal Investigations Unit. When requests are approved, the Commander of the Criminal Investigations Unit will issue funds, which will be signed for by the requesting officer. Subsequently, the requesting officer is responsible for the funds and accounting for them.

4.4 The Chief of Police, through the Commander of the Special Operations Division, must approve disbursements in excess of $200.00.

4.5 In order to request additional “on hand” funds for covert investigations, the Commander of the Criminal Investigations Unit shall make a request to the Chief of Police for the amount needed through the Commander of the Special Operations Division.

4.6 Payments made to informants will be recorded on the Informant Cash Receipt.

5. Cash as Evidence or Found Property

5.1 All cash taken as evidence or turned into the agency will be properly accounted for and forwarded to the Division of Finance for disposition.

6. Sale of Copies of Reports

6.1 During normal office hours, Central Records Unit personnel may sell copies of police reports as authorized by law and collect money from the public.

6.2 When requests are made for copies of MDTA Police reports, personnel will adhere to the following procedures:

6.2.1 Individuals requesting a report will be advised that the request must be made in writing or in person.

6.2.2 Written requests must enclose a self-addressed stamped envelope along with a check or money order for the total printing costs above $1.00 (currently twenty-five cents per page).

Maryland Transportation Authority Police
4330 Broening Highway
Baltimore, MD 21222-2258
Attn: Central Records Unit

6.2.3 Reports that are copied must have the address and/or phone numbers of people involved redacted and blacked out, where appropriate. Each report will be true tested and signed by the Director of Central Records Unit.

6.2.4 Requests for reports paid in cash will have a numbered receipt completed for accountability. Should a receipt be voided, both copies of the receipt will be marked **VOID** and retained in the receipt book. Cash transactions will have one receipt issued to the individual requesting the report, and a copy of the receipt will remain in the receipt book.

6.3 The Central Records Unit will maintain a ledger showing the initial balance, credits, debits, and the balance on hand.

6.4 Monthly reports will be generated and signed by the Director of Central Records Unit detailing the monies collected for the previous month. A deposit slip will be completed showing the total monies collected. The monthly report, deposit slip and all monies (cash, checks and money orders) will then be forwarded to the MDTA Division of Finance. The MDTA Division of Finance representative will sign the Monthly Report upon verifying the monies turned in match the amount recorded on the Monthly Report. A photocopy of the signed Monthly Report will be placed in the Records Unit files.

6.5 The Director of the Central Records Unit will maintain copies of all sales transactions for 3 years.

7. Internal Affairs Unit Cash Account

7.1 The Internal Affairs Unit has been authorized by the Chief of Police to maintain a cash fund, in the amount of $1,000.

7.2 Special expenses necessitate the establishment of a special cash fund. This fund is established to support internal affairs investigators when exigent circumstances require purchases or other cash transactions related to an IAU investigation and the immediacy/confidentiality of the situation does not allow for the normal process of ordering equipment and supplies or requesting purchases through the Quartermaster Unit to be followed. Examples of such situations may include, but are not limited to purchasing contraband as evidence, purchasing sensitive equipment needed for investigations, or paying expenses for investigative activities. Barring any exigent circumstances, the standard process of ordering supplies and equipment, and requesting purchases shall always be processed through the Quartermaster Unit.

7.3 The Commander of the IAU will maintain a ledger showing initial balance, credits, debits, and balance on hand.

8. Audits

8.1 Annually, an independent audit of the accounts and finances of the MDTA will be conducted. This audit will be conducted in accordance with the procedures mandated by the Trust Agreement, dated December 1, 1985, between the Maryland Transportation Authority and the Bank of New York.

8.2 Each audit will be conducted using those accounting standards generally accepted within the United States of America. All funds are open for inspection and audit by such auditors at any time and the fullest cooperation will be provided to the auditors.

8.3 The Budget & Grants Manager will conduct a documented quarterly accounting of each cash account listed above. The purpose of this accounting is to ensure that balance sheets are being properly maintained, cash is being properly dispersed or accepted, proper receipts are kept, and documentation is maintained supporting disbursements of cash. If auditors from the MDTA Division of Finance audit any MDTA Police cash accounts during the quarter, the Budget & Grant Manager may use those audit results as the documentation of a quarterly accounting.

Section III – Inventory Control and Issuance of Property

1. Definitions

1.1 Accountable Position - A Commander that is responsible for maintaining the inventory of Capital and Sensitive Equipment that is assigned to their command.

1.2 Capital Equipment - Any item valued $500 or more that has been assigned a capital equipment number, such as furniture.

1.3 Sensitive Equipment - Badges, firearms, cell phones, body armor, handcuffs, portable radios, ASP batons, and O.C. Spray. Other items valued $250 or more that can be easily concealed in a purse, backpack, duffle bag, etc.

2. State Property Inventory

2.1 The Commanders of the following commands/detachments/units will be designated as the Accountable Officer for that command/detachment/unit:

Northern Region Command
Southern Region Command
Budget & Planning Command
Logistics Command (Senior Command, Legal, & HQ Maintenance)
Tactical & Investigations Command

BWI/TM Airport Detachment
Central Command Detachment
Hatem Bridge Detachment
Inner County Connector Detachment
Lane Bridge Detachment
Nice Bridge Detachment
Port Detachment

Operations Support
Civil Disturbance Team
Collision Reconstruction Unit
Commercial Vehicle Safety Unit
Communications Unit
Criminal Investigations Unit
Electronic Enforcement Unit
Emergency Operations Services Unit
Fleet Unit
Internal Affairs Unit

K9 Unit
Marine Unit
Polygraph Unit
Records Unit
Recruitment Unit
Security Unit
Special Response Team
Training Unit
Quartermaster Unit

2.2 All accountable officers shall maintain, in coordination with the MDTA Asset Control and Damage Recovery Unit (ACDR), a current inventory of all state property (Capital & Sensitive) assigned to their command/detachment/unit. This inventory shall include make, model#, barcode#, serial#, style, color, and other descriptors, as well as the exact location, whether or not the items are Capital or Sensitive items, and any additional comments. (See form 19-C).

2.3 Accountable Officers shall notify the Commander of the Quartermaster Unit of all changes to the inventory within two (2) working days. (All of the following forms can be located in the Quartermaster Unit folder on the shared Drive, as well as under the ACDR link on the intranet).

2.3.1 Transferring Equipment: The accountable officer shall complete Form 142 and submit to the Quartermaster Unit.

2.3.2 Excess Property: The accountable officer shall complete the Department of General Services Excess Property Declaration Form (EPD) and submit it, along with at minimum three (3) good pictures of each item, to the Quartermaster Unit.

2.3.3 Missing/Stolen Property: The accountable officer shall complete the MDTA ACDR Missing/Stolen Property Memo and submit the form, along with supporting documentation to the Quartermaster Unit, through the Division Commander, via their respective chain of command.

2.4 The Commander of the Quartermaster Unit will report all changes to ACDR Unit, who will enter the changes into the BASSETT's database.

2.5 Annually, during the month of October, all Accountable Officers shall, physically, conduct a full inventory of all state property for which they are responsible.

2.6 When a change of command occurs, the incoming accountable officer must conduct a full physical inventory of all state property assigned to the detachment/unit. The inventory must be conducted within one month of the change of command.

2.7 A copy of the results of all inventories will be forwarded to the Division Commander, Commander of the Budget & Planning, and the Quartermaster Unit within seven (7) calendar days of completion. Included with the inventory (Form 19-C) will be a cover letter from the commander of the inventoried command/detachment/unit stating that all equipment has been accounted for or that there were discrepancies discovered and what is being done to address the discrepancies. The Quartermaster Unit will notify ACDR of any changes.

3. Inventory

3.1 The Quartermaster Unit has specific responsibilities in the areas of procurement, inspection, storage, issuance, and disposal of property and equipment.

3.2 The Quartermaster Unit will be responsible for compliance with the MDTA Fixed Asset Inventory Control Procedures and will ensure:

3.2.1 an updated file on all capital equipment, including the physical location of items, is maintained in the Quartermaster Unit.

3.2.2 the proper assessment of all capital or other major items of equipment on MDTA inventory and assignment of control numbers;

3.2.3 a physical inventory verification is completed as requested by the MDTA Fixed Asset Auditor;

3.2.4 the appropriate deletion of items, property and equipment from the agency inventory in accordance with the MDTA Fixed Asset Inventory Control Manual-Disposing of Equipment;

3.2.5 maintenance of complete records for all department property, equipment and other assets;

3.2.6 the ordering of any necessary equipment and supplies.

3.3 The Training Unit will be responsible for the storage, issuance and control of all weapons and ammunition.

4. Issuance & Reissue Procedures

4.1 It is the policy of the MDTA Police to equip each employee with high quality uniforms and equipment (new or reissued) so that they can perform effectively and project the professionalism of the police officer.

4.2 It is the policy of the MDTA Police that agency owned property (e.g., expendable items, installed property, equipment, vehicles, munitions and personal wear) be requisitioned or procured in accordance with the COMAR, Title 21, State Procurement Regulations. The Quartermaster Unit and Accreditation Section will be responsible for maintaining the manual on file.

4.3 Upon inspection by the Commander of the Logistics Division, or his/her designee, of previously issued equipment/uniforms, the Quartermaster Unit may be authorized to re-issue the equipment/uniforms if it is deemed that they meet the functional and appearance standards of the MDTA Police.

4.4 The MDTA Fixed Asset Auditor will conduct periodic independent audits of the MDTA Police.

4.5 All commanders and/or supervisors are accountable for the inspection and operational readiness of the personnel and equipment assigned to their command.

Chapter 08
Police Records
Directives Manual Revision Date: 08/27/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Administration.....**01**

This section describes how the records are arranged maintained and stored.

Section II – Confidentiality of Records Related to Ongoing Police Investigations.....**11**

This section describes what information will be withheld from release.

Section III – Auxiliary Personnel Files.....**13**

This section describes the maintenance and retention of various personnel files.

Section IV – File and Database Management.....**15**

This section describes the Information Security Policy to ensure the proper transfer of computer files and database access rights.

Chapter 08
Police Records
Directives Manual Revision Date: 08/27/2021

Section I - Administration

1. Police Records Definitions

1.1 Criminal Justice Unit - Any government agency or sub-unit of any such agency as defined in the Maryland Criminal Procedure, §10-201(f).

1.2 Central Repository - The Criminal Justice Information System Central Repository that receives, identifies, and maintains individual criminal history records from criminal justice units throughout the state.

1.3 Criminal History Records Information - Any records and data initiated and collected by criminal justice agencies on adults, which consist of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal charges, and their dispositions. The term shall NOT include juvenile record information, criminal justice intelligence information, or criminal justice investigative information.

1.4 Conviction Data - Any information in the custody of any criminal justice agency relating to a judgment of conviction, and any consequences.

1.5 Dissemination - Any transfer of information, whether orally, in writing, or by electronic means. The term does not include transmittal of such information within a criminal justice agency or the transmittal of such information between criminal justice agencies in order to permit the initiation of subsequent criminal justice proceedings against a person relating to the same offense.

1.6 Expunge - To remove specific criminal history information, as defined by a court order, from public inspection or access.

1.7 Purge - Removal by a court order from public inspection or access.

1.8 Seal - To physically secure to prevent inspection, except where specified by court order.

1.9 Criminal History Record Information Area - Any area which criminal history record information is collected, stored, processed, or disseminated.

2. Records Privacy and Security

2.1 The State of Maryland and the Department of Criminal Justice Information Services have adopted, pursuant to statutory mandate, statutory laws, rules and regulations to govern the security, privacy and dissemination of adult and juvenile arrest record information. These statutes, rules, and regulations also pertain to the physical area where record information is collected, processed and stored. Juvenile records must be kept in a separate file from adult

criminal records. All personnel, especially those assigned to the Central Records Unit, must understand and comply with these laws, rules, and regulations in accordance with Annotated Code of Maryland, Courts & Judicial Proceedings §3-827 (a).

2.2 Procedures for the collection and dissemination of fingerprint cards of juveniles will be followed in accordance with the Directives Manual.

2.3 Access to the Central Records Unit, during normal business hours and after hours, where police reports are collected, stored, processed, and disseminated shall be limited to authorized persons to include:

2.3.1 Central Records personnel;

2.3.2 Criminal Investigations Unit personnel;

2.3.3 All officers of command rank and acting commanders;

2.3.4 The Chief of Police; and

2.3.5 MDTA DoIT Database Administrator

2.4 The Director of Records Unit or his/her designee will be available for call-in to access records during non-duty hours.

2.5 Central Records is located in a secured area that is available via card access to authorized personnel only.

2.6 Detachment Commanders shall ensure that security measures are followed to provide maximum security of criminal reports. Unauthorized persons will not be allowed to enter areas where such information is stored, collected, or processed.

2.7 The Dispatch Supervisor shall ensure that all Criminal History Record inquiries are processed in accordance with state laws, rules and regulations, and a dissemination record file will be maintained and updated.

3. Release of Accident Reports

3.1 Filing means the date the report was received by the Central Records Unit. Pursuant to the Business Occupations and Professions Article, Section 10-604, a non-lawyer may not for personal gain access a report for the purpose of soliciting another person to sue or retain a lawyer.

3.2 No sworn personnel will release a motor vehicle accident report except in accordance with this directive.

3.3 Parties requesting an accident report must complete and sign MDTA Police Form 46, Confidential Report Information and Release Disclaimer.

4. Release of Other Reports

4.1 Juveniles - Police officers may release, upon request, to fellow officers of the MDTA Police and to other local state or federal law enforcement officers, current information on juvenile arrests, limited to name, address, physical description, date of arrest, and charge for which the arrest was made. Such information may only be used for current investigation and not for creation of new individual files or records. When a juvenile turns 18 years of age, the incident report will remain secure within the RMS Database and will only be expunged with a court order.

4.1.1 Maryland law requires that all law enforcement agencies take special precautions to ensure that law enforcement records concerning a child are protected against disclosure to any unauthorized person in accordance with Annotated Code of Maryland, Courts & Judicial Proceedings §3-827.

4.2 Adults - Information stored electronically on systems or devices owned by the MDTA Police is confidential. Information stored on these devices is the property of the MDTA Police and will only be released in accordance with the directives in the Central Records Unit-Standard Operating Manual. All data may be accessed or inspected by the Chief of Police or his designee.

4.3 Persons authorized to release Criminal History Record Information Criminal Investigations Unit and Dispatch Operators) shall be responsible for completing a Request for Criminal Record Check whenever any such information is disseminated to any person. All Requests for Criminal Record Checks shall be disseminated in accordance with the Annotated Code of Maryland, Article 27, Crimes and Punishment §749.

4.4 All requests for copies of reports/Dispatch tapes/patrol videos or DVDs from civilians or outside agencies, to include the State’s Attorney’s Office, will be requested in writing and forwarded to the Director Central Records.

4.5 The release of records related to ongoing police investigations is covered in Section II of this chapter.

5. Uniform Crime Reporting

5.1 The MDTA Police actively participate in the National Uniform Crime Reporting Program.

5.2 Crime data is collected and reports are prepared and submitted on standard report forms as specified in the Uniform Crime Reporting Manual.

5.3 Final reports will be submitted electronically to the Maryland State Police via Work Books and must be received by the 7th of each month.

6. Operational Accessibility

6.1 Personnel at each Detachment will direct all police report requests to Central Records. All in-house (sworn personnel) requests may be handled at the Detachment level, ex: an open police report is required for court. The Detachment Administrative Assistant, if applicable will provide the officer with the report.

6.2 Duty Officers and/or Shift Supervisors are authorized to access files and records during on-duty hours, thus providing 24-hour access to operations personnel.

7. Report Accounting System

7.1 The MDTA Police Central Records will maintain the original of all reports along with follow-up reports under the original complaint control number.

7.2 Once a report has been assigned to an officer for follow-up investigation, all additional information will be documented via Supplement/Continuation Report(s) in accordance with the Directives Manual.

7.3 All supplemental reports will follow a specified schedule in accordance with the Case File Management procedures, as detailed in Chapter 26.

8. Annual Audit of Central Records Computer

8.1 An annual audit will be conducted of the Central Records computer system for verification of all passwords, access codes, or access violations according to State Computerized Record System Security Requirements, Section IV. C. 6-7.

8.2 It will be necessary for the Commander of Logistics Division to contact the Division of Information Technology (DoIT) requesting the audit information for Central Records.

9. Software Policy

9.1 A written directive has been established for the introduction of outside computer software and disks into agency-owned computer systems to avoid a virus infection of the host system in accordance with the State Computerized Record System Security Requirements, Section IV.A.10.

9.2 All disks or software are to be inspected by DoIT personnel prior to introduction to the agency-owned computer system. The agency shall ensure that the software is properly licensed in accordance with State Computerized Record System Security Requirements, Section IV.A.10.

10. Computer File Backup and Storage

10.1 Computer files shall be backed up on a daily basis and comply with the agency retention schedule which conforms to record retention laws and regulations.

10.2 All tapes, disks or drives shall be stored off-site in a secure area in accordance with State Computerized Record System Security Requirements, Section IV.A.5-6.

10.3 Any tapes, disks or drives that are not recycled shall ensure that data is not retrievable from the discarded source in accordance with State Computerized Record System Security Requirements, Section IV.B.5.

11. Computerized Security Protocol

11.1 Criminal history record forms are kept in a secured file. The form provides for dissemination of records. Access is limited to authorized Dispatch and Police personnel.

12. Master Name Index

12.1 The Records Management System (RMS) will maintain a master name index that serves as a cross-reference to reports in which a person has been named in its computer system.

12.2 Names listed in the master name index file include victims, complainants, suspects, and arrested persons.

12.3 The RMS stores records, which include crimes by type, crimes by location, and stolen, found, recovered and evidentiary property files.

13. Traffic Records System

13.1 The primary goal of the MDTA Police traffic records system is to reduce the number of motor vehicle collisions in the jurisdictions of the MDTA Police. Valid collision and enforcement data will be made available to provide the Chief of Police, Operations Bureau Chiefs, Commander of Patrol Division, Commander of the Special Operations Division and other highway safety related groups with useful, adequate and timely information on which to base collision prevention efforts and preventive programs. The traffic records system shall contain information on all collisions and traffic enforcement measures taken within the Maryland Transportation Authority jurisdiction.

13.2 The MDTA Police traffic records system includes the following:

13.2.1 Traffic collision data: computerized information system and manual files of all ACRS Reports.

13.2.2 Traffic enforcement data: Computerized information system and manual files of each Maryland Uniform Complaint and Citation issued for traffic violations. Dispositions can be obtained from the Clerks of the District Courts or Juvenile Information System.

13.2.3 Roadway hazard reports: Reports of hazardous roadway conditions and defects that are received by Dispatch will be recorded on CAD or Daily Radio Logs when the system in down and dispatched to police and/or maintenance/highway services for appropriate action.

13.3 A comparison and review of collision and enforcement data will be the responsibility of the Commander of the Budget and Planning Command. Periodic review reports will be provided to the Chief of Police, Operations Bureau Chief, Commander of the Patrol Division, and Detachment Commanders.

14. State of Maryland Uniform Complaint and Citation Book

14.1 The Quartermaster Unit maintains the supply of traffic citations. Each Detachment Quartermaster Coordinator is responsible for maintaining an adequate supply for their respective detachment.

14.2 Each Detachment Commander is responsible for the secure storage of traffic citations. These citations shall be stored in numerical order.

14.3 When an officer receives a citation book, he or she will complete the top portion of the tally sheet and submit the tally sheet to the Detachment Statistician or designee for processing. Each detachment will be responsible for maintaining an accurate log of citation books issued to each of their officers. This information will be maintained in a computerized database.

14.4 Each officer will, at the end of his or her tour, submit the court copy and law enforcement copies of all citations issued during the tour.

15. Operational Component Record

15.1 A central repository of records is securely maintained in the Records Management System (RMS) to include:

15.1.1 case reports;

15.1.2 traffic collision reports;

15.1.3 adult arrest records; and

15.1.4 juvenile arrest records

15.2 Other administrative files as directed by the Chief of Police are stored within Central Records.

15.3 Each detachment will maintain the original Vehicle Impound Reports and the Detention and Prisoner Property Log (that do not require being forwarded to Central Records), if applicable.

15.4 Copies of all open and suspended criminal case files are maintained by the Criminal Investigations Unit until case closure in accordance with this Directive. As follow up investigations are conducted, an electronic copy of the supplemental report will be completed for inclusion in the corresponding report.

16. ID Number and Criminal History

16.1 A criminal history file is maintained on each person arrested and charged criminally. The file includes an arrest report for each time that person is criminally charged.

16.2 Every time an individual is arrested and criminally charged, one FBI and one Criminal Justice Information Systems (CJIS) fingerprint card will be completed electronically via LiveScan, unless completed at a Centralized Booking Facility. The FBI card and the CJIS card will be mailed to the CJIS Repository in those cases where the LiveScan system was inoperative.

16.3 An Arrest Identification Number will be assigned to each person arrested. This number will be referred to as an OCA number that will be assigned to the arrest report. This number is only assigned to that person and is not duplicated or assigned to another person for any reason. The original OCA number will be used each time the individual is arrested.

16.3.1 When an MDTA Police officer applies for a criminal arrest warrant and it is issued, and the suspect is arrested by a MDTA Police officer, the arresting officer will obtain an OCA number for the suspect.

16.3.2 When a MDTA Police officer arrests an F.O.A., the arresting officer will not obtain an OCA number for the suspect.

16.3.3 When a MDTA Police officer makes a criminal arrest and learns that the suspect is an F.O.A, the arresting officer will obtain an OCA number for the suspect, due to the criminal arrest.

17. Reporting of Officer-Involved Deaths

17.1 Overview

17.1.1 The MDTA Police is required to submit a report capturing specific information related to police officer involved deaths and other specified incidents to the Governor's Office of Crime Control & Prevention (GOCCP) within 60 days of each incident.

17.2 Definitions

17.2.1 Officer-involved Death - the death of an individual resulting directly from an act or omission of a law enforcement officer, while the officer is on duty, or while the officer is off duty, but performing activities that are within the scope of the officer's official duties.

17.2.2 Death in the Line-of-Duty - the death of a law enforcement officer occurring while the officer is acting in the officer's official capacity while on duty, or while the officer is off duty, but performing activities that are within the scope of the officer's official duties.

17.3 MDTA Police Officer-Involved Deaths Committee

17.3.1 To ensure that reports dealing with police involved deaths or other specified incidents are properly documented, reviewed, and reported, the MDTA Police has established the Officer-Involved Deaths Committee. This committee shall consist of the following Commanders (or their representatives) and the Agency's designated Assistant Attorney General:

- Records Unit (Chair)
- Logistics Division (Assistant Chair)
- Internal Affairs Unit
- Budget & Planning Command
- Criminal Investigations Unit
- Collision Reconstruction Unit

17.3.2 The Director of the Central Records Unit, or designee, will be the Chair person for this Committee and will be responsible for scheduling meetings as needed. These meetings will be to review and discuss any police related deaths and to determine whether or not an incident meets the criteria for reporting. The Committee will discuss legal issues, training issues, and policy issues arising from these incidents, as well as from changes made to laws.

17.4 Reporting

17.4.1 The following incidents will be reported:

- All Commanders shall forward a brief synopsis of all overdose incidents to the MDTA Police Records Unit via the MDTA Police Records email address (mdtapolicerecords@mdta.state.md.us) on a daily basis.
- Deaths resulting from any use of force by sworn MDTA Police personnel
- Deaths caused by injuries sustained while attempting to elude police
- Deaths incurred after custody has been established, to include temporary detention
- Deaths attributed to suicide, if the suicide is witnessed by an officer
- Deaths involving alcohol or other drug intoxications, or medical conditions (e.g. cardiac arrest) that occur during the process of arrest by or while in the custody of the MDTA Police
- Deaths occurring in the custody of MDTA Police personnel responding to a medical, mental health assistance, or welfare call (i.e. suicidal subjects, invalid subjects, etc.).
- Deaths that occur while confined in lockups or booking centers (i.e. facilities from which arrestees are usually transferred within 72 hours).
- Deaths that occur while the decedent's freedom to leave is restricted, including deaths that occur prior to, during, or following an arrest
- A subject is suffering from life threatening injuries following interaction with MDTA Police
- Officer death in the line-of-duty that involves an officer employed by the MDTA Police

17.4.2 The following deaths will not be reported by the MDTA Police:

- Deaths attributed to federal law enforcement personnel
- Death of a criminal suspect that occurred before the decedent came into contact with MDTA Police personnel (e.g. a decedent with an active arrest warrant who died before law enforcement served the warrant).

17.5 Procedures

17.5.1 When an incident occurs that requires reporting, the following procedures will be followed:

17.5.1.1 Within 24 hours of the event, the Detachment Commander will email the known details regarding the death or life-threatening injuries to the Director of the Central Records Unit, or his designee, who will forward the information to the Governor's Office of Crime Control and Prevention.

17.5.1.2 Within 48 hours of an incident involving an applicable death as listed above, or when a subject is suffering from life threatening injuries following interaction with law enforcement, the Director of the Central Records Unit, or his designee, will notify the GOCCP - Maryland Statistical Analysis Center at 410-821-2820 or by email at deathsincustodymd@gmail.com .

17.5.1.3 Within 30 days of a reported incident, the Director of the Central Records Unit, or his designee, will convene a meeting of the Officer-Involved Deaths Committee to review the incident and determine whether or not the incident meets the criteria for official reporting on the CJ-11A form.

17.5.1.4 Within 60 days, the Director of the Central Records Unit, or his designee, will send the Arrest-Related Death Incident Report, Form CJ-11A to the State Reporting Coordinator (SRC), which is listed on listed on page 2 of the form.

17.5.1.5 Each year, by February 15th, the Director of the Records Unit, or his designee, will hold an Arrest Related Deaths Committee meeting to discuss all applicable incidents from the previous year.

17.5.1.6 At the conclusion of the meeting, the Director of the Records Unit, or his designee, will prepare the annual report, which will be sent to the Chief of Police for review.

Section II - Confidentiality of Records Related to Ongoing Police Investigations

1. Overview

1.1 As it is within the public interest to maintain confidentiality of records related to ongoing Police investigations, pursuant to the Annotated Code of Maryland, General Provisions Article §4-351, records of police investigations may be withheld from disclosure to the public. This includes records related to ongoing investigations and closed investigations while a defendant is awaiting trial.

1.2 Therefore, the following policies and procedures will apply to records of ongoing police investigations, to include, but not limited to, the following records:

- Collision Reconstruction Reports
- Investigation Files of the Criminal Investigations Unit
- Incident Reports from the Patrol Division (to include all Supplemental Reports and allied documents and evidence)

1.3 Records related to investigations within the MDTA Police will be withheld while ongoing and until such charges are pending against a defendant. This includes serious traffic charges, i.e. Driving Under the Influence and Driving While Suspended.

2. Media Requests

2.1 When a request is made by the media for information contained within the investigation records, the information will not be released unless expressly authorized by the Chief or the Chief's designee. This includes the names of individuals involved in investigations.

3. Records Related to Collision Reconstruction Reports

3.1 In cases where the investigation is being conducted by a Collision Reconstruction Expert (CRE), all reports related to the investigation, to include the ACRS Report, Supplemental Reports, and Witness Statements, will be prepared by the CRE or completed by the officer originally assigned to the collision at the request of the CRE conducting the investigation. If the report is completed by an officer other than the CRE, the report will be submitted, to the CRE, to be included in the final collision reconstruction investigation report.

3.2 While a collision reconstruction investigation is ongoing, the CRE will complete an initial ACRS Report. That ACRS report will not contain information regarding witnesses to the investigation (to include the names of the individuals involved in the collision) until the investigation is complete. In the ACRS report, any portion which is not completed will reference the ongoing collision reconstruction investigation with "See CRU Report."

3.3 Following the completion of the investigation, the CRE will complete a final ACRS Report to include all relevant information and submit it with the collision reconstruction report. Once the report has been approved for form and legal sufficiency, the ACRS Report will be submitted to the Maryland State Police.

3.4 Once the collision reconstruction report has been approved for form and legal sufficiency, the report may be released if there are no charges pending that would carry the maximum penalty of jail (i.e. minor traffic violations ONLY).

3.5 If there are charges pending which would carry the maximum penalty of jail, the report would remain confidential until such time that all proceedings against the defendant were finally adjudicated.

3.6 In cases involving fatalities and/or serious injury to persons, graphic photographs of individuals deceased or injured will not be released to the public. Graphic pictures are to be separated from the remainder of the report and kept in a confidential folder attached to the report. If a request is made for such photographs, they are to be released only after written request by a "Person in Interest" as defined in General Provisions Article §4-101(e). After receiving written confirmation, release of the photographs is to be made in a confidential sealed envelope.

Section III - Auxiliary Personnel Files

1. Policy

1.1 It is the policy of the MDTA Police to maintain Auxiliary Personnel files at the detachment or unit level in accordance with General Provisions Article, §4-311 of the Annotated Code of Maryland and related federal regulations.

1.2 Auxiliary Personnel Files consists of personnel related records kept at the detachment level for each sworn employee. This will enable the Commander and supervisors to maintain and readily access appropriate information related to each sworn member of the unit.

1.3 MDTA Human Resources will maintain the Permanent Personnel Folder and all medical related information. Copies of medical related information will not be filed in auxiliary personnel files, but filed separately.

1.4 The Internal Affairs Unit will maintain all records involving disciplinary action and complaints. Copies of suspensions or loss of leave will be filed in Auxiliary Personnel File section 1-17, Job Performance Documentation.

1.5 Auxiliary Personnel Files will be maintained for the duration of an employee's tenure with the MDTA Police. The Auxiliary Personnel File accompanies the employee when transferred.

1.6 When sworn employees separate from the MDTA Police, Commanders will forward the entire Auxiliary Personnel File to the Human Resources Coordinator. The Human Resources Coordinator will merge the Auxiliary and Permanent Personnel File and retain per policy.

1.7 As a general rule, copies of the documents should be contained in the Auxiliary Personnel Files. The originals should be maintained in the Permanent Personnel folder.

2. File Maintenance

2.1 Commanders or their designees will maintain the Auxiliary Personnel Files under lock-and-key in a secure location.

2.2 Files maintained for each sworn employee assigned to the detachment or unit will be arranged alphabetically in one location.

2.3 Letter size manila folders will be used for file subdivisions. Commanders may use hanging folders or accordion folders to maintain the Auxiliary Personnel File for each employee.

3. Filing System & Retention Schedules

3.1 The retention schedule and file set up for all categories of auxiliary files will be maintained on the Police Manuals page of the intranet.

Section IV - File & Database Management

4. Overview

4.1 According to the Maryland Department of Information Technology, Information Security Policy, all agencies must ensure that information is accessed by the appropriate persons for authorized use only. To comply with this policy, the Commander of the Support Services Division will provide the names and duty assignments of all personnel as they are promoted or transferred to the Commander of the Logistics Division. The Commander of the Logistics Division will have the Director of Central Records work with DoIT to ensure the proper transfer of computer file and database access rights.

4.2 Annually, all MDTA Police Commanders will inspect their personnel's computer access rights to ensure they have proper file and database access.

4.3 When a supervisor or commander finds discrepancies between a subordinate's computer access and what is currently needed for personnel to perform their job function, the Commander must send a completed MDTA DoIT New User/Transfer/New Access Request Form to the Help Desk to have the subordinate's access changed.

4.4 A copy of these inspections for personnel within each division will be forwarded to the Commander of the Budget & Planning Command. Inspections may be conducted anytime throughout the year; however, all inspection reports must be received by the Budget & Planning Command no later than December 31st.

Chapter 09
Public Information
Directives Manual Revision Date: 03/06/2020

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Public Information Responsibilities……..……..……..01

This section describes the responsibilities of members of the MDTA Police when responding to media and public inquiries.

Section II – Media/Public Information Release..……..……03

This section describes what information can and cannot be released to the media and the public.

Section III – Media Access Contacts/Procedures……..……..…08

This section describes the manner in which the DOC will manage media contacts and how they will coordinate with other agencies. It also describes the amount of access the media will be allowed at incidents.

Section IV – Community Policing ……..……..……..11

The section outlines the Agency's community policing philosophy and organizational strategies. This will support the systematic use of partnerships and problem-solving techniques to proactively address the immediate conditions that give rise to public safety issues.

Section V – Social Media ……..……..……..17

The section outlines the Agency's social media policy. This will support the balance between the freedom of expression and the agency mission to ensure personnel reflect favorably upon the agency.

Chapter 09
Public Information
Directives Manual Revision Date: 03/06/2020

Section I - Public Information Responsibilities

1. MDTA Division of Communications (DOC)

1.1 Responsible for the MDTA public information function. The Police Media Relations Office works with the guidance and cooperation of the DOC and consists of one or more Police Public Information Officers (PIO).

2. MDTA Police Media Relations Office

2.1 Responsible for the public-information function on behalf of the MDTA Police and serves as the agency's contact for information dissemination to media and community.

2.2 Assists news-media personnel in covering routine agency-police-related news stories, as well as at the scenes of serious incidents and accidents. The PIO may:

- Respond to news-media inquiries, in person or by telephone.
- Prepare and distribute news releases.
- Arrange for and assist at news conferences as needed.
- Release information about victims, witnesses, and suspects as allowable by law.

2.3 Police Operations profoundly affect the public and therefore, arouse public interest. The police should make every reasonable effort to assist the news media in their efforts to inform the public about crime and other police matters that are in the public interest.

2.4 When releasing information to the media, the MDTA Police reserve the right to withhold any information that could infringe on a person's right to a fair trial, seriously impede criminal investigations, impede internal investigations, or seriously endanger public security.

2.5 Considering these constraints, the PIO will make every reasonable effort to ensure media representatives receive complete and accurate information.

2.6 Police Media Relations Office provides coverage on a 24-hour, seven-day-a-week basis. The Police Media Relations Office provides an on-call schedule to all police detachments, identifying the PIO on call. Detachment and Shift Supervisors will inform the PIO of any potential newsworthy events or incidents.

2.7 Media/Public Inquiries/Information concerning serious incidents, accidents, natural disasters or unusual occurrences at MDTA facilities will be coordinated through the MDTA Director of the DOC or designee and the Chief of Police or designee. The DOC staff will ensure that the MDTA Executive Director and the Director of Public Affairs for the Maryland Department of Transportation, on behalf of the MDTA Chairman, are kept informed of all news-media activities. For incidents involving BWI/TM Airport or the Port of Baltimore, the PIO will

coordinate release of information with the public information officer of the respective facility. The MDTA Chairman, or designee, or the Executive Director or designee, may override any media-related decision at any time.

2.8 The Chief of Police will coordinate media/public information inquiries concerning agency policies, procedures and practices, and relationships with other criminal justice agencies. Similarly, responses to media inquiries regarding release of information pertaining to multi-jurisdictional efforts between the MDTA Police and other public-service agencies (e.g., fire departments, medical examiner, State's Attorney, etc.) will be coordinated by the Chief of Police and the Director of the DOC. In instances where more than one agency is involved, the agency having primary jurisdiction should be responsible for releasing or coordinating the release of information.

2.9 Response to media inquiries regarding release of information from the MDTA Police Central Records will be coordinated with the Chief of Police, the Director of the Central Records, and the Legal Advisor.

2.10 Policy Input: The MDTA welcomes feedback from the media regarding the agency's policies and procedures for handling news information. It is vital that the agency remains aware of and sensitive to the needs of the news media in order to maintain a positive working relationship with them.

Section II – Media/Public Information Release

1. Release Overview

1.1 A member of the Police Media Relations Office must coordinate the release of all information. Although the handling of incidents must take priority, police personnel should honor media requests promptly.

1.2 In the case of investigations, the commander of the officer or investigator conducting the follow-up will provide information to the Chief of Police or designee, who will in turn forward the information to the Police Media Relations Office.

1.3 Any questions concerning release of information to the media should be referred promptly to the Police Media Relations Office.

2. Information To Be Released

Crime or incident information to be released by the PIO upon media request includes:

2.1 The type of event or crime, when and where it occurred, and a brief synopsis of facts concerning the incident.

2.2 The identity of the victim or the name of the person who reported the crime may be released except in cases of sexual assault, sexual-related offenses or in cases when the victim's family has not been notified. In the event the victim, or person reporting, requests that the media not use his/her name, the department will notify the media of this request. The decision of whether or not to respect this request belongs to the media.

2.3 Information concerning property loss, physical injuries or death (after notification of next of kin).

2.4 Information concerning the type of investigation and length of investigation.

2.5 Information concerning the existence of suspects. If the agency believes public assistance is necessary to determine the location of a suspect or evidence, the agency may provide that information to the media for dissemination. If photographs are used, identification numbers will be covered.

2.6 If a warrant has been executed for a suspect, the name, address, description, etc., of that individual may be released. If a warrant has been issued, but not executed, and the agency believes the public may provide information to assist in locating the individual, the information may be released.

2.7 Release of an individual's arrest information: After the arrest of an individual, other than a juvenile, the following may be released upon media request:

- A defendant's name, age, residence and other factual background information.
- The nature of the charge upon which the arrest is made.
- The identity of the investigating police agency and assisting agencies.
- The circumstances surrounding the arrest, including the place of arrest and the identity of arresting officers.
- Custody status (i.e. bond, recognizance).
- The dates of various hearings, if known.

3. Information Not Releasable

The following information will not be released due to constitutional, statutory or other restrictions:

3.1 The identity of victims of sex-related crimes.

3.2 The identity of any suspect for whom a warrant or summons has not been issued, or for whom an indictment has not been returned.

3.3 The existence of any prior criminal record, any information concerning the character or reputation of the accused, or remarks that may establish the defendant as a "professional" criminal.

3.4 The existence or contents of any confession, admission, or statement by the accused.

3.5 The performance of any examination or test taken by the accused or the refusal or failure of the accused to submit to an examination or test.

3.6 The identity or credibility of actual or prospective witnesses to crimes or comments on the expected testimony or credibility of any witness.

3.7 Any opinions regarding the innocence or guilt of the accused, the merits of the case, the possibility of any pleas or negotiations, or the value of any evidence in the case.

3.8 The identity of any juvenile taken into custody, who has not been waived by the court as an adult. A judge may authorize release of juvenile-identity information.

3.9 The names of deceased prior to the notification of next of kin.

3.10 Comments that may suggest that a defendant has aided in the investigation.

3.11 Information concerning the planning of raids or other specialized enforcement or efforts.

3.12 Names of police officers: Only the last names of officers providing information to the media may be released. Addresses and telephone numbers of police personnel will not be released.

4. Release of Information Pertaining to Juveniles

4.1 Criminal offense: Normally, a juvenile's name, address, or other distinctly unique information that would identify a juvenile MAY NOT be released. Age, sex, gender, gender identity, city of residence, and details of the offense MAY be released.

4.2 Traffic infractions committed by juveniles under the age of 16 are not releasable. Traffic offenses committed by juveniles under the age of 18 that carry a penalty of incarceration are not releasable.

4.3 Traffic violations committed by juveniles over the age of 16 are releasable as long as the violation does not carry the penalty of incarceration.

5. Release of Information Regarding Suicides or Attempted Suicides at Authority Facilities

5.1 The MDTA acknowledges the existence of what mental-health professionals define as suicide contagion. According to this concept, irresponsible reporting of suicide by the media can contribute to an increase in the number of suicide cases.

5.2 The MDTA Police will not participate in media interviews that the MDTA believes to be irresponsible or otherwise inappropriate.

5.3 Because of our concern for the potential victims of suicide contagion, as well as for the families of those who have completed acts of suicide, the MDTA Police shall not engage in the proactive release of information regarding suicides occurring at its facilities. To help educate the media and the public about mental-health issues, suicide prevention and suicide contagion, the MDTA offers to every reporter covering such stories at MDTA facilities a packet of educational materials.

5.4 Suspected Suicide: In the event of a suspected suicide (where a vehicle is found abandoned on a MDTA facility, but a body has not yet been recovered):

5.4.1 Confirm that an abandoned vehicle was found and that MDTA Police are investigating the matter. The time the vehicle was found and the location of the vehicle (span, lane, mile marker, as appropriate) may also be provided.

5.4.2 The PIO may provide the make and model of the vehicle, but may not provide any information pertaining to the vehicle's registration.

5.4.3 Neither confirm nor deny that MDTA Police have received reports of a possible suicide. Do not provide witness statements or any other corroborating evidence that is part of the open police investigation.

5.4.4 Refer inquiries about activities performed by other agencies (water searches by the Maryland Natural Resources Police or the US Coast Guard, helicopter use by the Maryland State Police, etc.) to the appropriate agency. The MDTA has met with staff from the Maryland Natural Resources Police and has spoken with representatives of the US Coast Guard concerning the agency's suicide policy.

5.5 Recovered Body - No confirmed connection to an MDTA facility: In the event that a body is recovered (but MDTA Police have not yet been able to identify the body as someone who is suspected of an act of suicide at an MDTA facility):

5.5.1 Confirm that a body has been recovered (by whichever agency has recovered it) and confirm that MDTA Police are investigating the matter.

5.5.2 Withhold the release of any details about the body or a suspected identity until a positive identification has been made and the next of kin has been notified.

5.5.3 After next of kin have been notified provide the name, age and general address of the person whose body has been recovered.

5.6 Recovered Body - confirmed connection to an MDTA facility: In the event that a body is recovered, a positive identification has been established, and MDTA Police have determined that the incident originated at an MDTA facility:

5.6.1 Confirm that the incident occurred at the MDTA facility.

5.6.2 Confirm or provide the date and time the incident occurred.

5.6.3 Withhold the release of any details about the body or a suspected identity until a positive identification has been made and the next of kin has been notified.

5.6.4 After next of kin have been notified provide the name, age and general address of the person whose body has been recovered.

5.7 Attempted Suicide Generating Media Attention: In the event of a suicide attempt that attracts media attention (where activity on the structure requires the closure of a lane or lanes and causes a disruption of service to customers):

5.7.1 Confirm closures as appropriate and inform media that there is police activity on the bridge. Do not confirm or deny the presence of a suicide attempt.

5.7.2 Inform the media (and through them, the public) what measures the MDTA is taking to help alleviate any resulting traffic congestion (such as implementing two-way traffic at the Bay Bridge.)

5.7.3 DO NOT confirm or provide details of rescue attempts. If outside agencies are involved (Maryland State Police Hostage Recovery Unit, Maryland Natural Resources Police, fire-and-rescue units, etc.), refer inquiries about their participation to their corresponding public information offices.

5.7.4 If MDTA Police arrest and charge the individual, the must provide the name, age, general address and description of charges against the individual.

5.8 Statistics

5.8.1 It is the policy of the MDTA to withhold statistical information regarding the number of suicides, attempted suicides, or lookouts for suicide at MDTA facilities. Members of the media may obtain this information only by filing a request under the Maryland Public Information Act.

5.9 Deterrents

5.9.1 The MDTA will not discuss, in detail, with members of the media any suicide-deterrent measures currently being used or planned for use at MDTA facilities. The MDTA may confirm the following information:

5.9.2 The MDTA trains all police and maintenance personnel in suicide-intervention techniques.

5.9.3 Traffic-management cameras exist at the Bay Bridge to help the MDTA Police to more quickly respond to vehicles stopped on the bridge.

5.9.4 The MDTA has a Bridge Safety Task Force, in which an outside mental-health consultant participates, that periodically evaluates the need for changes in the MDTA policies on this issue.

Section III - Media Contacts/Procedures

1. Generally

1.1 Media representatives either visit MDTA facilities in person or contact the Agency via telephone or email. All media representatives will be referred to the Police Media Relations Office. During evening or weekend hours, or on holidays, media calls shall be referred to the on-call PIO.

2. Reports

2.1 When possible, the representative releasing information should have incident and accident reports for the incidents involved. Incident reports and accident reports should be checked carefully for protected information prior to releasing these documents to the media.

3. Exceptions

3.1 In urgent situations, all police-related news releases, proactive and reactive, must be prepared and approved by the PIO and must be approved by the Chief of Police and the Director of DOC, or designees.

4. Significant Events

4.1 In the case of significant newsworthy events, news releases of immediate community interest, and scheduled news conferences, all legitimate news organizations will receive equal access to all information. This does not prohibit the placement of proactive news stories with a single news agency.

5. Equal Access

5.1 Exceptions to the equal-access policy will be allowed when hazardous conditions, facility closings or other emergency conditions occur. Under these circumstances, the Chief of Police and the Director of the DOC or their designees may limit access to pooled cameras and/or reporters.

6. News Release/Mutual Effort

6.1 The MDTA Police have entered into cooperative efforts with other law-enforcement, public-safety and community organizations to focus on a particular incident, problem, public-safety initiative, group or individual.

6.2 The agency having the primary jurisdiction over the matter, investigation, situation or event will be responsible for issuing the news release. News releases should give credit to all organizations or agencies involved in the incident or event.

7. Baltimore/Washington International Thurgood Marshall Airport (BWI) and the Port of Baltimore

7.1 Incidents that occur at BWI/TM Airport require coordination between the PIO and Maryland Aviation Administration Communications Office. Incidents that occur at the Port of Baltimore require coordination between the PIO and the Communications Office at the Maryland Port Administration.

7.2 Before commenting on any police incident at the BWI/TM Airport or the Port of Baltimore, members of the Police Media Relations Office should confer with the agency where the incident occurred.

7.3 Operations issues at either location are to be handled by representatives of the respective agency's public-relations offices.

8. John F. Kennedy Memorial Highway (I-95)

8.1 The Maryland State Police are responsible for law-enforcement incidents that occur along the John F. Kennedy Memorial Highway (I-95, Northern Baltimore City line to the Delaware State line). The Maryland State Police Public Affairs unit or police personnel from Barrack "M" will handle release of information regarding incidents on this stretch of roadway. The DOC handles media inquiries regarding all other operational issues involving the JFK Highway.

8.2 If the MDTA Police Commercial Vehicle Safety Unit is involved in a newsworthy incident on the JFK Highway, the MDTA Police Media Relations Office will be the primary office for media contact.

9. Release of Confidential/Sensitive Intelligence or Investigative Information.

9.1 The Police Media Relations Office should coordinate with the investigating officer/detective before releasing any information concerning confidential/sensitive intelligence or investigative information.

9.2 Confidential intelligence or investigative information from the Criminal Investigations Unit will not be disclosed without the express permission of the Chief of Police or designee. Sensitive or investigative information concerning an internal investigation will not be disclosed without the express permission of the Chief of Police or his/her designee.

9.3 The Police Media Relations Office may assist in Crisis Situations within the agency in the following ways:

- Deal with media promptly, in a group or individually, as circumstances dictate.
- Coordinate the release of information with the lead investigator prior to making a detailed release.
- Allow media access to an incident or crime scene, up to, but not beyond any defined police security perimeter.

10. Crime/Accident Scene Access

10.1 At scenes of catastrophic events or crimes, it may be necessary for police to establish perimeters to control access to the scene by media representatives. Such limitations should be clearly explained to media representatives. News-media representatives should not be in a position to interfere with law-enforcement operations at the scene of an incident. However, media representatives should be permitted access to the scene when such access will not interfere with the law-enforcement mission. Police officers may deny access for legitimate law-enforcement or safety reasons. Note: Police may not authorize media to trespass on private property.

10.2 All media representatives will be required to show identification and to obtain instructions from an MDTA Public Information Officer, or in the absence of a Public Information Officer, a police officer at the scene prior to setting up equipment or recording scenes or events.

11. Press and Information Center

11.1 An area outside of the outer perimeter should be set aside and supervised by the MDTA Public Information Office, if possible. If not, an officer may be assigned to this area for liaison purposes. This area should be:

- Located as near as possible to the Command Post.
- Adequate for handling large number of reporters, etc.
- Near a public telephone, if possible.
- Kept advised of developments.

11.2 Police personnel should be advised of location of this center.

11.3 All questions concerning matters of identification or other inquiries will be referred to the center.

Section IV - Community Policing

1. Community Policing Defined

1.1 Community policing is both a philosophy (a way of thinking) and an organizational strategy (a way to carry out the philosophy) that allows the police and the community to work closely together in new ways to solve the problems of crime, illicit drugs, fear of crime, physical and social disorder, neighborhood decay, and the overall quality of life in the community.

1.2 Community policing is a fully integrated approach that involves everyone in the Agency. The Detachment Community Policing Coordinators will bridge the gap between the police and the people they serve. The community policing approach plays a crucial role internally. It provides information about awareness of the community and its problems by enlisting broad-based community support for the Agency's overall objectives.

2. Characteristics of Community Policing:

- Support transparency, i.e. Share information with the community, Involve community stakeholders in planning
- Develop strategic community partnerships
- Promote officer decision making and proactive problem solving
- Foster an agency culture that is service oriented
- Encourage the use of modern technologies to enhance relationships with the community

3. Philosophy of Policing - Ethical Standards

3.1 This agency is committed to providing quality customer service. Community policing is the philosophical basis for the provision of the highest quality service within allocated resource levels.

3.2 The community policing philosophy cannot be successfully implemented unless the agency provides high quality traditional law enforcement services such as reporting and investigating crimes, arresting criminals, and maintaining order. Without the foundation of basic police services, community policing initiatives cannot succeed.

4. Professional Legal Standards

4.1 The law enforcement officer, in the practice of his or her profession, shows sensible regard for the social codes and moral expectations of the community. Unethical behavior has far reaching, detrimental effects on all law enforcement officers, agencies and the communities they serve.

4.2 Officer conduct will at all times bring credit to the law enforcement profession.

4.3 Unethical behavior such as fabricating, altering, or withholding evidence to affect an arrest or gain a conviction as well as theft will not be tolerated.

4.4 If an officer observes unethical, improper, or unlawful behavior by a colleague, she/he is required to determine the facts, attempt to rectify the situation, and shall immediately, report the incident to their immediate supervisor or the Internal Affairs Unit for investigation and action. Personnel who fail to take legally prescribed action when confronted with misconduct share the burden of guilt.

4.5 Public Statements: truth, objectivity, and due regard for the rights and privacy of the individual must characterize all statements of all officers. Officers shall present in all court proceedings honestly and without bias or prejudice. Officers shall not identify with the prosecution or defense and will present evidence based on fact and personal knowledge.

5. Professional Relationships

5.1 Personnel will maintain high standards of conduct with citizens, coworkers, professional colleagues, and members of other public service agencies.

5.2 Physical and psychological abuse of authority will not be tolerated.

5.3 Arrest or citation quotas will not be condoned.

5.4 Personnel shall act responsibly when called upon to make professional recommendations, the importance of which may affect the welfare of an individual or society.

5.5 Personnel acknowledge that high standards of conduct
in inter-professional relationships are essential to professional competence.

6. Duties of Designated CPO (Community Policing Officer) and Detachment Community Policing Coordinators

6.1 The CPO will be of supervisory rank and work within the Office of the Chief. Coordinators may be of any rank. The community policing officer and coordinators will:

6.1.1 Attempt to build an atmosphere of mutual respect and trust so that average citizens and community leaders form a new partnership with the police to address the problems of crime, drugs, fear of crime and social and physical disorder including neighborhood decay.

6.1.2 Act as a Liaison with existing community organizations or establish community groups where they are needed.

6.1.3 Work with community residents to identify and prioritize problems.

6.1.4 Give formal and informational talks to individuals and groups to educate people about crime prevention techniques and discusses problems in the area. He/she employs writing skills to communicate with residents and may also be empowered to communicate directly with the media (upon supervisor and PIO approval).

6.1.5 Work with and assist the Crime Prevention Instructors to make home and business visits to acquaint individuals in the area with community policing, to enlist their help, and to educate them about crime prevention.

6.1.6 Work in concert with specialized units within the Agency to develop and carry out crime prevention programs and initiatives consistent with achieving the goals of Community Policing.

6.1.7 In addition to efforts that focus on solving immediate problems, the community policing officer/coordinator will work with the community on short-term and long-term efforts to prevent problems and enhance the quality of life.

6.1.8 Participate in training, roll call, and miscellaneous office duties such as: answering mail, handling phone calls, and taking reports.

6.1.9 Ensure Agency compliance with the Community Policing requirements set forth by the U.S. Department of Justice and the standards set forth by CALEA.

6.1.10 Assist with the lesson planning for the Community Policing model and implement/conduct annual training for all Agency personnel in the philosophy and methods associated with Community Policing. (Initial training will be via in-service training, thereafter, training may consist of in-service, roll call training, training bulletins, and/or memorandums).

6.1.11 Work with the PIO to develop, maintain, and monitor a social media presence.

6.1.12 Promote, attend, and participate in activities and events within the community such as the MSP Polar Bear Plunge, Tunnel Run, Toys for Tots, Shop with a Cop, coordinate National Night Out event, etc.

6.1.13 Coordinate and attend agency sponsored town hall style meetings at each detachment where citizens and stakeholders will be given the opportunity to address issues and concerns directly to Detachment Commanders and agency personnel.

7. Community Involvement

7.1 The community policing officer and coordinators will establish liaison with existing community organizations/groups as needed.

7.2 The community policing officer and coordinators will assist in the development of community involvement policies for the agency.

7.3 The community policing officer and coordinators will publicize agency objectives, community problems, and successes.

7.4 The community policing officer and coordinators will convey information received from citizens to the agency.

7.5 The community policing officer and coordinators will improve agency practices regarding community interactions.

7.6 The community policing officer and coordinators will develop problem oriented and/or community policing strategies.

7.7 Reporting Requirements

7.7.1 Conducted quarterly. Report will be due April 1, July 1, October 1, and January 1 of each calendar year.

7.7.2 Include current concerns voiced by the community.

7.7.3 Describe potential problems regarding law enforcement activities in the community.

7.7.4 Recommend actions to address identified concerns and problems.

7.7.5 State the progress made toward addressing previously identified concerns and problems.

7.7.6 Establish procedures for reporting community concerns received by officers to the CPO.

7.7.7 Report will be prepared and submitted by the PIO/CPO.

8. Crime Prevention Aspect

8.1 The PIO/CPO and coordinators will work in conjunction with the Criminal Investigations Unit, Training Unit, and allied agencies where appropriate.

8.2 Crime prevention function address:

8.2.1 Target programs by crime type and geographic area on the basis of crime data.

8.2.2 Target programs to address community perceptions or misperceptions of crime.

8.2.3 The PIO/CPO will conduct a documented evaluation of crime prevention programs, at least once every 3 years.

8.3 The PIO/CPO and coordinators will assist in organizing crime prevention groups in residential and business areas where appropriate and maintain liaisons with these and other interested community groups.

8.4 The PIO/CPO and coordinators will provide crime prevention input into development and/or revisions of zoning policies, building codes, fire codes, and residential/commercial building permits when applicable.

9. Problem Solving Model

9.1 The problem-solving process typically utilized within Community Policing is known as the S.A.R.A. Model (Scanning, Analysis, Response, and Assessment). This four-step process may be used by the CPO and Coordinators.

9.2 SARA steps:

9.2.1 Scanning

- Identify the problem
- Describe the problem

9.2.2 Analysis

- Identify persons involved
- Document Scope
- Determine Causes
- Describe physical setting and social contract

9.2.3 Responding

- Collaborate on solutions
- Community involvement
- Action Plan

9.2.4 Assessing Results

- Process evaluation
- Impact evaluation
- New problem assessment

10. Community Survey

10.1 Initial surveys of the needs and perceptions of the various communities, neighborhoods, and businesses located within the jurisdictional boundaries of MDTA Police Detachments will be conducted in order to assess programs and priorities within those communities and neighborhoods. Post surveys will be conducted at least once every three (3) years to assess the impact of programs, and reassessment of community needs. Surveys will be created and conducted at the direction of the PIO/CPO. Surveys will address:

- Overall agency performance
- Overall competence of agency personnel
- Citizen's perception of officer's attitudes and behavior
- Community concerns over safety and security within the agency's jurisdiction
- Citizen recommendations and suggestions for improvement
- Written summary of this survey is provided to the Chief of Police by the PIO/CPO

Section V - Social Media

1. Freedom of Expression

1.1 MDTA Police employees are free to express themselves as private individuals speaking on matters of public concern on social media sites to the degree that their speech is not outweighed by the MDTA Police interests to not interfere with the operations of the MDTA Police; not impair working relationships of the MDTA Police for which loyalty and confidentiality are important; not impede the performance of duties; not impair the maintenance of discipline by supervisors; and not amount to an abuse of authority.

1.2 As public employees, MDTA Police employees are cautioned that speech on-duty or off-duty, made pursuant to their official duties (owes its existence to the employee's professional duties and responsibilities), is not protected speech under the First Amendment.

1.3 MDTA Police employees shall not post, transmit, or otherwise disseminate confidential information to which they have access as a result of their employment without written permission from the Chief of Police or designee.

1.4 For safety and security reasons, MDTA Police employees are cautioned not to disclose their employment with the MDTA Police, nor post information pertaining to any other member of the agency without their permission.

1.5 Personnel are cautioned not to display MDTA Police logos, uniforms, or similar identifying items on social media sites.

1.6 Personnel are cautioned not to post personal photographs or provide similar means of personal recognition that may cause them to be identified as an employee of the MDTA Police. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

1.7 When using social media, MDTA Police employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the MDTA Police standards of conduct is required in the personal use of social media. In particular, MDTA Police employees are prohibited from posting the following:

1.7.1 Speech containing obscene or pornographic language, images, or acts and statements or other form of speech that ridicule, malign, disparage, or otherwise promote discrimination or bias against any race, ethnicity, national origin, religion, sex, sexual orientation, disability, or any other protected class of individuals.

1.7.2 Speech involving themselves or other MDTA Police employees reflecting behavior that would reasonably be considered reckless or irresponsible.

1.7.3 Engaging in prohibited speech noted herein, may provide grounds for undermining or impeaching an employee's testimony in judicial proceedings.

1.8 MDTA Police employees shall not divulge information gained by reason of their authority; or present their opinions, views or positions as that of the MDTA Police or as an official of the MDTA Police without express authorization from the Chief of Police or acting designee.

1.9 MDTA Police employees should be aware that the content of their social media posts may be used in criminal or civil litigation to impeach the testimony or impugn the character or reputation of the employee. In addition, employees may be subject to civil litigation for, including but not limited to:

1.9.1 Publishing or posting false information that harms the reputation of another person, group or organization (defamation).

1.9.2 Publishing or posting private facts and personal or personnel information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person.

1.9.3 Using someone else's name, likeness, or other attributes without that person's permission for an exploitative purpose.

1.9.4 Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

1.10 MDTA Police employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

Chapter 10
Code of Conduct
Directives Manual Revision Date: 12/28/2023

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Rules of Conduct……..……..01

Relates to the rules of the MDTA Police and the violations of the disciplinary policies.

Section II – Internal Affairs Unit…..17

Outlines the Internal Affairs Unit's duties and responsibilities.

Section III – Processing Complaints…….…20

Relates to the proper procedures to document complaints, conduct investigations, and routing of completed investigations.

Section IV – Alternative Disciplinary Procedure (ADP) Not Involving a Member of the Public……..……25

Outlines proper procedures for the Alternative Disciplinary Procedure for investigations

Section V – Processing of Completed Administrative Investigatory Cases Not Involving a Member of the Public……..……..….31

Relates to the proper processing of case files, Administrative Review Committee, and administrative charges.

Section VI – Processing of Completed Administrative Investigatory Cases Involving a Member of the Public…..……..……..….34

Relates to the proper processing of case files, Administrative Review Committee, and administrative charges.

Section VII – Statewide Administrative Charging Committee.....36

Details the procedural aspects for the Statewide Administrative Charging Committee process.

Section VIII – Resolution of Administratively Charged Cases.……38

Details the process for non-terminations cases and termination cases.

Chapter 10
Code of Conduct
Directives Manual Revision Date: 12/28/2023

SECTION **PAGE**

Section IX – Trial Boards.....**40**

Details the procedures for trial boards.

Section X – Emergency Suspension of Police Powers.....**45**

Describes the procedural aspects of the implementation of an emergency suspension of police powers and the administrative process associated with the suspension.

Section XI – Statewide Police Disciplinary Matrix.....**48**

Identifies the location to the Penalty Assessment Guidelines and its proper application and discretion in the sworn disciplinary arena.

Chapter 10
Code of Conduct
Directives Manual Revision Date: 12/28/2023

Section I - Rules of Conduct

Note: This revised policy applies to all misconduct alleged to have occurred on or after July 1, 2022. Complaints received for misconduct that occurred prior to July 1, 2022, will be handled in accordance with the law and MDTA Police policy in effect on June 30, 2022.

1. Overview

1.1 All sworn police personnel of the MDTA Police must uphold the laws of the State of Maryland, and are responsible for knowing the policies, procedures, and the rules and regulations of the MDTA Police as described throughout the MDTA Police Directives Manual and General Orders. Personnel must also conform to the standards established by the MDTA and the Transportation Services Human Resource System (TSHRS). Failure to comply with the standards and rules and regulations as set forth could reflect on the employee's annual performance evaluation and could subject members to disciplinary action. Personnel shall be aware of the ever-changing rules, procedures, and orders of the MDTA Police and ignorance of it is not justification or an excuse for any violation of MDTA Police policies.

1.2 MDTA Police officers may not be discharged, disciplined, demoted or denied promotion, transferred, or reassigned, or otherwise discriminated against or threatened in regard to the police officer's employment because the police officer:

1.2.1 Disclosed information that evidences:

1.2.1.1 Mismanagement;

1.2.1.2 A waste of government resources;

1.2.1.3 A danger to public health or safety; or

1.2.1.4 A violation of law or policy committed by another police officer; or

1.2.2 Lawfully exercised constitutional rights.

1.3 A MDTA police officer may not be denied the right to bring suit arising out of the police officer's official duties. (PS Article, 3-110)

2. Definitions

2.1 Complaint - An allegation which, if proven factual, would constitute misconduct or a violation of law and/or policy.

2.2 Police Misconduct - A pattern, a practice, or conduct by a police officer or law enforcement agency that includes:

2.2.1 Depriving persons of rights protected by the Constitution or laws of the State or the United States;

2.2.2 A violation of a criminal statute; and

2.2.3 A violation of law enforcement agency standards and policies. (PS Article, 3-101(9))

2.3 Police Accountability Board - Each county shall have a police accountability board to:

2.3.1 Hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing:

2.3.2 Appoint civilian members to trial boards;

2.3.3 Receive complaints of police misconduct filed by members of the public; and

2.3.4 On a quarterly basis, review outcomes of disciplinary matters considered by charging committees. (PS Article, 3-102)

2.4 Statewide Administrative Charging Committee - Reviews the investigatory files and findings associated with a complaint made by a member of the public against a MDTA Police Officer, makes determinations if the officer subject to investigation should be administratively charged, and if administratively charged, recommends discipline in accordance with the Statewide Police Disciplinary Matrix. (PS Article, 3-104(b))

2.5 Administrative Review Committee (ARC) - Internal committee comprised of the Bureau Chiefs, MDTA Police Assistant Attorney General, Division Commanders and the Commander of IAU who is the presenter of facts, that:

2.5.1 Reviews the investigatory files, findings and recommendations associated with a complaint made by a member of the public against a MDTA police officer.

2.5.2 Reviews the investigatory files, findings and recommendations associated with a complaint against a MDTA Police Officer not involving a member of the public, makes determinations if the officer subject to investigation should be administratively charged, and if administratively charged, recommends discipline in accordance with the Statewide Police Disciplinary Matrix.

2.6 Statewide Police Disciplinary Matrix - A written, uniform, model created by the Maryland Police Training and Standards Commission that provides ranges of disciplinary actions for different types of misconduct. All law enforcement agencies shall adopt the Statewide Police Disciplinary Matrix for all matters that may result in discipline to a police officer. (PS Article, 3-105)

2.7 Administratively Charged - A police officer has been formally accused of misconduct in an administrative proceeding. (PS Article, 3-101(b))

2.8 Not Administratively Charged **-** A determination has been made not to administratively charge a police officer in connection with alleged misconduct. (PS Article, § 3-101(f))

2.9 Exonerated **-** A police officer acted in accordance with the law and agency policy. (PS Article, 3-101(d))

2.10 Unfounded **-** The allegations against a police officer are not supported by fact. (PS Article, 3-101(k))

2.11 Administrative Investigatory Case - Administrative cases involving complaints of police misconduct.

2.11.1 Administrative cases involving complaints of police misconduct not involving a member of the public will be adjudicated through the MDTA Police Administrative Review Committee.

2.11.2 Administrative cases involving complaints of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source**,** the investigatory files for the matter shall be forwarded to the Statewide Administrative Charging Committee for adjudication.

2.12 Victims' Rights Advocate - An employee designated by the MDTA Chief of Police to act as the contact for the public, as on matters related to police misconduct. (PS Article, 3-108)

2.13 Aggravating Factors - Conditions or events related to the violation that increase the seriousness of the violation and may increase the degree of penalty as specified in the Statewide Police Disciplinary Matrix. Examples of aggravating factors include, but are not limited to, the following:

- The officer's prior disciplinary history.
- The officer's prior negative work history, including non-disciplinary corrective action.
- The officer's rank.
- The violation was committed willfully or for personal gain.
- The officer's efforts to conceal the violation, or to be untruthful or dishonest.

- The officer's failure to cooperate with the investigation into the alleged misconduct.
- The violation was retaliatory in nature.
- The violation or behavior was motivated by bias against a member or group of a protected class under the State's hate crimes law, (PS Article, 10-304, Annotated Code of Maryland).
- The officer's expressed unwillingness to comply with policy, tactics, or performance standards.
- The impact of the violation on the community or the agency's ability to carry out its mission.
- The degree to which the violation caused or could have caused the loss of life or injury.
- The degree to which the violation caused loss or damage to the public or private property.

2.14 Mitigating Factors - Conditions or events that relate to the violation, but do not excuse or justify the violation, that are considered in deciding the degree of penalty. Examples of mitigating factors include, but are not limited to the following:

- The officer's actions are attributable to the selfless concern for the well-being of others.
- The officer's lack of disciplinary history.
- The officer's complimentary work history.
- The officer's prior positive work history.
- The violation was the inadvertent result of reasonable, otherwise compliant performance.
- The officer's prompt acceptance of responsibility for the conduct and willingness to be held accountable.
- The officer's commission of the violation at the direction of a superior (who might also be subject to separate discipline).
- Unusually serious workplace tensions/stressors.
- The violation is attributable to limitations beyond the control of the officer that are caused by legally protected physical or mental disabilities and/or conditions.

2.15 Formal Written Counseling (FWC) **-** A form of counseling given to employees who have violated an agency's policy. Formal Written Counseling, the least severe form of disciplinary action, serves as a warning for violations. Further violations of same or similar conduct may result in more severe discipline. A copy of the formal written counseling shall be placed in the officer's disciplinary file.

2.16 Letter of Reprimand (LOR) **-** A formal letter to an officer from the agency which details the officer's wrongful actions and states their actions have been deemed inappropriate or unacceptable. Further violations of same or similar conduct may result in more severe discipline. A copy of this letter shall be placed in the officer's disciplinary file.

3. Policy

3.1 Personnel shall not violate his/her Oath of Office and trust or any other condition of their employment with the State of Maryland.

3.2 All MDTA Police personnel, sworn and non-sworn, shall obey all Rules of Conduct. Generally, violations of the rules and regulations of the MDTA Police will result with charges preferred from the Rules of Conduct, in accordance with the Statewide Police Disciplinary Matrix. However, when appropriate, administrative charges may come from other areas of the Directives Manual.

3.3 In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, law enforcement officers may not use race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity to any degree, except that officers may rely on the listed characteristics in a specific suspect description. This prohibition applies even where the use of a listed characteristic might otherwise be lawful.

3.4 Reliance upon generalized stereotypes involving the listed characteristics is absolutely forbidden. In order for law enforcement officers to rely on information about a listed characteristic, the following must be true:

3.4.1 The information must be relevant to the locality or time frame of the criminal activity, threat to national or homeland security, violation of Federal immigration law, or authorized intelligence activity.

3.4.2 The information must be trustworthy.

3.4.3 The information concerning identifying listed characteristics must be tied to a particular criminal incident, a particular criminal scheme, a particular criminal organization, a threat to national or homeland security, a violation of Federal immigration law, or an authorized intelligence activity.

4. Abuse of Authority

4.1 Abuse of Position: Personnel are prohibited from using his/her official position or official identification card or badge for personal or financial benefit or as a means of obtaining privileges not otherwise available to him/her, or for any other reason not connected with his/her official duties.

4.1.1 This includes the unauthorized or non-employment related use of any law enforcement specific credentials, to include, but not limited to:

- a Maryland Aviation Administration Access Control Card (BWI Badge),
- a Maryland Port Administration Access Control Card (PORT ID),
- or a Transportation Security Administration, Transportation Workers Identification Credential (TWIC Card).

4.2 Police Equipment: Personnel shall not lend their identification card, badge, or any issued police equipment to another officer or person; or permit it to be photographed or reproduced without proper authority.

4.3 Case Interference: Personnel shall not interfere with cases assigned to other persons for investigation without consent or by order of a superior officer. Personnel shall not interfere with the lawful arrest, or any prosecution brought by other police personnel of the MDTA Police.

4.4 Police Action: Personnel shall not undertake any investigation or other police action not a part of their regular police duties without first obtaining permission from their supervisor unless they can justify the need for the immediate intervention. Personnel of the MDTA Police shall not directly or indirectly involve themselves with making arrangements, agreements or compromises between a criminal and a person who has suffered from a criminal act for the purpose of allowing the criminal to escape any punishment prescribed by law.

4.5 Release of Information: Personnel of the MDTA Police shall not address a public gathering, appear on radio or television, prepare any article for publication, act as a correspondent to a newspaper or a periodical, release or divulge investigative information or any other matters of the MDTA Police, either in an official or unofficial capacity without receiving prior approval from the Chief of Police or designee. This includes, but is not limited to all forms of the media and the Internet.

4.6 Police Insignia: Personnel shall not permit or authorize the use of their name, photograph, police patch, badge, agency logo or official title identifying themselves as an employee of the MDTA Police and in connection with any testimonials or advertisements of any commodity or commercial enterprise, or for personal gain or benefit without the approval of the Chief of Police.

4.7 Petitions: Personnel shall not sign a petition without the authority of the Chief of Police when their signature identifies them as an employee of the MDTA Police. Personnel shall not sign any petition that has an unlawful purpose. Personnel may sign a lawful petition as a private citizen.

4.8 Commercial Services: Personnel shall not recommend or suggest in any manner, except in the transaction of personal business and then representing themselves only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service such as an attorney, towing service, and bondsman. Any and all requests for such services will be in accordance with established policies and procedures.

4.9 Civil Cases: Personnel shall not act in an official capacity without authority in a civil case except where such action will prevent a breach of the peace or assist in quelling a disturbance.

4.10 Soliciting Information: Personnel, in the course of performing law enforcement functions, shall not solicit for personal benefit, any personal information from the citizenry or provide personal information about himself/herself, which could reasonably be construed as using his/her position as an officer for personal benefit or personal gain.

5. Associations

5.1 Persons of Questionable Character: All MDTA Police personnel shall avoid associations or dealings with persons whom he/she knows, or should know, are felons, persons under investigation or indictment, or others who have a reputation in the community for felonious or criminal behavior. The purpose of this rule is to preserve the integrity of the MDTA Police. Discretion shall be used, and personnel shall be mindful that in some cases, the person may have been rehabilitated at the time of the association and/or a need may exist for the association due to the relationship between the person and MDTA Police personnel.

5.2 Unlawful Establishments: Personnel shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, laws of the State of Maryland, or any other law or ordinance of a political subdivision are violated except in the performance of duty and while acting in response to a lawful and specific purpose.

6. Computer Equipment

6.1 Personnel shall access only those files and perform only those operations they are authorized to perform. Personnel shall not copy or remove systems or application software without consent by the proper authority. When using the Internet, personnel will adhere to the provisions of the established policies of the Maryland Transportation Authority and the Maryland Transportation Authority Police and will not access locations contrary to policy.

6.2 All communications, written or verbal, related to or during the course of duties as an employee of the MDTA shall be appropriate and professional. This includes, but is not limited to, any electronic communications or messages transmitted across any system or device such as the CapWIN network and chatrooms, MDTA email and Intranet, Mobile Data Computer, Cell Phone, Computer Aided Dispatch, and the Radio System.

7. Conduct Unbecoming

7.1 Personnel of the MDTA Police, while on and off duty, shall conduct themselves in a manner that reflects most favorably on the professionalism and integrity of the MDTA Police. The phrase “reflects most favorably” pertains to the perceptions of both citizens and other MDTA Police employees. Any conduct that could bring or tend to bring the MDTA Police, the

Authority or the State of Maryland into disrepute is prohibited. Conduct unbecoming shall include, but not be limited to personnel using abusive language, insulting or demeaning behavior towards the public or fellow employees, argumentative behavior, striking or threatening to strike or assault another employee, attempts to discredit another employee, or any act which potentially could detract from the professional image of the MDTA Police.

8. Conformance to Laws

8.1 Personnel shall obey all federal laws, the laws of any state, any local laws, and the laws of any sovereign nation. Personnel who have been charged with a violation of any law or who have been served or notified that a Protective/Peace Order has been issued against them shall immediately report such action to their commanding officer. Parking violations or automated camera violations are exempt from this section unless such violation has been issued to an MDTA Police vehicle.

9. Courtesy

9.1 Personnel shall be courteous and respectful towards fellow officers, superior and subordinate officers/employees and the public in general. Personnel shall not engage in argumentative discussions even in the face of extreme provocation. While on duty, personnel shall not use coarse, violent, profane or insolent language or gestures toward the public or fellow employees. Personnel shall not express any prejudice or use language concerning race, sex, religion, politics, national origin, lifestyle or similar personal characteristics that might be insulting or demeaning to the public or fellow employees.

10. Criticism

10.1 Personnel shall not criticize or ridicule the MDTA Police, the Authority, or any other State agency, or any member of the said agencies by speech, in writing, or by expression when such speech, writing, or expression is defamatory, obscene, and unlawful or exhibits a reckless disregard for truthfulness, or tends to undermine the operations of the MDTA Police.

11. Discrimination

11.1 Discrimination: Personnel shall not engage in any form of discrimination. Discrimination is defined as: The purposeful differential treatment of a person (or group of people) based on their membership in a protected category. Acts of discrimination can include, but are not limited to favoritism, prejudice, preference or intolerance based upon age, ancestry, citizenry, color, gender identity and expression, genetic information, marital status, disability, national origin, pregnancy, race, religion, sex, sexual orientation, or union membership in the workplace.

11.2 Discriminatory Harassment: Personnel shall not engage in any form of discriminatory harassment. Discriminatory harassment is defined as: severe or pervasive, unwelcome or unwanted, verbal or physical conduct that denigrates, or shows hostility or aversion toward an individual because of his/her protected class, or as reprisal for participating in the EEO process and is so objectively offensive as to alter the condition of the person's employment.

11.3 Sexual Harassment: Personnel shall not engage in any form of sexual harassment. Sexual harassment is defined as: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

11.3.1 Quid Pro Quo: Submission is expressed as a term or condition of the individual's employment and/or submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual; or

11.3.2 Hostile Environment: Conduct that has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

11.4 Reprisal: Personnel shall not take action against another employee who has filed, complained, charged, testified, or in any way participated in any investigation related to an unlawful employment practice or harassment.

11.5 Unlawful Detainment: Personnel shall not unlawfully stop, detain, or arrest any person based upon race, color, ethnicity, national origin, gender, gender identity, age, sexual orientation, religion, disability, or genetic information.

12. Equipment

12.1 MDTA Police equipment will be used and maintained in accordance with established policies and procedures. MDTA Police equipment will not be abused, damaged, altered, or lost through carelessness or negligence. Personnel shall not convert to their own personal use or in any way misappropriate MDTA Police equipment/property.

13. Evidence/Property

13.1 Evidence/property, which has been received as evidence/property in connection with investigations or which for any reason, comes into the possession of the MDTA Police, will be processed in accordance with agency policy. Personnel shall not convert to their own use, manufacture, tamper with, damage or through negligence or carelessness, lose or destroy any evidence or property.

14. Outside Law Enforcement Contact - Notification

14.1 Members of the MDTA Police while on-duty or off- duty are required to notify their Detachment/Unit Duty Officer/Unit Supervisor immediately after being contacted by any Law Enforcement Agency regarding an on-duty or off-duty incident in which they are a suspect, person of interest, witness, victim or suspected of violating any type of criminal, traffic, or civil law.

15. Gratuities

15.1 Personnel shall not accept, solicit, or seek any gratuity, reward, or gift from any individual, business establishment, or merchant, where such offer can be construed to be an effort to influence actions of an official nature, affect the performance or non-performance of official duty or affect directly or indirectly the interests of the persons, organizations, or business involved. This rule does not prohibit the acceptance of gifts or awards pre-approved by the Chief of Police.

16. Non-Discriminatory Harassment

16.1 Personnel shall not engage in any form of non-discriminatory harassment of another employee. Non-discriminatory harassment includes the use of force, threat, or coercion to abuse, intimidate, or aggressively dominate others.

16.2 Non-discriminatory harassment also includes creating a hostile work environment based on ongoing, pervasive verbal, non-verbal, or physical conduct that is not discriminatory in nature, but is offensive, intolerable, extreme, or outrageous such that a reasonable person would find that the conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

16.3 The prohibition against non-discriminatory harassment does not, in any way, prohibit appropriate supervisors in the MDTA Police from conducting any inquiry into the performance or misconduct of personnel, nor does the prohibition against non-discriminatory harassment excuse any personnel from obeying lawful orders or commands of any supervisors of the MDTA Police.

17. Identification

17.1 While on duty and during the times that personnel are not readily identified by the uniform of the MDTA Police, the employee shall carry his/her police photo identification card on their person. Personnel shall furnish their name, identification number and assignment to any person properly entitled to this information unless such refusal may be necessary for the proper performance of their police duties.

17.2 MDTA Police personnel, both sworn and civilian, when answering a telephone call, shall do so in a polite, professional manner, identifying themselves as an employee of the MDTA Police and include their rank/position and name.

18. Immoral Conduct

18.1 Personnel shall not be a participant in any incident which compromises or has the potential to compromise their ability to perform as a law enforcement officer or as an employee of the MDTA Police. All personnel shall maintain a level of moral conduct in their personal life, which is in keeping with the highest standard of the law enforcement profession.

19. Insubordination

19.1 Chain of Command: Personnel shall, unless otherwise directed by competent authority, transact all official business only through the official chain of command.

19.2 Lawful Orders: Personnel shall not be disrespectful of superior officers and shall promptly obey all lawful orders of a superior. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of their duties and responsibilities.

19.3 Required Tests/Interviews/Interrogations: During any administrative investigation personnel shall, at the direction of competent authority, submit to an interrogation, interview, medical, chemical or other such tests as required. If a law enforcement officer is under investigation for misconduct, then any line-ups, photographs of the law enforcement officer, tests or examinations must be in compliance with the Public Safety Article. All such administrative inquiries will be related specifically, directly, and narrowly to the performance of the employee’s official duty and conduct.

20. Job Action

20.1 Personnel shall not engage in any strike or job action. Strike or job action includes, but is not limited to the failure to report for duty, willful absence from duty, unauthorized holidays, stoppage of work, or the absence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

21. Military Courtesy

21.1 Personnel shall, upon encountering other uniformed police personnel senior in rank, render the proper hand salute during the first encounter of the day. The senior police employee will then acknowledge the hand salute with a return salute.

22. Neglect of Duty

22.1 Required Appearances: Personnel shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.

22.2 Inappropriate Activities: Personnel will not read, play games, watch television or movies, or engage in any activity or personal business while on duty that would cause him/her to neglect or be inattentive to duty.

22.3 Failure to Take Appropriate Action: The failure of personnel to take appropriate action while on duty, on the scene of a crime, disorder, or other incident requiring police attention or MDTA Police administrative attention is considered neglect of duty.

22.4 Absence without Authority: Personnel will not be absent from duty or an assignment without proper authorization.

22.5 Attentiveness: Personnel will remain awake and alert while on duty. If unable to do so, he/she shall report to their immediate supervisor who will take the appropriate course of action.

22.6 Supervisory Neglect of Duty: Police supervisors will actively oversee the performance of subordinates to ensure compliance with all MDTA Police policies and procedures. The failure of police supervisors to oversee the performance of their subordinates is considered supervisory neglect of duty.

23. Reporting for Duty

23.1 AWOL: Personnel shall not be absent from duty without properly approved leave.

23.2 Preparedness: Personnel shall report for work with the required equipment necessary to perform their assignments and shall be physically and mentally fit to perform the duties of their employment.

23.3 Duty Assignments: Personnel shall not, without proper authorization, leave their assigned post or location during their tour of duty. Personnel may not exchange shifts, leave days, or duty assignments without prior approval from their immediate supervisor.

23.4 Emergencies: In cases of emergencies, personnel who are off duty may be required to report for duty at any time.

23.5 Feigning Illness: Personnel shall not feign or fake an illness or injury, or deceive or attempt to deceive the MDTA Police as to the physical or mental condition of the employee. If an employee is unable to report for duty due to sickness or injury or other medically related condition, the employee shall adhere to the sick leave policies and procedures as set forth in the Directives Manual, TSHRS, Maryland law and regulations.

24. Reports

24.1 Submitting Late Reports: Personnel shall submit all reports on time and in accordance with established policies.

24.2 Submitting False Reports: All reports submitted will be truthful. Personnel shall not knowingly submit or cause to be reported, any false statement or misrepresentation of material fact. To prove by a preponderance of the evidence that one has submitted a false report, evidence must be presented for consideration that such report is designedly untrue, deceitful, or made with the intent to deceive the person to whom it was directed.

24.3 Submitting Inaccurate Reports: All reports submitted by personnel will be accurate. Personnel shall not submit inaccurate or improper reports. Inaccurate or improper reports may be defined as information that is untrue irrespective if the untrue report is caused by mistake, accident or good faith. Nothing in this paragraph shall be construed as mandating punishment for a person who violates this paragraph. Rather, the determination of whether personnel should be punished for violating this paragraph should be made on a case-by-case basis.

24.4 Confidentiality: Personnel shall treat the official business of the MDTA Police as confidential. Information regarding official business shall be disseminated only to those for whom it is intended and in accordance with MDTA Police policy. Personnel shall not remove or copy official records or reports unless authorized by proper authority and in accordance with MDTA Police policy.

25. Secondary Employment

25.1 Personnel shall not be employed in any capacity in any other business, trade, occupation or profession except as established by policy and without having submitted and having the employment approved in accordance with this policy.

26. Sexual Behavior

26.1 Personnel while on duty or off-duty will not engage in any sexual contact, vaginal intercourse, or a sexual act with:

A. a person who is a victim, witness, or suspect in an open investigation that the officer is conducting, supervising, or assisting with, if the officer knew or should have known that the person is a victim, witness or suspect in the investigation; or

B. a person requesting assistance from or responding to the officer in the course of the officer's official duties; or

C. a person in custody of the officer.

26.1.1 This paragraph does not apply if the officer had a prior existing legal sexual relationship with the individual and did not act under the color or pretense of office or under color of official right when seeking consent to vaginal intercourse, sexual act or sexual contact.

26.2 While on-duty or off duty, personnel will not engage in any sexual behavior in an MDTA Police facility or MDTA Police vehicle. Sexual behavior is defined as any sexual act, sexual contact, or vaginal intercourse as defined in the Annotated Code of Maryland.

27. Truthfulness

27.1 Personnel shall not intentionally make any false statement or misrepresent any material fact or make any material omission of fact made with the intent to mislead any person or tribunal.

28. Unauthorized Use of MILES/NCIC/CJIS

28.1 Personnel shall not use the METERS/MILES/NCIC/CJIS system for personal reasons or for any other purposes not authorized by policy or MOU.

28.2 Personnel shall not request another person to access METERS/MILES/NCIC/CJIS system for them knowing that the information is for personal reasons or for other purposes not authorized by policy.

29. Use of Alcoholic Beverages

29.1 Consuming Alcoholic Beverages: Personnel shall not drink intoxicating beverages while on duty or in uniform unless it is necessary in the performance of their duty. In every case where it is necessary to consume alcoholic beverages while on duty, personnel must first have written permission from the employee's immediate supervisor. Personnel given the authority to consume alcoholic beverages on duty must not do so to the extent of being intoxicated or impaired or to the extent that it impedes their ability to perform their duty.

29.2 Reporting for Duty: Personnel shall not report for duty with any level of alcohol in their system.

29.3 Possession of Alcoholic Beverages: Personnel will not bring alcoholic beverages onto MDTA Police property except in the performance of their duties or as evidence of a crime and pursuant to MDTA Police policies. Personnel will not, while on duty or off duty and in uniform, purchase or otherwise possess alcoholic beverages. Personnel shall not possess or transport alcoholic beverages in MDTA Police vehicles unless the possession is in the performance of their official duty.

29.4 On-Call Status: Personnel placed on an on-call duty status and who are placed on an on-call duty schedule, i.e. Collision Reconstructionist, Drug Recognition Expert, on-call detective, will not consume alcoholic beverages during the time he/she is on call.

29.5 Vehicles: Personnel either on duty or off duty shall not operate any MDTA Police Vehicle with any level of alcohol in their system.

30. Use of Controlled Substances

30.1 Personnel will not use any controlled substances, narcotics, or hallucinogens, as proscribed in Federal or Maryland law, except as prescribed by their doctor and in conformance with MDTA Police policies.

30.2 The use of any prescription medication or over-the-counter medication that may impair an employee's ability to perform his/her duties must be reported to his/her supervisor prior to beginning work or as soon as the employee becomes aware of any impairment.

30.2.1 An employee may be referred to the agency physician by the Commander of Support Services Division or designee for an evaluation to determine the side effects of the medication.

30.2.2 An employee may be required to provide medical documentation authorizing the use of prescription drugs.

31. Use of Force

31.1 Personnel will not use force that is unreasonable, unnecessary, and not proportional in the performance of their duty. Officers will use only the force reasonable, necessary, and proportional to respond to the threat or resistance to effectively and safely resolve an incident under the totality of the circumstances and will immediately reduce the level of force as the threat or resistance diminishes.

32. Treatment of Prisoners

32.1 Personnel will not mistreat persons who are in custody. Prisoners will be treated in accordance with established policy. Personnel will not, without proper authority, release any prisoner in their charge or otherwise allow, through negligence, the prisoner to escape.

33. Weapons

33.1 Personnel shall not use, display, or handle any weapon carelessly or in an imprudent fashion.

33.2 When not being carried by the employee, weapons will be secured in accordance with MDTA Police policy.

33.3 While off duty and being worn by the employee, weapons will not be displayed conspicuously or where the public can observe the weapon.

33.4 If the employee carries an authorized weapon, either on or off duty, they shall also carry the weapon in accordance with MDTA Police Policy and Training.

33.5 Personnel will ensure all weapons will be handled in accordance with MDTA Police Policy and Training.

34. Hatch Act

34.1 In accordance with Title 5. U.S.C. Chapter 15, no employee of the MDTA Police (whether sworn or civilian) may engage in political activity while working an assignment that is funded (in whole or in part) by Federal or State funds.

Section II - Internal Affairs Unit

1. Internal Affairs Unit Responsibilities

1.1 The Internal Affairs Unit (IAU) is responsible for ensuring the integrity of the MDTA Police by thoroughly and objectively investigating or overseeing the investigation of complaints of police employee misconduct. The IAU is responsible for the MDTA Police overall processing and investigation of allegations of police misconduct. The IAU is the central repository for all records of administrative disciplinary action taken against police personnel. These records are maintained in accordance with State law. The IAU Commander reports directly to the Administrative Bureau Chief. However, the Commander of the IAU has the authority to report directly to the Chief of Police.

2. Internal Affairs Unit Commander's Responsibilities

2.1 The Commander of the IAU is responsible for the investigatory case assignment of all complaints of police misconduct and will ensure that the Chief of Police or designee is immediately notified of all complaints of a serious nature.

2.2 The Commander of IAU will secure and maintain Internal Investigative Files in case control number sequence. Files will be maintained as follows:

2.2.1 Internal Investigative Files will be securely stored electronically, utilizing IA Pro Software.

2.2.2 A Complaint Against Personnel Master Ledger, separate from IA Pro, will be maintained and shall include:

- Case control number
- Date complaint received
- Date of incident
- Name of employee involved
- Name of complainant
- Allegation(s)
- Assigned Investigator
- Final disposition

2.3 The Commander of IAU will Chair the Pursuit Review Committee and the Use of Force Review Committee. Each committee will be comprised of representatives from the IAU, Training Unit, Personnel Command, and the MDTA Police Legal Advisor. Senior Command may attend if available.

3. IAU Records

3.1 The Commander of IAU will complete annual statistical summaries of IAU investigations. The summaries will be made available to all MDTA Police employees and the public. Members of the public can request summary information through the Public Information Act.

3.2 Members of the MDTA Police may request, through the Public Information Act, to review or inspect closed IAU investigative files. Information in the IAU files may be subject to redactions pursuant to the provisions of the Public Information Act.

3.3 Records relating to an administrative or criminal investigation of misconduct by a police officer, including an internal affairs investigative record, a hearing record, and records relating to a disciplinary decision, may not be:

3.3.1 Expunged; or

3.3.2 Destroyed by a law enforcement agency.

3.4 Prior to March 1st of each calendar year, the Commander of IAU will submit the following:

3.4.1 Serious Officer-Involved Incidents and Officer Discipline Report, for the previous calendar year, to the Maryland Police Training and Standards Commission in accordance with Public Safety Article, Section 3-207 (b) (1) and 3-518.

3.4.2 An Annual Use of Force Report to the Governor's Office of Crime Prevention, Youth, and Victim Services, for the previous calendar year, outlining each Use of Force incident involving an officer resulting in a monetary settlement or judgement against the MDTA Police in accordance with Public Safety Article, Section 3-528.

3.4.3 An Annual Use of Force Report to the Maryland Police Training and Standards Commission outlining the number of use of force complaints made against officers during the previous calendar year, aggregated by numbers of complaints administratively charged, not charged, unfounded, and exonerated in accordance with Public Safety Article, Section 3-514.

4. Internal Affairs Investigations

4.1 The IAU shall conduct all investigations of allegations of police misconduct.

4.2 Detachment/Unit Commander's Inquiries: The IAU Commander may assign a Detachment/Unit Commander's Inquiry on matters related to citizen questions related to police practices, which may not rise to a complaint. If the Detachment/Unit Commander's Inquiry determines the matter does rise to a complaint of police misconduct, the commander will request that an administrative investigation be completed by the IAU via completion of a Form 227. If the matter does not rise to a complaint of misconduct, the commander will note their findings on a Form 227 which will be forwarded to the Commander of IAU.

Section III - Processing Complaints

1. Receiving Complaints

1.1 A complaint of police misconduct may be filed with a Police Accountability Board or directly with the MDTA Police. If a complaint is made with a Police Accountability Board, the complaint will be forwarded to MDTA Police IAU within three (3) days after receipt.

1.1.1 A complaint of police misconduct shall include:

1.1.1.1 The name of the police officer accused of misconduct, if known.

1.1.1.2 A description of the facts on which the complaint is based; and

1.1.1.3 Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.

1.1.2 A complaint need not be notarized.
(PS Article, 3-103)

1.1.3 A complaint of police misconduct may be submitted in writing, electronic, or verbally.

1.2 A complaint of police misconduct, including anonymous complaints, may be received by any employee; however, it is preferred that complaints be taken by a supervisor. It is imperative that complainants are treated with respect, courtesy, and understanding.

1.3 Once the complaint has been received and documented on a Form 227, personnel receiving the complaint will immediately scan the written complaint form and any associated documents and email it directly to the Commander of IAU. In instances where an immediate response or investigation is warranted, personnel receiving the complaint shall immediately contact the Commander of IAU or designee. Personnel receiving the complaint will maintain confidentiality and not discuss the nature of the complaint with the involved personnel or any unauthorized personnel.

2. Commander of IAU Responsibilities

2.1 The Commander of IAU will review all incoming complaints of police misconduct and make notifications through the chain of command based on the seriousness/nature of the complaint.

2.2 The Commander of IAU will assign complaints for investigation to IAU investigators and establish investigatory deadlines. The due dates for completion of cases will be established based upon the complexity and nature of the internal investigations.

2.2.1 Case investigation, including the rendering of a final disposition by the Statewide Administrative Charging Committee or the MDTA Police Administrative Review Committee shall be completed within 1 year and 1 day after the filing of a complaint.
(PS Article, 3-113(c))

2.2.2 Under no circumstances will an investigation be submitted to a Statewide Administrative Charging Committee with less than 30 days prior to the deadline referred to in 2.2.1.

2.3 The Commander of IAU will notify the accused officer's Commander of complaints made.

2.4 The Commander of IAU will notify the MDTA Police Victim's Rights Advocate of all complaints involving a member of the public.

2.5 The Commander of IAU will maintain and update the MDTA Police IAU Case Status Database.

2.5.1 The IAU Case Status Database enables a complainant to enter the complainant's case number to follow the status of the case as it proceeds through:

2.5.1.1 Investigation:

2.5.1.2 Charging;

2.5.1.3 Offer of Discipline

2.5.1.4 Trial Board;

2.5.1.5 Ultimate Discipline; and

2.5.1.6 Appeal (PS Article, 3-108(b))

3. Complainant Notifications - Victim's Rights Advocate

3.1 When a complaint of police misconduct made by the public has been received and assigned for investigation, the Commander of IAU will notify the MDTA Police Victim's Rights Advocate and provide them with the specifics of the complaint. The Victim's Rights Advocate, or designee, will:

3.1.1 Contact the complainant to inform them that the complaint has been received as soon as practical.

3.1.2 Provide the complainant with their name and contact information.

3.1.3 Explain to the complainant:

3.1.3.1 The complaint, investigation, Statewide Administrative Charging Committee, and trial board process:

3.1.3.2 Any decision to terminate an investigation;

3.1.3.3 The Statewide Administrative Charging Committee's decision of administratively charged, not administratively charged, unfounded, or exonerated; and

3.1.3.4 A trial board's decision.

3.1.4 Provide the complainant with an opportunity to review a police officer's statement, if any, before completion of an investigation by the IAU;

3.1.5 Notify a complainant of the status of the case at every stage of the process;

3.1.6 Provide the complainant with access to the MDTA Police IAU Case Status Database; and

3.1.7 Provide a case summary to a complainant within 30 days after final disposition of the case. (PS Article, 3-108(a))

4. Workplace Discrimination/Harassment Complaints

4.1 Employees who are victims of discrimination and/or harassment may file a complaint with any MDTA supervisor following the guidelines set forth in TSHRS 7L (Work-Place Violence/Harassment) and TSHRS 11D (Discrimination).

4.2 All complaints involving workplace discrimination/harassment which are brought to the attention of an MDTA supervisor will be immediately forwarded to the employee's commanding officer. The commanding officer will immediately notify, in writing, the MDTA Equal Employment Opportunity (EEO) Office as well as the Commander of the Support Services Division (SSD). The Commander of SSD shall then notify the Administrative Bureau Chief and the Chief of Police.

4.3 After the initial notification to the MDTA EEO Office, the Commander of Support Services will serve as the liaison between police and the MDTA EEO Office. All inquiries from the MDTA EEO Office shall be forwarded to and/or handled by the Commander of Support Services. The Commander of Support Services shall keep the Administrative Bureau Chief and Chief of Police updated on the status of all complaints, investigations, and inquiries from the MDTA EEO Office.

4.4 The Chief of Police or designee shall notify the Commander of IAU to conduct an investigation if there is cause that the allegations may substantiate misconduct by a sworn employee.

5. Administrative Investigation Process

5.1 Administrative investigations should, when practical, include the following:

5.1.1 Interviews of the complainant and witnesses.

5.1.1.1 When feasible, the complainant and witnesses should be interviewed in person and their statements should be recorded. Written statements may be taken at the discretion of the investigator.

5.1.2 Examination and preservation of all available physical evidence. The investigation may include an examination of photographs, records, reports, audio/video files, bills, court documents, and any other resources, which may have investigative value.

5.1.3 In connection with a disciplinary matter, a police officer may be required to submit to blood alcohol tests, blood, breath, or urine tests for controlled dangerous substances, polygraph examinations, or interrogations that specifically relate to the subject of the investigation. (PS Article, 3-107(d))

5.1.3.1 If a police officer is required to submit to a test, examination, or interrogation as noted in 5.1.3 and the police officer refuses to do so, the MDTA Police may commence an action that may lead to a punitive measure as a result of the refusal.
(PS Article, 3-107(d)(2))

5.1.3.2 If a police officer is required to submit to a test, examination, or interrogation as noted in 5.1.3, the results of the test, examination or interrogation are not admissible or discoverable in a criminal proceeding against the police officer. (PS Article, 3-107(d)(3))

5.1.3.3 If a police officer is required to submit to a polygraph examination as noted in 5.1.3, the results of the polygraph examination are not admissible or discoverable in a criminal proceeding against the police officer.
(PS Article, 3-107(d)(3))

5.1.4 Illegally obtained evidence shall not be used against an employee in any investigation or against an employee in a Trial Board.

6. Interrogation of the Officer Accused

6.1 A recorded interrogation of the accused officer should be conducted when feasible. In rare instances, a written request for information may provide the appropriate response to a complaint of misconduct and an interrogation will then not be necessary. Prior to requesting a written report or submission of an interrogation from an employee alleged to have committed an infraction, the employee will be provided with the Notification of Complaint form, Notice of Interrogation and Order to Appear form and an Order Not to Discuss form. The officer will be allowed a reasonable opportunity to obtain a representative for the interrogation. The officer may elect to proceed with the interrogation without a representative, which shall be documented by the investigating personnel. (PS Article 3-109)

7. Investigative Findings

7.1 At the completion of the internal investigation, the case investigator shall render one of the following findings as it relates to the allegation (s) of police misconduct, as well as written justification supporting the finding and/or recommended charge(s):

7.1.1 “Administratively Charged”

7.1.2 “Not Administratively Charged”

8. Routing of Case Files

8.1 All administrative investigations will be prepared and forwarded via the Blue Team software that is available on the Police Intranet.

8.2 All Blue Team reviews and routings by commanders (Detachment/Unit, Division, and Bureau Chiefs) will be completed within 10 calendar days, unless extenuating circumstances exist.

8.3 Once the investigation is complete, the investigator will forward the completed case file to the Commander of IAU who will review the case. When the Commander of IAU approves the report, they will determine the appropriate administrative processing as outlined in Section IV or V of this chapter.

Section IV - Alternative Disciplinary Procedure (ADP) Not Involving a Member of the Public

1. Overview

1.1 The Alternative Disciplinary Procedure (ADP) is provided as an option to sworn personnel in the case of conduct violations in Category A and B and Departmental Collision Categories 1 and 2 of the Statewide Police Disciplinary Matrix Resource Guide, when the facts are not in dispute, and the case does not involve a member of the public.

1.2 The alleged violation must be serious enough to compel formal disciplinary action, although minor in nature.

1.3 For ADP purposes, a formal administrative investigation will not be conducted.

1.4 An officer accused of a violation must voluntarily waive his/her right to a trial board and agree with the recommended penalty contained in the ADP to be eligible.

1.4.1 The ADP is only available for conduct violations falling within a Category A or Category B of the Statewide Police Disciplinary Matrix.

1.4.2 The ADP is available for departmental collisions falling within a Category 1 or Category 2 violation of the Statewide Police Disciplinary Matrix for Departmental Collisions.

2. Procedures

2.1 Conduct Violations: To utilize the ADP process for conduct violations, the violation must not involve a member of the public, must be minor in nature and the facts must not be in dispute by the officer.

2.1.1 The officer's Commander will review the complaint documentation with the Division Commander. If the Division Commander concurs that the incident can be resolved through the ADP, the officer's Commander will:

2.1.1.1 Complete the top portion of a Complaint Against Personnel (Form 227), summarizing the allegation, and electronically forward the document to the Commander of IAU, requesting ADP. The Commander of IAU and officer's Commander will discuss the case, the feasibility of offering ADP, and the recommended disciplinary action.

2.1.1.2 The Commander of IAU will review the accused officer's disciplinary record for previous conduct violations, ensuring the officer is eligible for ADP.

2.1.1.3 If the Commander of IAU determines that the accused officer is not eligible for ADP, a formal administrative investigation will be assigned.

2.1.1.4 If eligible, the Commander of IAU will initiate an ADP-Detachment Level Blue Team incident and will forward the incident to the officer's Commander. The Commander of IAU will ensure the accused officer's IAU history information is attached to the Blue Team incident.

2.1.1.5 The officer's Commander will then complete the ADP Form (Form 257), with the recommended penalty.

2.1.1.6 The officer's Commander will then meet with the accused officer and offer the ADP. The commander will ensure the officer understands and/or complies with the following:

2.1.1.6.1 To be eligible for ADP, the officer accused must voluntarily waive his/her right to a trial board and agree with the recommended penalty contained in the ADP.

2.1.1.6.2 The officer shall be given up to 48 hours to consider prior to signing the ADP form if they choose.

2.1.1.6.3 Acceptance of the recommended discipline only applies under ADP.

2.1.1.6.4 Statements made by the officer in the meeting with the Commander may not be used in any disciplinary investigation or proceedings against the officer.

2.1.1.6.5 Additional investigations and disciplinary actions may result if other allegations or information related to the event come to light at a later time.

2.1.1.6.6 Acceptance of ADP will not excuse the officer from being interviewed at a later time to provide information pertaining to other officers or additional allegations.

2.1.2 If the officer accepts the ADP, the officer will sign the document and receive a copy. The officer's Commander will then complete and issue proper disciplinary paperwork Formal Written Counseling, Letter of Reprimand, loss of leave or loss of pay.

2.1.3 The officer's Commander will then complete the "Commander's Determination" portion of the Complaint Against Personnel Report. Once complete, the officer's Commander will sign and attach the document to the Blue Team incident, along with any additional complaint documentation. The Blue Team incident will be forwarded to the Division Commander, noting the acceptance of the ADP. The officer's Commander will forward the completed ADP form with original signatures, along with the disciplinary paperwork to the Division Commander.

2.1.4 Once the Division Commander receives and signs the ADP Form, the Division Commander will forward the completed ADP form, with original signatures along with the disciplinary paperwork to the Commander of IAU. The Division Commander will also forward the Blue Team incident to the Commander of IAU, noting the acceptance of the ADP.

2.1.5 The Commander of IAU will be responsible for obtaining the Chief of Police or designee's signature on the ADP Form. The Commander of IAU will ensure a Personnel Order is issued through the Office of the Administrative Bureau Chief. The officer's Commander is responsible for ensuring that all terms and conditions associated with the Personnel Order are followed.

2.1.6 After the Personnel Order has been issued, the Commander of IAU will attach the Personnel Order, along with the signed ADP Form and associated disciplinary paperwork to the investigative file in IAPRO and close out the case.

2.1.7 If the officer does not accept the penalty offered in the ADP:

2.1.7.1 The officer will be ordered, in writing (Form 232), not to discuss the case with anyone other than his/her Counsel, Commander, Investigators or Official FOP Representative.

2.1.7.2 The officer's Commander will note the ADP refusal and will forward the Blue Team incident to the Commander of IAU for initiation of a formal administrative investigation.

2.1.8 For conduct violations not falling within the parameters of the ADP due to the seriousness of the allegations, disciplinary history, etc., the officer's Commander will forward the complaint documentation to the Commander of IAU for a formal administrative investigation.

2.2 Departmental Collisions: To utilize the ADP process for a departmental collision, the collision must be found to be preventable, not involve a member of the public, fall within the Departmental Collision Category 1 or Category 2 of the Statewide Police Disciplinary Matrix, and the facts must not be in dispute by the officer.

2.2.1 The Division Commander will receive and review the Vehicle Accident Blue Team. If the Division Commander determines the incident can be resolved through the ADP, the Division Commander will:

2.2.1.1 Forward the vehicle accident Blue Team to the Commander of IAU, requesting the incident be handled through ADP.

2.2.1.2 The Commander of IAU will review the accused officer's IAU record for previous preventable departmental collisions, ensuring the officer is eligible for ADP.

2.2.1.3 If the accused officer is not eligible, the Commander of IAU will notify the Division Commander and a formal Equipment Investigation will be assigned.

2.2.1.4 If eligible, the Commander of IAU will initiate an ADP-Equipment Investigation incident within Blue Team and will forward the incident to the officer's Commander, while cc'ing the Division Commander.

2.2.1.4.1 The Commander of IAU will ensure the departmental packet and any previous preventable departmental collision related information is attached to the Blue Team incident.

2.2.1.5 The officer's Commander will then complete the ADP Procedure Form (Form 257), with the recommended penalty.

2.2.1.6 The officer's Commander will then meet with the accused officer and offer the ADP. The Commander will ensure the officer understands and/or complies with the following:

2.2.1.6.1 To be eligible for ADP, the officer accused must voluntarily waive his/her right to a trial board and agree with the recommended penalty contained in the ADP.

2.2.1.6.2 The officer shall be given up to 48 hours to consider prior to signing the ADP form if they choose.

2.2.1.6.3 Acceptance of the recommended discipline only applies under ADP.

2.2.1.6.4 Statements made by the officer in the meeting with the Commander may not be used in any disciplinary investigation or proceedings against the officer.

2.2.1.6.5 Additional investigations and disciplinary actions may result if other allegations or information related to the event come to light at a later time.

2.2.1.6.6 Acceptance of ADP will not excuse the officer from being interviewed at a later time to provide information pertaining to other officers or additional allegations.

2.2.2 If the officer accepts the ADP, the officer will sign the document and receive a copy. The officer's Commander will then complete and issue proper disciplinary paperwork

(Formal Written Counseling, Letter of Reprimand, Loss of Leave or Loss of Pay).

2.2.3 The officer's Commander will then forward the Blue Team Equipment Investigation incident to the Division Commander, noting the acceptance of the ADP. The officer's Commander will forward the completed ADP form with original signatures, along with the disciplinary paperwork to the Division Commander.

2.2.4 Once the Division Commander receives and signs the completed ADP form, the Division Commander will forward the ADP form with original signatures along with the disciplinary paperwork to the Commander of IAU. The Division Commander will also forward the Blue Team Equipment Investigation incident to the IAU Commander, noting the acceptance of the ADP.

2.2.5 The Commander of IAU will be responsible for obtaining the Chief of Police or designee's signature on the ADP Form. The Commander of IAU will ensure a Personnel Order is issued through the Office of the Administrative Bureau Chief. The officer's Commander is responsible for ensuring that all terms and conditions associated with the Personnel Order are followed.

2.2.6 After the Personnel Order has been issued, the Commander of IAU will attach the Personnel Order, along with the signed ADP Form and associated disciplinary paperwork to the investigative file in IAPRO, and close out the case.

2.2.7 If the officer does not accept the penalty offered in the ADP:

2.2.7.1 The officer will be ordered, in writing (Form 232), not to discuss the case with anyone other than his/her Counsel, Commander, Investigators or Official FOP Representative.

2.2.7.2 The officer's Commander will note the ADP refusal and will forward the Equipment Investigation Blue Team to the Commander of IAU for initiation of a formal administrative investigation.

2.2.8 For Departmental Collisions not falling within the parameters of the ADP due to the seriousness of the incident, additional allegations, etc., the Division Commander will forward the vehicle accident Blue Team to the Commander of IAU for a formal administrative investigation.

3. Penalties

3.1 Penalties under ADP involving conduct violations will be consistent with the Statewide Police Disciplinary Matrix Violation Categories A-B, as set forth in Section VII of this Chapter.

3.2 Penalties under ADP involving a departmental collision will be consistent with the Statewide Police Disciplinary Matrix for Departmental Collisions Category 1 and 2 as set forth below:

DEPARTMENTAL COLLISION GUIDELINES

Category 1 - Minor Damage to Police Vehicle and/or Other Property or Vehicle:

1.1 1st Violation up to 12 months - Formal Written Counseling or Letter of Reprimand.

1.2 2nd Violation within 0-24 months - Formal Written Counseling up to two (2) days loss of leave or loss of pay.

1.3 3rd Violation or more within 0-36 months - Letter of Reprimand up to five (5) days loss of leave or loss of pay.

Category 2 - Major Damage to Police Vehicle and/or Other Property or Vehicle:

2.1 1st Violation up to 12 months - Formal Written counseling up to one (1) day loss of leave or loss of pay.

2.2 2nd Violation within 0-24 months - Letter of Reprimand up to three (3) days loss of leave or loss of pay.

2.3 3rd Violation within 0-36 months - Letter of Reprimand up to 10 days loss of leave or loss of pay.

*Note - When determining administrative penalties outside the parameters of the Departmental Collision Guidelines and/or for remedial training, the Commander shall support such recommendation with a justification for his/her recommendation. The justification must be in writing and shall include those aggravating/mitigating factors the Commander believes is pertinent to their recommendation.

These factors include but are not limited to:

- Type of Collision
- Injuries Involved
- Degree of Damage to Vehicle(s)
- Prior Preventable Collisions
- Officers Intent and/or Motive
- Officer’s Prior Record of Employment and Performance
- Degree of Culpability

Section V - Processing of Completed Administrative Investigatory Cases Not Involving a Member of the Public

1. Processing of Case Files

1.1 For cases not involving a member of the public, the Commander of IAU will provide an endorsement to the accused officer's Detachment/Unit Commander with the following information:

1.1.1 Brief overview of complaint and investigation including the investigator's recommended finding.

1.1.2 Notation that the case does not involve a member of the public.

1.1.3 Will require the Detachment/Unit Commander to include a penalty recommendation for cases with an "Administratively Charged" finding, in accordance with the Statewide Police Disciplinary Matrix.

1.2 The Commander of IAU will then forward the case file via Blue Team to the Detachment/Unit Commander of the accused officer.

1.3 The Detachment/Unit Commander will review the case file and provide an endorsement. The Detachment/Unit Commander's endorsement will include the following:

1.3.1 Concurrence or disagreement with the investigator's findings including an articulation or justification for any disagreement with the investigator's findings.

1.3.2 Recommended penalty, based on the Statewide Police Disciplinary Matrix, for all "Administratively Charged" findings, supported by justification for mitigation or aggravation if the recommendation is not within guidelines.

1.3.2.1 Prior to making a penalty recommendation, the accused officer's Commander will consult with the Commander of IAU to determine if the accused officer has any prior IAU history related to the matter.

1.4 The Detachment/Unit Commander will forward the case file via Blue Team to his/her Division Commander.

1.5 The Division Commander will review all completed administrative investigations.

1.5.1 The Division Commander will include a brief endorsement via Blue Team, noting their concurrence/disagreement with the investigation, findings, endorsements and any penalty recommendations.

1.5.2 The Division Commander will forward the case file to the Commander of IAU via Blue Team, with a copy to the MDTA Police Assistant Attorney General.

1.6 The Commander of IAU will review the case file and upon concurrence with a finding of "Not Administratively Charged," will close the case with the recommended finding.

1.6.1 If the Commander of IAU disagrees with the finding, the case will be forwarded to the Bureau Chief of the involved officer for a final decision.

1.7 For cases with "Administratively Charged" findings, the Commander of IAU will review the case and penalty recommendation (s). Once complete, the Commander of IAU will forward the case to the MDTA Police Assistant Attorney General for a legal sufficiency review. Once complete, the case will be forwarded back to the IAU Commander.

1.7.1 The Commander of IAU will present the case to the Administrative Review Committee.

2. Administrative Review Committee (ARC)

2.1 The ARC will review all "Administratively Charged" cases and will recommend the charges and penalty to be offered to the accused officer.

2.1.1 The Bureau Chief commanding the involved officer will make the final recommendation regarding the charges and penalty offered in the event of a non-consensus among members of the ARC.

2.1.2 The ARC may request additional investigatory steps be taken, which will be facilitated by the IAU Commander.

2.1.3 The final recommendation from ARC will be forwarded to the Chief of Police.

3. Chief of Police Review

3.1 The Chief of Police will review the final recommendation from ARC and make the final determination for charges and penalty to be offered to the accused officer in accordance with the Statewide Police Disciplinary Matrix.

4. Administrative Charges

4.1 Following the determination from the Chief of Police:

4.1.1 The Commander of IAU will prepare the administrative charge (s) as well as the Waiver of Trial form which includes the discipline recommendation. Once completed, the documents will be forwarded to the MDTA Police Assistant Attorney General for legal sufficiency review.

4.1.2 Once returned from legal review, the Commander of IAU will facilitate the service of the charge (s) and Waiver of Trial form to the accused officer.

4.1.2.1 The accused officer must sign the administrative charge(s), acknowledging receipt of the charge(s), upon being served.

4.2 The accused officer has five calendar days to accept the penalty offered as noted in the Waiver of Trial form.

Section VI - Processing of Completed Administrative Investigatory Cases Involving a Member of the Public

1. Processing of Case Files

1.1 For cases involving a member of the public, the Commander of IAU will provide an endorsement with the following information:

1.1.1 Brief overview of complaint and investigation including the investigator's recommended findings.

1.1.2 Notation that the case does involve a member of the public, therefore it will be processed via the Statewide Administrative Charging Committee after administrative review.

1.2 The Commander of IAU will then forward the case file via Blue Team to the Detachment/Unit Commander of the accused officer.

1.3 The Detachment/Unit Commander will review the case file and provide an endorsement. The commander's endorsement will include the following:

1.3.1 Concurrence or disagreement with the investigator's findings including an articulation or justification for any disagreement with the investigator's findings.

1.3.2 Mitigating or aggravating factors relevant to the case and/or officer's history.

1.4 The Detachment/Unit Commander will forward the case file via Blue Team to his/her Division Commander.

1.5 The Division Commander will review all completed administrative investigations.

1.5.1 The Division Commander will include a brief endorsement via Blue Team, noting their concurrence/disagreement with the investigation and findings.

1.5.2 The Division Commander will forward the case file to the Commander of IAU via Blue Team.

1.6 The Commander of IAU will review the case file and endorsements to ensure concurrence with recommended findings.

1.6.1 If the Commander of IAU disagrees with a recommended finding, the case will be forwarded to the Bureau Chief of the involved officer for a final decision.

1.7 The Commander of IAU will forward the case file to the MDTA Police Assistant Attorney General for quality control. Once approved, the MDTA Police Assistant Attorney General will forward the case file back to the Commander of IAU.

1.8 The Commander of IAU will present the case to the Administrative Review Committee.

2. Administrative Review Committee (ARC)

2.1 The ARC will review all investigatory files, findings and recommendations before the files are forwarded to the Chief of Police.

2.1.1 The ARC may include a written recommendation to the Chief of Police including an opinion regarding whether or not the officer should be disciplined; a discipline recommendation based on the Statewide Police Disciplinary Matrix; aggravating or mitigating circumstances; and if applicable, a recommended alternative to formal discipline.

2.1.2 The ARC may request additional investigatory steps be taken, which will be facilitated by the IAU Commander.

2.1.3 The final recommendation from ARC will be forwarded to the Chief of Police.

3. Chief of Police Review

3.1 The Chief of Police will review the final recommendation from ARC before the files are forwarded to the Statewide Administrative Charging Committee.

3.2 The Chief of Police may include a written recommendation regarding:

3.2.1 Whether or not the police officer should be disciplined:

3.2.2 Aggravating or mitigating circumstances; and

3.2.3 If applicable, a recommended alternative to formal discipline.

3.3 If the Chief of Police believes that discipline is warranted, based on the facts presented in the investigation, the Chief of Police may make a specific recommendation for discipline in accordance with the Statewide Police Disciplinary Matrix.

Section VII - Statewide Administrative Charging Committee

1.1 On completion of an investigation of a complaint of police misconduct involving a member of the public and a police officer, regardless of whether the complaint originated from within the law enforcement agency or from an external source**,** the Commander of IAU shall forward to the Statewide Administrative Charging Committee the investigatory files for the matter and any recommendation from the Chief of Police within three (3) business days of the date the investigation is complete or of the date the Chief of Police issues a written recommendation. (PS, 3-104(d))

2. The Statewide Administrative Charging Committee shall:

2.1 Review the findings of the investigation.

2.2 Make a determination that the police officer who is subject to investigation shall be:

2.2.1 Administratively Charged;

2.2.2 Not Administratively Charged;

2.3 If the police officer is charged, recommend discipline in accordance with the Statewide Police Disciplinary Matrix;

2.4 Review any body camera footage that may be relevant to the matters covered in the complaint of misconduct;

2.5 Authorize a police officer called to appear before an Administrative Charging Committee to be accompanied by a representative;

2.6 Issue a written opinion that describes in detail its findings, determinations and recommendations; and

2.7 Forward the written opinion to the Chief of Police, the police officer, and the complainant within five (5) business days of completing its deliberations and vote. (PS, 3-104(d))

3. In executing its duties in accordance with this section, the Statewide Administrative Charging Committee will establish a schedule for making determinations or asking for further review in all pending matters within 30 days of an investigation being completed and may:

3.1 Request information or action from the law enforcement agency that conducted the investigation, including requiring additional investigation and the issuance of subpoenas:

3.2 If the police officer is not administratively charged, may make a determination that:

3.2.1 The allegations against the police officer are unfounded; or

3.2.2 The police officer is exonerated; and

3.2.3 Record, in writing, any failure of supervision that caused or contributed to a police officer's misconduct. (PS Article, 3-104(f))

4. Within 15 days after the Statewide Administrative Charging Committee issues an administrative charge against a police officer, the Chief of the MDTA Police shall offer discipline to the police officer who has been administratively charged in accordance with the Statewide Police Disciplinary Matrix. (PS Article, 3-105(c))

5. The Chief may offer the same discipline that was recommended by the Statewide Administrative Charging Committee or a higher degree of discipline within the applicable range of the Statewide Police Disciplinary Matrix but may not deviate below the discipline recommended by the Statewide Administrative Charging Committee. (PS Article, 3-105(c)(2))

5.1 To accomplish the 15-day disciplinary offer requirement as noted in paragraph 4 above:

5.1.1 Upon receiving the administrative charge recommendation from the Statewide Administrative Charging Committee, the Commander of IAU will prepare the administrative charge (s) as well as the Waiver of Trial Form.

5.1.2 Once completed, the documents will be forwarded to the MDTA Police Assistant Attorney General for legal sufficiency review.

5.1.3 Once returned from legal review, the Commander of IAU will present the documents to the Chief of Police.

5.1.4 The Commander of IAU will facilitate the service of the charge (s) and Waiver of Trial Form to the accused officer.

5.1.4.1 The accused officer must sign the administrative charge(s), acknowledging receipt of the charge (s), upon being served.

5.2 The accused officer has five (5) calendar days to accept the penalty offered as noted in the Waiver of Trial Form.

Section VIII - Resolution of Administratively Charged Cases

1. Non-Termination Cases

1.1 If the officer accepts the recommended penalty offered, he/she will sign the Waiver of Trial Form and the offered discipline will be imposed.
(PS Article, 3-105(c)(3))

1.1.1 The Commander of IAU will obtain the Division Commander and Chief's or designee's signature on the charge sheet and waiver form.

1.1.2 The Commander of IAU will then forward the documents to the Office of the Administrative Bureau Chief for issuance of a Personnel Order.

1.1.3 After the Personnel Order has been issued, the Commander of IAU will download the Personnel Order and associated paperwork into IAPRO, which will then close out the case.

1.1.4 It is the responsibility of the officer's Commander to assure that all terms and conditions of the Personnel Order and any associated discipline, training, and remedial training is completed in accordance with the Personnel Order.

1.2 Refusal to accept offer: If the officer does not accept the offered penalty, the matter shall be referred to a Trial Board. PS Article, 3-105(c)(4). The Commander of IAU will ensure a Request for Trial Board form is completed and forwarded to the Commander of Support Services Division and MDTA Police Assistant Attorney General.

2. Termination Cases:

2.1 The Chief of Police shall terminate the employment of a police officer who is convicted of a felony.

2.2 The Chief of Police may terminate the employment of a police officer who:

2.2.1 Receives a Probation Before Judgement (PBJ) for a felony; or

2.2.2 Is convicted of:

2.2.2.1 A misdemeanor committed in the performance of duties as a police officer;

2.2.2.2 Misdemeanor second degree assault;

2.2.2.3 A misdemeanor involving dishonesty, fraud, theft, or misrepresentation.
(PS Article, 3-107(c))

2.2 Once a determination has been made to recommend termination of employment of the accused officer, the Commander of IAU will facilitate the signing of the charging documents by the appropriate Division Commander and will facilitate service of the charging documents to the accused officer. The accused officer will have their police powers suspended at this time.

2.3 In cases where the police officer accepts the recommended penalty of termination from the ARC or Statewide Charging Committee, the administrative charge (s) will be signed and Commander of IAU will facilitate the completion of a Personnel Order which will notify the employee of the effective date of the termination.

2.4 If the officer does not accept the penalty, the matter shall be referred to a Trial Board. The Commander of IAU will ensure a Request for Trial Board Form is completed and forwarded to the Commander of Support Services Division and MDTA Police Assistant Attorney General.

2.5 In cases in which a trial board has recommended termination of employment, the employee shall be provided a copy of the trial board report. Upon issuance of the associated Personnel Order, the employee will be notified of the effective date of the termination.

2.6 In all cases of termination, the employee is encouraged to contact the Human Resources Unit to determine benefits he/she is entitled to upon separation.

Section IX - Trial Boards

1. Procedure

1.1 If the police officer does not accept the offer of discipline, then the matter shall be referred to a trial board. (PS Article, 3-105(c)(4))

1.2 At least 30 days before a trial board proceeding begins, the accused officer shall be:

1.2.1 Provided a copy of the investigatory record;

1.2.2 Notified of the charges against the police officer; and

1.2.3 Notified of the disciplinary action being recommended. (PS Article, 3-105(c)(5))

1.2.4 The identity of confidential sources and non-exculpatory information will be excluded from the case file.

1.3 The Commander of the Support Services Division shall coordinate and schedule all trial boards with the officer, the officer's representative, the Agency Prosecutor, and the trial board members.

1.4 All trial boards will be held and conducted at the MDTA Police Headquarters unless an alternate location is requested and agreed upon by the parties and trial board members. Requests for an alternate location shall be made at least 30 days prior to the trial board date to the Commander of the Support Services Division.

1.5 Requests for postponements shall be directed to the Commander of the Support Services Division and granted only for good cause.

1.6 A trial board for a Statewide law enforcement agency shall be composed of:

1.6.1 An actively serving or retired Administrative Law Judge appointed by the Chief Administrative Law Judge of the Maryland Office of Administrative Hearings

1.6.2 A civilian who is not a member of an Administrative Charging Committee or the Maryland Police Training and Standards Commission, appointed by the Police Accountability Board for the county where the alleged misconduct occurred; and

1.6.3 A Police Officer of equal rank to the Police Officer who is accused of misconduct appointed by the Chief of the MDTA Police.
(PS Article, 3-106(b)(2))

1.7 The actively serving or retired Administration Law Judge (or the retired Judge of the District Court or a Circuit Court) shall:

1.7.1 Be the chair of the trial board

1.7.2 Be responsible for ruling on all motions before the trial board; and

1.7.3 Prepare the written decision of the trial board, including the findings, conclusions and recommendations of the trial board. (PS Article, 3-106(c))

1.8 Before serving as a member of a trial board, an individual shall receive training on matters relating to police procedures from the Maryland Police Training and Standards Commission. (PS Article, 3-106(d))

1.9 Proceedings of a trial board shall be open to the public, except to protect:

1.9.1 a victim's identity;

1.9.2 the personal privacy of an individual;

1.9.3 a child witness;

1.9.4 medical records;

1.9.5 the identity of a confidential source;

1.9.6 an investigative technique or procedure; or

1.9.7 the life or physical safety of an individual. (PS Article, 3-106(e))

1.10 During the conduct of a trial board, all weapons shall be secured outside of the hearing room. The MDTA Commander of IAU shall arrange to secure the hearing room and screen all attendees.

1.11 The trial board proceedings shall be audio recorded. The MDTA Commander of IAU shall arrange for audio recording of the proceedings.

1.12 The trial board shall ensure proper decorum among the parties and observers during the proceedings. If any person fails to follow the rulings of the trial board, such person, including the accused officer, may be expelled from the hearing room. The Chair will note on the record the reasons for taking such action and the hearing will then continue.

1.13 To ensure the integrity of the hearing board process and to ensure a fair hearing, ex parte communications between trial board members, and the accused officer, accused officer's representative, Agency Prosecutor, Agency chief investigator, witnesses, complainant, or other interested persons regarding the pending matter are prohibited during the pendency of the case. If a party needs to communicate with trial board members, they may do so only during a conference at which both parties are present or by communications copying the other party.

1.14 A trial board may administer oaths and issue subpoenas as necessary to complete its work. (PS Article, 3-106(f))

1.15 All requests for subpoenas shall be made in writing to the Commander of the Support Services Division at least 15 days prior to the hearing. Subpoenas issued by the trial board shall be returned to the requesting party for service.

1.16 The parties shall exchange a list of witnesses to be called at the trial board at least 15 days prior to the hearing.

1.17 A complainant has the right to be notified of a trial board hearing and, except as provided in subsection 1.6 of this section, the right to attend a trial board hearing. (PS Article, 3-106(g))

1.18 If the officer does not appear for a trial board proceeding, the hearing may be conducted in absentia.

1.19 Witnesses may appear to testify by video conference where both audio and video are available.

1.20 At the start of the trial board proceedings, the Chair shall read the charges and ask the accused officer to enter a plea on the record to each specific charge. If the accused officer refuses to enter a plea, the Chair shall enter a plea of not guilty on the officer's behalf.

1.21 Each party has the right to make a brief opening statement at the start of a trial board.

1.22 Either party may request that witnesses be sequestered during the trial board proceedings. Such request shall be made at the start of the proceedings and ruled upon by the Chair. A trial board may not exclude the accused officer, the agency representative, the agency's chief investigator, an expert who is to render an opinion based on testimony given at the trial, or a person whose presence is shown by a party to be essential to the presentation of the party's case.

1.23 The Agency Prosecutor will present their case-in-chief and except as otherwise provided by law, the Agency bears the burden of proof by a preponderance of the evidence.
(PS Article, 3-106(h))

1.24 The accused officer may, but is not required, to present a case.

1.25 Each party has the right to cross-examine witnesses.

1.26 Redirect and re-cross examination shall be limited to matters covered in a preceding examination.

1.27 The trial board may question witnesses.

1.28 Each party may present rebuttal evidence.

1.29 Each party may present closing arguments.

1.30 Reliable hearsay is admissible at the discretion of the Chair.

1.31 A police officer may be disciplined only for cause. (PS Article, 3-106(i))

1.32 At the conclusion of the presentation of evidence and arguments, the trial board shall consider and deliberate on the charges. A majority of the trial board must agree to a finding of "guilty" or "not guilty" on each specific charge. Once deliberations are concluded, the trial board shall reconvene on the record and inform the accused officer of the findings.

1.33 If there are sustained findings of "guilty", the trial board will then consider discipline. The trial board may review past job performance and prior discipline for the officer. The officer and agency may present relevant evidence and testimony.

1.34 After receiving evidence and testimony, the trial board shall consider and deliberate on a recommended penalty. A majority of the trial board must agree to the recommended penalty. The trial board shall use the Statewide Police Disciplinary Matrix to determine penalty. Once deliberations are concluded, the trial board shall reconvene on the record and inform the officer of the recommended penalty.

1.35 At the conclusion of the hearing, the Chair shall collect all records, files, documents, etc. that constitute the record of the proceedings before the trial board. The Chair shall maintain the record until the trial board issues its final written decision.

1.36 Within 45 days after the final hearing by a trial board, the trial board shall issue a written decision reflecting the findings, conclusions, and recommendations of a majority of the trial board. (PS Article, 3-106(j))

1.37 Once a final written decision is issued, the Chair shall transmit the complete record of the proceedings to the Commander of the Support Services Division.

1.37.1 Within 30 days after the date of issuance of a decision of a trial board, the decision may be appealed by the accused Officer to the Circuit Court for Anne Arundel County. (PS Article, 3-106(k)(1))

1.37.2 An appeal taken under this subsection shall be on the record. (PS Article, 3-106(k)(2))

1.38 A trial board decision is final unless appealed by the accused officer under subsection 1.11.1 above. (PS Article 3-106(l))

1.39 Once the final recommendation of the trial board is made, the Commander of the Support Services Division will ensure a Personnel Order has been issued noting the outcome. The Commander of IAU will download the Personnel Order and associated paperwork into IAPRO, which will then close out the case.

1.40 It is the responsibility of the accused officer's Commander to assure that all terms and conditions of the Personnel Order and any associated discipline, training, and remedial training is completed in accordance with the Personnel Order.

Section X - Emergency Suspension of Police Powers

1. Overview

1.1 Emergency suspension means the suspension of sworn personnel police powers when it is deemed to be in the best interest of the public and the MDTA Police. This type of suspension of police powers is not to be confused with the suspension of police powers related to a medical suspension or suspension related to final disciplinary action.

1.2 Situations where it may be in the MDTA Police and/or the public's interest to suspend an officer's police powers under these provisions may include, but are not limited to when:

1.2.1 An officer is charged with a disqualifying crime, as defined in PS Article, 5-101.

1.2.2 An officer is charged with a misdemeanor committed in the performance of duties as a police officer.

1.2.3 An officer is charged with a misdemeanor involving dishonesty, fraud, theft, or misrepresentation. (PS Article, 3-107(b)(1))

1.2.4 An officer is under investigation for commission of a felony or misdemeanor.

1.2.5 An officer is a respondent to a temporary ex-parte or final protective order.

1.2.6 An officer is a respondent to a temporary ex-parte or final peace order where the order prohibits the officer from possessing a firearm.

1.2.7 An officer is the respondent of any extreme risk protective order (interim, temporary, or final).

1.2.8 An officer is under investigation or has been served with serious MDTA Police charges which could lead to the officer's termination from employment.

1.2.9 An officer fails to obey a lawful order to submit to a polygraph examination, medical test, chemical test, interrogation, interview or any other test as required.

1.3 Once a supervisor is notified that a sworn member is the respondent of a protective order, the supervisor should ask if the protective order prohibits the sworn member from possessing a firearm and, if so, will take steps to retrieve the firearm from the officer.

2. Procedure

2.1 A suspension may be imposed against an officer by a supervisor superior in rank to the suspended officer. The suspension may be issued verbally however, as soon as feasible; the order will be documented on the Emergency Suspension Order Form 224. A copy of Form 224 will be provided to the suspended officer.

2.2 The officer will be advised that the emergency suspension is with pay unless the Chief of Police imposes a suspension without pay.

2.2.1 An emergency suspension without pay may not exceed 30 days.
(PS Article, 3-107(a)(2))

2.2.2 A police officer who is suspended without pay under this section is entitled to receive back pay if the Statewide Administrative Charging Committee determines not to administratively charge the police officer in connection with the matter on which the suspension is based. (PS Article, 3-107(a)(3))

2.2.3 A police officer who was suspended without pay as a result of being criminally charged (as enumerated in 1.2.1-1.2.3 above) is entitled to receive back pay if the criminal charge or charges against the officer result in:

2.2.3.1 A finding of not guilty;

2.2.3.2 An acquittal;

2.2.3.3 A dismissal; or

2.2.3.4 A nolle prosequi. (PS Article, 3-107(b)(2))

2.3 When an officer's police powers are suspended in accordance with this section, the officer's commander is responsible for securing the suspended officer's firearm, magazines, badge, identification card, MPTSC card, and any other property of the State/MDTA deemed necessary by the Division Commander. The Commander will ensure the Emergency Suspension Equipment Checklist (Form 224A) is completed. If the officer will be reporting to work to perform administrative duties, they will be issued a non-officer status ID.

2.4 When an officer's police powers have been suspended, the authority issuing the suspension shall immediately contact his/her superior officer to report the suspension. The suspension shall be immediately communicated, through the chain of command, to the Chief of Police. The authority issuing the suspension shall prepare a written report documenting the circumstances leading to the suspension. The report shall be immediately forwarded to the Chief of Police.

2.5 When an officer's police powers are suspended with pay and they are ordered not to report to work, the officer will notify their Detachment/Unit Commander daily, Monday through Friday between 0900-1000 hours, and provide a telephone number or location where they can be reached. A non-officer status ID will not be issued.

2.6 A Personnel Order will be developed by the Commander of Support Services, advising of the suspension of police powers (with or without pay), as well as noting the duty assignment of the suspended officer. The Commander of Support Services will ensure the Security Unit and MDTA IT are notified to cut-off security access as well as any IT related access when an officer has been ordered not to report to work.

3. Reinstatement of Police Powers

3.1 When the circumstances that led to the suspension have been resolved, i.e. the protective order has been lifted, the commander of the affected employee will, through channels, submit written documentation to the Chief of Police. The documentation shall include the change in circumstances and a request to reinstate the suspended employee. The Chief of Police or designee shall review the documentation and determine whether the employee should be reinstated. If the Chief of Police or designee determines that the employee should be reinstated, the Chief of Police or designee will notify the Commander of the Support Services Division for issuance of the applicable Personnel Order.

Section XI - Statewide Police Disciplinary Matrix

1. The approved Statewide Police Disciplinary Matrix is maintained and published by the Maryland Police Training and Standards Commission.

http://mdle.net/standards.htm

2. The Statewide Police Disciplinary Matrix does not impact police management rights to maintain the order and manage the affairs of an agency in all aspects including, but not limited to:

2.1 Establishing standards of service;

2.2 Transfer or assignment of a police officer;

2.3 Establishing standards for performance and conduct; and

2.4 Maintaining control and regulations of the use of government equipment and property.

Chapter 11
Uniforms, Equipment & Grooming
Directives Manual Revision Date: 12/03/2024

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Grooming & Personal Appearance.....01

This section describes the Appearance Guidelines, Court Attire, Police Employees, Jewelry Regulations, Exemptions, Tattoos and Body Art

Section II – Agency Equipment & Uniforms.....07

This section describes the Equipment, Uniform Regulations and Guidelines, Uniform Classes, Uniform of the Day, Care and Cleaning, Uniform Measurement, Uniform Replacements, Lost/Damaged Items, Personnel Inspections, Ordnance Inventory, and Out-Processing Procedures

Section I - Grooming & Personal Appearance

1. Appearance Guidelines

1.1 Police employees are required to be neat, clean and well-groomed at all times, unless authorized to dress otherwise, e.g., a covert investigative assignment. Police employees shall have no noticeable body odor caused by poor personal hygiene. Perfume or cologne may only be used in moderation.

2. Court Attire

2.1 The appearance of an officer in court reflects on every member of the Maryland Transportation Authority Police. Pride in one's appearance and attention to professionalism are keys to a positive public image of the agency. Employees testifying or appearing in court shall ensure that they present a neat, clean, and business-like appearance whether in full uniform or appropriate business attire. Clothing shall be clean, in good repair, and properly pressed.

2.2 A police employee, appearing in court or an administrative hearing as a representative of the MDTA Police, shall wear the prescribed uniform of the day, or business attire, unless otherwise directed by his/her commanding officer. Personnel that are not in uniform must conceal their weapon at all times, unless required to be exposed by existing District/Circuit Court Regulations.

2.2.1 When appearing for an administrative hearing at The Maryland Office of Administrative Hearings (OAH), officers must adhere to OAH's weapons policy.

2.2.2 When an officer appears for an administrative hearing at the Maryland Office of Administrative Hearings as the grievant/appellant in the matter, he/she will not be allowed to possess a firearm in the hearing facility.

2.2.3 The Maryland Office of Administrative Hearings does not permit weapons in any of its hearing facilities. Individuals who legally possess the right to wear and carry firearms will be directed to secure their weapon prior to entering an OAH facility. Exceptions to this policy will be for the following circumstances:

- A police officer in uniform, acting in his/her official capacity, who has been summoned to appear as a witness for a hearing at the OAH and/or who is on official duty and representing his/her Agency in an Administrative Hearing. Firearms may be carried as directed by the Police Officers Agency Policy on wearing and carrying firearms while in uniform.

- A Police Officer not in uniform, who is acting in his/her official capacity as a representative of his/her Agency in a hearing, will display his/her badge of authority and conform to his/her Agency policy on wearing and carrying firearms.

2.3 When a police employee of the MDTA Police testifies in any capacity other than as a representative of the MDTA Police, the employee shall not wear the Maryland Transportation Authority Police uniform.

2.4 All Police employees, including civilian employees wearing civilian clothing or assigned to other than the uniform force, shall dress in a business suit or other appropriate formal business attire. The wearing of t-shirts, jeans, shorts, athletic sportswear or tennis shoes is not permitted.

3. Police Employees

3.1 Hair will be clean, neat and present a well-groomed appearance. Hair in front will be groomed so that it does not fall below the band of properly worn uniform headgear. In all cases, the hair may not interfere with the wearing of any authorized headgear or safety equipment. Mohawk hairstyles are not permitted.

3.1.1 Female Police Employees

The hair length and volume may extend to cover the ears. The length may not extend more than 2” below the bottom of the collar.

3.1.2 Male Police Employees

Hair will not fall over the eyebrows or extend below the top of the shirt collar. The length and volume may not cover any portion of the ear.

3.2 Hair coloring must appear in genetically occurring colors. Hair color gradient should not exceed the pallet of white/gray, brown, blonde, black, ginger, or red. The allotted coloring shall not be mixed to appear as streaks or ombre and any highlights should be consistent throughout. The hues of these colors should be in the range of the color palette as displayed in the hair color reference guide located on the MDTA Police Intranet.

3.3 Hairpieces/wigs must conform to the same standards as stipulated above in 3.2.

3.4 While in any class uniform, no hair ornaments or ribbons may be worn, except to neatly control the appearance, must be worn in an inconspicuous manner and must be black in color.

3.5 Sideburns will be trimmed with straight lines, ending with a clean shave horizontal base, no flair at the base is permitted and the sideburns will not extend beyond the earlobe.

3.6 Sworn personnel will report to work clean-shaven, except that mustaches are permitted as described below; stubble, beards, or goatees of any type are not permitted.

3.6.1 Mustaches will:

a. be kept clean and neatly trimmed;
b. not be worn to allow the hair to hang over the upper line of the upper lip;
c. not extend below or beyond the corners of the mouth; and
d. not include extreme styles such as handlebar mustache.

3.7 While in any class uniform, cosmetics will consist of neutral colors based on skin tones. The wearing of eye shadow, false eyelashes and excessive lipstick is prohibited.

3.8 Fingernails shall be trimmed and free of dirt. Employees may only wear clear, natural, or beige nail polish.

3.9 MDTA Police Cadets will adhere to the same grooming standards as sworn personnel and will follow the same procedures if a medical condition exists.

3.10 Grooming standard requirements are not affected by an employee being placed on modified or administrative-duty. Therefore, personnel placed on modified or administrative-duty will follow the same grooming standards they would follow if not on modified or administrative-duty.

4. Jewelry Regulations

4.1 The following articles of jewelry are permissible:

- Wristwatch;
- Rings;
- Identification and/or medical alert bracelets;
- Neck chains or religious necklaces must be worn beneath the uniform;
- Only females may wear earrings. The wearing of earrings will be limited to one per ear and must be small posts or studs. Pierced or non-pierced are acceptable.

4.2 Except for ear piercings, no employee is permitted to display body or facial piercing of any kind, to include the tongue, while on duty.

5. Exemptions

5.1 The Chief of Police may exempt personnel assigned to covert or plainclothes investigative duties from the Grooming & Personal Appearance directives. This will be considered on a case-by-case basis for personnel to perform their covert or investigative duties effectively.

5.2 Other exemptions from the Grooming & Personal Appearance directives are not permitted except as authorized by the Chief of Police. The Chief will consider and may approve accommodations on a case-by-case basis.

6. Tattoo, Body Art & Body Modifications

6.1 This directive applies to all sworn and civilian MDTA Police employees.

Definitions:

6.1.1 Tattoo: The act or practice of marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.

6.1.2 Scarification: The act of intentional cutting of the skin for the purpose of creating a design, form, figure, or art.

6.1.3 Branding: The act of intentional burning of the skin for the purpose of creating a design, form, figure, or art.

6.1.4 Gauging: Gradually increasing the radius of a surgically induced circular opening of the flesh in areas such as the ear lobe.

6.1.5 Body Modifications: (excluding when medically necessitated by illness, deformity or injury, when performed by a licensed medical professional) including, but not limited to:

6.1.5.1 Tongue splitting or bifurcation;

6.1.5.2 Abnormal shaping of the ears, eyes, or nose;

6.1.5.3 Abnormal filing of the teeth;

6.1.5.4 Branding or scarification;

6.1.5.5 Trans-dermal implantation of any object other than hair replacement;

6.1.5.6 Gauging

6.2 Prohibited tattoos, body art, and body modifications include, but are not limited to:

- Depictions of extremist philosophies, organizations, or activities including those that advocate racial, gender, or ethnic hatred or intolerance; advocate, create, or engage in illegal discrimination based on race, color, gender, ethnicity, ancestry, religion, age, sex, sexual orientation, gender identification, national origin, or disability; or advocate violence or other unlawful means of depriving individual rights under the U.S. Constitution and federal or state law;

- Images, symbols, or words that are obscene, vulgar, profane, sexually suggestive, depicting nudity, etc.

- Images, symbols, or words that advocate a philosophy that degrades or demeans a person based on gender, race, color, national origin, ethnicity, ancestry, religion, age, sex, sexual orientation, gender identification, or disability;

- Symbols likely to incite a strong reaction in the workplace (e.g., swastikas)

- Names, initials, symbols, acronyms, or numbers that represent criminal or historically oppressive organizations or street or prison gangs, for example, Aryan Brotherhood ("AB"), Ku Klux Klan ("KKK"), the Nazi Party or Third Reich, Black Guerilla Family ("BGF"), Mexican Mafia ("MM"), Hells Angels ("HA"), MS-13, etc.;

- Depictions of illegal drugs or names, symbols, acronyms, or numbers related to illegal drugs;

- Tattoos, body art, and body modifications of the face, ears, head, and neck above the collar of a crew neck shirt;

- Teeth, whether natural, capped or veneers, that are ornamented with designs, jewels, etc.

6.3 Failure to comply with this directive will be grounds for disciplinary action. In addition to being subject to disciplinary action imposed for violating this directive, the employee will remove any form of the prohibited body art, tattoo, marking, or body modification listed in Section 6.2 at their own expense.

6.4 Exceptions

- Micro-pigmentation, derma pigmentation, or cosmetic tattooing of the lips, eyebrows, or eyelashes is permitted as is restorative tattooing that is subdued and moderate in tone and application.

- Tattoos or body art permitted on the neck, behind the ear lobe along the posterior hairline, and above the collar of a crew neck shirt must:

    - Comply with 6.2 of this sub-section

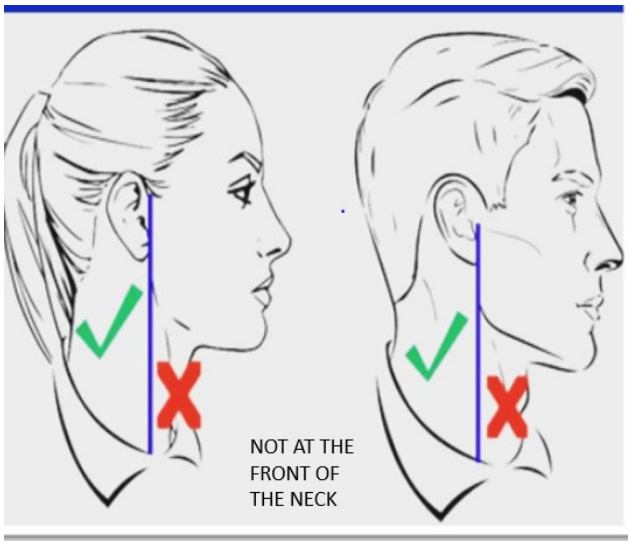
    - Must not be forward of the ear lobe. Neck tattoos cannot be located on the front of the neck. (SEE ATTACHED IMAGE)

- MDTA Police reserves the right to refer any unknown tattoo markings to MDTA Police CIU/Gang Analyst for investigation regarding the meaning or symbolism. If deemed prohibited, immediate removal of the tattoo or removal from MDTA Police hiring process will occur.

- The final authority in determining whether a tattoo is in compliance with policy and departmental guidelines standard will be the Chief of Police or their Designee.

6.5 Applicants

6.5.1 Applicants will be screened to ensure compliance with this directive. Applicants will be informed that, if hired, they will be required to comply with this directive.



Section II - Agency Equipment & Uniforms

1. Agency Equipment

1.1 Officers shall not deviate from the established policy by substituting issued agency equipment. Refer to the Uniform Regulations Guide on the MDTA Police Intranet.

1.2 Personnel may carry the below listed personal utility equipment while wearing Class B, C, D or E uniforms. When displayed on the gun belt, the equipment must be black leather, STX or as allowed by Unit SOP. Leather accessories may only be worn on a leather duty belt. STX accessories may only be worn on the STX duty belt system.

1.2.1 Mini Flashlight

1.2.2 Latex-type gloves

1.2.3 Additional set of handcuffs (Make and model must be the same as agency issued types or must be authorized by the Training Unit)

1.2.4 Pocket size multi-tool

1.3 Equipment other than the above that is not issued by the MDTA Police shall not be carried on duty without the officer's Detachment/Unit Commander's approval. Non-issued weapons are prohibited from being used or carried while on duty.

1.4 MDTA Police uniformed personnel have the option of wearing either their uniform or civilian clothes to and from work. The mixing of civilian attire and uniforms is prohibited.

1.5 Clothing will be clean and given a pressed appearance before each tour of duty. Footwear, leather equipment and brass shall be kept clean and regularly polished and/or shined.

2. Uniform Regulations & Guidelines

2.1 Dress Blouse (Class A) - Only regulation issue is permitted. Pencils or pens will not protrude from breast pockets. Service wreaths will be worn only on the Class A Blouse, ¼" inch below the peak of the braid and centered on the left sleeve. Wreaths will be issued for every five years of service. One lapel ornament will be affixed to each lapel, ¾" inch from the lapel point, and in a horizontal position.

2.2 Uniform Shirts - Only regulation issue shall be worn. When the short sleeve is worn, the undershirt, when visible at the neck shall be black in color and not visible at the biceps or frayed at the collar. Pencils or pens will not protrude from breast pockets.

2.3 Memorial Pin - The memorial pin honoring a specific member who died in the “line of duty” may be worn on Class A, B, or C uniforms. Only one pin will be worn at a time. The pin will be positioned and centered ¼” above the commendation ribbon(s) if worn, otherwise it shall be worn ¼” above the nameplate.

2.4 Uniform Headgear - Felt Campaign Hats are to be worn with winter uniform attire (Class A or B uniform). Straw Campaign Hats are to be worn with the summer uniform (Class C). Campaign Hats shall be placed on the head, tilting slightly downward to the front and centered with the nose.

2.4.1 The Campaign Hat will be worn unless it presents a safety risk or other circumstances exist that make the campaign hat impractical or inappropriate.

2.4.2 The agency issued Watch Cap is optional and shall only be worn with the Class B, C, D or E uniform. The Watch Cap shall only be worn while outdoors during extended periods of extreme cold and exposure to temperatures below 40 degrees Fahrenheit. Only MDTA Police issued Watch Caps will be worn and they shall be pulled down snug over the top of the head and folded back up over the ear area. Watch Caps will not be worn while indoors or when directed by a Commander.

2.4.3 MDTA Police issued Baseball Caps may be worn by all personnel while in the Class D or E uniform. Motors, K-9, SRT, and CVSU personnel may wear their unit specific issued baseball cap while in their Specialized Unit’s Uniform.

2.5 Hat Insignia - Regulation issue shall be worn and shall be secured to the Campaign Hat (summer and winter) through the holes provided.

2.5.1 Hat Straps - The buckle and all accoutrements of the hat strap shall be positioned on the left-hand side of the campaign hat with the hat band snap on the bottom.

2.6 Necktie and Tie Tack - Black regulation issue tie shall be worn at all times when the long sleeve regulation shirt (Class A or B) is worn. The tie will be secured to the shirt by attaching one of the pre-cut holes in the back of the tie to the corresponding shirt button.

2.6.1 A regulation Maryland State Seal tie tack (ornamental only) will be worn on the tie. The tie tack shall be positioned so that the center of the ornament is parallel with the gold uniform shirt buttons. No tie shall be worn with a Class C, or D uniform.

2.7 Mock Turtleneck - Non-commissioned personnel assigned to uniformed duties may elect to wear a mock turtleneck with the Class B, D or E uniforms. If chosen to be worn, the mock turtleneck will be purchased at the officer’s expense.

2.7.1 The mock turtleneck purchased by the officer must be black in color and a compression type shirt with at minimum a blend of nylon, polyester and elastane materials to maintain elasticity of the collar when worn. The collar must be at least 1 inch in length, but may not exceed 2 inches in length measured from the collar's seam to the edge of the collar and must not have any type of visible insignias or logos displayed on the collar.

2.7.2 Under no circumstances shall mock turtlenecks be worn to funerals, highly publicized special events or as deemed inappropriate by supervision.

2.7.3 Mock turtlenecks must present a professional appearance and shall not be worn when the collar is faded or stretched beyond original manufactured design.

2.7.4 Mock Turtlenecks will not be worn by commissioned personnel. The necktie will be worn with the Class B uniform.

2.8 Patrol Jacket - May be worn with Class B, C, D or E uniforms. Only MDTA Police issued jackets may be worn relative to their current assignment.

2.8.1 Motor Unit shall wear a leather or reflective jacket.

2.8.2 A softshell fleece coat shall be worn under the external vest carrier.

2.9 Patrol Sweater - The patrol sweater is optional, and when worn, will be in accordance with Class B uniform regulations. Only MDTA Police issued sweaters may be worn and they will be tucked inside the uniform trousers.

2.10 Raincoat (Reversible) - For court and special occasions, the black side will be worn on the outside; all other occasions the green, reflective side will show.

2.11 Breast Badge - Shall be worn on the Class A blouse, all uniform shirts, patrol jacket or sweater in the holder provided. Police Badges will be displayed on the outermost garment of all classes of uniforms over the left breast pocket.

2.12 Name Plates - Nameplates will be displayed on the outermost garment of all classes of uniforms over the right breast pocket.

2.13 Collar Insignia - All commissioned officers shall display their small, polished rank insignia on the shirt collar when wearing Class A, B, C, or D uniforms. Commissioned insignias shall be worn centered between the top and bottom of the collar when laying flat and 1" inch from the front of the collar to the center of the insignia. Non-Commissioned officers shall display the State insignia on the shirt collar when wearing Class A, B, or C uniforms. Non-Commissioned insignias shall be worn centered to the collar point and as close to the inner stitching without touching thus leaving a ¼" gap between the front and bottom of the collar.

2.14 Rank Insignia - Only commissioned officers shall wear their large polished brass rank insignia on each shoulder of the Class A blouse, centered at the cross point of the seams. Commissioned officers shall wear their large polished brass rank insignia on each shoulder of the patrol jacket and patrol sweater, centered at the cross point of the seams. Non-Commissioned supervisory chevrons shall be centered at the cross point of the seams of the shoulder of the patrol coat and patrol sweater with the top pointed inward toward the collar.

2.15 Mourning Band - Officers are permitted to display a black mourning band over their police badges to display their bereavement for law enforcement personnel who has died in the line of duty. Mourning bands will only be worn when authorized by the Chief of Police or designee. Generally, they will be displayed until interment for other agencies, or as directed by the Chief of Police.

2.16 Uniform Shoes - Officers are to wear Oxford style, military type dress shoes when wearing Class A, B, or C uniforms.

2.16.1 Non-commissioned Officers are permitted to wear approved combat-type/military style boots for duty-wear **except** when wearing the Class A uniform; participating in formal or ceremonial events; attending circuit court; making public appearances, including television; and appearing in scheduled official photographs.

2.16.2 All uniformed sworn personnel may wear approved boots during adverse/inclement weather conditions.

2.16.3 Footwear must be clean and hold a shine. All shoes/boots must be black in color, plain round toed, hold a shine, and capable of being tied (with black shoelaces only). Stitching on the shoe is permitted only as part of the construction of the shoe. Heels and soles will not exceed 2".

2.16.4 Members of the Tactical Section will follow existing Unit S.O.P. related to boots.

2.16.5 Members assigned to the Bike Patrol Unit must comply with the established footwear regulations for the unit.

2.16.6 Motor Unit shall wear black, knee-high leather boots.

2.17 Uniform Socks - Socks shall be black, unless written approval has been granted to a member and supported by medical documentation.

2.18 Body Armor - All sworn uniform personnel and cadets are required to wear agency issued protective vests. All personnel engaged in planned high risk operations must wear a protective vest.

2.18.1 Personnel assigned to covert operations may elect to not wear their protective vest, with their supervisor's approval.

2.18.2 Personnel performing administrative duties may elect to not wear their protective vest when inside an MDTA Police facility, with their supervisor's approval.

2.19 Magazines, ASP Baton, OC Spray Canister - All items will be properly positioned in their issued cases and easily accessible on the gun belt consistent with current training practices.

2.20 Combat Application Tourniquet (CAT)

2.20.1 Every 1st Sergeant and below assigned to uniformed patrol duties and trained in TECC will carry one tactical tourniquet on their person at all times. Each sworn personnel will be issued a Combat Application Tourniquet (CAT) and one black and vinyl belt holder upon completion of TECC training. The tourniquet will be carried so that it is easily accessible with either hand.

2.20.2 Commissioned officers not regularly assigned to patrol duties should have a tourniquet readily available in case of an emergency.

2.20.3 All tourniquet usage must be documented and communicated on transfer of care to minimize the likelihood that a tourniquet will be overlooked by subsequent care providers. Time of application must be recorded, either on a triage tag, the tourniquet itself or physically written on the skin of the victim. Any amputated limb should be ideally transported with the wounded person to the hospital even if it appears unsalvageable as tissue may be utilized for skin cover and reconstruction of the stump.

2.20.4 Any use of the tourniquet will also be documented via an IR detailing all action taken.

2.21 Handcuffs - Only authorized and/or issued handcuffs will be carried by all sworn personnel.

2.22 Holsters - Only a regulation-issue or Range Master approved holster may be worn by sworn police personnel. Criminal investigators and/or personnel assigned to undercover assignments may use another holster style for concealment, if approved by the Range Master. "Female holsters" are a specially designed high-rise holster available for female officers. The holster will only be ordered upon written request by the officer and requisitioned to the Quartermaster Unit.

2.23 Gloves - Black gloves may be worn during inclement weather conditions only. This order does not apply to officers assigned to Specialized Units (as part of their approved attire), or for officers wearing protective gloves during a prisoner search/transport or members on a special assignment).

2.24 Chevrons - Shall be sewn on both sleeves. Chevrons (summer) 2 1/2" wide, on the left sleeve, shall be centered between the shoulder patch and the shirtsleeve opening. Right sleeve shall correspond to the left; Chevrons (winter) 3" wide shall be sewn 6 inches below the shoulder and centered on the shoulder strap.

2.25 Maryland Transportation Authority Police Shoulder Patch - Place the patch on both shoulders of the Class A blouse, all shirts, patrol jackets, and sweaters. All shoulder patches shall be placed so that the top is ½" inch below the shoulder seam and centered on the seam.

2.26 Pistol Qualification Medal - The medal shall only be worn on the Class A, B or C uniforms. The medal will be placed on the left pocket under the badge. Qualification scores will be verified through Skills Manager or the Range Master.

2.27 Specialized Unit Pins/Wreaths/Bars - Unit pins will be worn on the right-hand breast pocket centered between the nameplates and breast pocket button. This includes, but is not limited to current members of the Bicycle Patrol Unit, Canine Unit, Chaplains, Civil Disturbance Unit, Collision Reconstruction Unit, Commercial Vehicle Safety Unit, Crisis Negotiations Team, Drug Recognition Experts, Emergency Operation Services, Field Training Officers, Honor Guard Unit, Marine Unit and Motors Unit. Unit pins may be worn on Class A, B, and C uniforms. Personnel possessing pins from multiple units may display the pin of each unit. When multiple pins are worn, the pins shall be evenly spaced on the breast pocket.

2.27.1 After separation from any unit, personnel will no longer be permitted to wear the wreaths/pins and are required to return the item to the Quartermaster Unit.

3. Uniform Classes

3.1 Non-Commissioned Officers' Class A - Long sleeve shirt with tie, trousers, dress blouse, and felt campaign hat. The weapon/holster will be located on the strong-hand side, with the magazine case in the front on the opposite side, worn in a vertical position. The Sam Browne belt flap shall be on the opposite side of the belt buckle than the magazine pouch. Handcuffs and case will be positioned opposite of the duty holster and positioned over the weak side between the pant stripe and the rear hook on the Sam Browne Belt. The Sam Browne belt attaches to the Garrison strap in the front, between the hook and the holster. It is crossed over the individual's chest to the opposite shoulder and secured under the epaulet. It is then crossed back over and attached to the Garrison Belt just behind the holster between the hook and the holster.

3.2 Commissioned Officers' Class A - Long sleeve shirt with tie, trousers, dress blouse, and felt campaign hat.

3.3 Class B - Long sleeve shirt with tie, trousers, and felt campaign hat. Outerwear can include the patrol jacket and/or the patrol sweater. The issued ANSI green raincoat and watch cap may be worn as weather conditions dictate. Mock turtlenecks may be worn (see Section II, sub-section 2.7)

3.3.1 No necktie will be worn with a mock turtleneck.

3.3.2 The Class B long sleeve shirt worn with a mock turtleneck shall display the issued gold decorative buttons down the entire front of the shirt.

3.3.3 Decorative gold buttons and backings will be issued by the Quartermaster Unit to personnel upon request.

3.3.4 Any alterations to the Class B long sleeve shirt to replace buttons shall be done by personnel at their own expense.

3.3.5 Supervisors shall inspect personnel prior to the shift to ensure the mock turtleneck and shirt display a professional appearance.

3.4 Class C - Short sleeve shirt, trousers and straw campaign hat. Outerwear can include the patrol jacket and/or the raincoat as weather conditions indicate.

3.5 Class D (Black Utility Uniform) - The trousers are six-pocket cargo style and the shirt can be long or short sleeve. The cloth nametape and officer badge patch will be sewn on the shirt. This shall be the standard Uniform of the Day for all Sergeants and below assigned to the Operations Bureau.

Commissioned officers will display their brass rank insignia on each collar. Non-commissioned officers' rank will be displayed by chevron patches on each arm. No other pins or ornamentation is permitted to be worn on the Class D uniform. The trousers shall be worn straight leg. If the trousers have drawstrings, they are to be removed, simply by pulling and cutting them. The STX duty belt with STX finish accessories shall be worn. The patrol jacket and raincoat can be worn as weather conditions indicate. Mock turtlenecks may be worn (see Section II, sub-section 2.7

3.5.1 Commercial Vehicle Safety Unit
STX duty belt with STX finish accessories shall be worn

3.5.2 Recruits - Academy
No shoulder or badge patches

3.6 Class E (Specialized Uniforms) - Class E uniforms are designed to meet the unique needs of specific job functions. Personnel must wear the Class E uniform only on days that they are working in the specialized job function. On other days, the Uniform of the Day shall be worn. Mock turtlenecks may be worn (see Section II, sub-section 2.7)

3.6.1 Tactical Section Units (Class E Uniform)

3.6.1.1 The following units/personnel shall wear the Tactical Section Class E Ranger Green Uniform as their Uniform of the Day.

- Emergency Operation Services (EOS)
- K9 Unit
- Marine Unit
- Special Response Team (SRT)
- Tactical Section Command

3.6.1.2 The Civil Disturbance Unit (CDU) collateral duty members shall wear the Class E Ranger Green uniform upon activation or for CDU training events. They shall have their Class E Uniform in close proximity when placed in an “inactive standby” status. All members shall be notified of a change in status through established notification procedures.

3.6.1.3 All Tactical Section personnel shall wear their uniform, carriers, and equipment in a manner consistent with Unit/Section Standard Operating Procedures.

3.6.2 Bicycle Patrol

- Black nylon trousers or shorts
- Two tone long or short sleeve polo shirt (yellow and black) with reflective stripe
- Nametape will be attached to the shirt with Velcro
- Officer Badge Patch sewn on the shirt
- Two tone jacket (yellow and black) with reflective stripe
- External Vest Carrier with accoutrements

3.6.3 Drill Instructor

- BDU style uniform shirt and trousers
- Trousers shall be bloused
- All patches (officer badge, chevrons, nametapes, etc.) will be subdued
- Commissioned officers’ rank insignia will be subdued
- Black Felt Campaign Style Hat
- Black Military Style Boots

3.7 Class B through Class E uniform attire will include the proper wearing of all police issued equipment, e.g., body armor, service weapon/holster, magazines/case, handcuffs/case, ASP baton/case, OC spray/case, flashlight/case, and portable radio in accordance with training regulations, unless otherwise instructed.

3.7.1 Sworn personnel working in uniform in administrative assignments may elect to not wear their duty belt with their supervisor's approval. However, they shall wear their issued firearm and have all issued equipment readily available.

3.8 Dispatchers

- Black cargo style trousers
- Short sleeve polo shirt, tucked into the trousers
- Black jacket with removable inner fleece jacket
- Black belt
- Black shoes

4. Uniform of the Day

4.1 Members have the option of wearing Class B, Class C, Class D (short sleeve or long sleeve) (Sergeants and below assigned to the Operations Bureau) or Class E (short sleeve or long sleeve) uniforms for routine assignments or general patrol. However, no mixing of classes of uniforms is permitted (i.e., Felt campaign hat may not be worn with a short sleeve shirt).

4.1.1 Sergeants and below assigned to the Operations Bureau may wear an issued external vest carrier with their class "D" uniform that shall be kept clean, well maintained, and in proper working order. The configuration/placement of issued equipment shall be outlined in the Uniform Regulations Guide.

4.1.2 The external vest carrier shall contain the following issued equipment:

A. Issued holder containing OC Spray
B. Issued holder containing Handcuffs
C. Issued holder containing Magazines/Ammunition
D. Issued holder containing CEW (TASER)
E. Issued holder containing Flashlight
F. Issued holder containing Portable Radio
G. Issued holder containing Body Worn Camera

4.1.3 The agency issued Tourniquet shall be worn strong side in a horizontal manner along the front of the STX belt. The agency issued rotating holder with ASP baton will be worn support side along the front of the STX belt.

4.1.4 The agency issued firearm shall be worn on the strong hand side in the issued duty holster attached to the STX duty belt utilizing the Single Leg Drop Holster and adaptor.

4.1.5 The agency issued Conducted Electrical Weapon (CEW) shall be carried cross-draw, in an approved holster on the side of the body opposite the service handgun.

4.1.6 No equipment shall be placed in any position or directly above the duty holster which would interfere with the ability to draw their weapon.

4.1.7 The external vest carrier shall only contain issued High Speed nylon type gear as specified under 4.1.2 above and none of that gear shall be placed on the STX Duty Belt.

4.1.8 The addition of any personnel equipment on the external vest carrier is prohibited.

4.1.9 Detachment/Unit Commanders shall ensure that personnel are adhering to the uniform and equipment guidelines.

4.2 Commanders may select the uniform class of the day for special events or assignments, or other specific circumstances as deemed appropriate.

4.3 Commissioned personnel **-** Members of the MDTA Police having commissioned rank will wear a Class A uniform when participating in formal public activities. The uniform for ceremonies and official functions shall be designated by the appropriate order.

4.4 Business Attire - For all sworn Police and Civilian Staff, Business attire includes a suit or other formal business attire, and dress shoes. The wearing of t-shirts, jeans, shorts, athletic sportswear or tennis shoes is not permitted.

4.5 Business Casual Attire - For all sworn Police and Civilian Staff, Business Casual attire will include a long or short sleeved, collared shirt, blouse, or Polo-type shirt; docker or cargo-type pants; or a skirt, or dress. Casual, closed toe shoes without visible symbols (No sneakers or sandals)

5. Uniform Care and Cleaning

5.1 Felt Campaign Hat - Remove lint with a soft brush. Spots may be removed with K2R Spot Remover. As an option, the hat may be sprayed with Scotch Guard.

5.2 Straw Campaign Hat - Remove spots with a damp cloth, DO NOT use spot removers. As an option, the hat may be sprayed with Scotch Guard. A brim press may be used on both campaign hats.

5.3 All exterior leather and STX surfaces will be cleaned and/or polished in a manner that maintains a black appearance. Agency issued leather equipment will not be treated with special appearance enhancement products, e.g., Leather Lustre and Leather Brite. Brass items shall be kept clean using a non-abrasive cleaner/polisher.

5.4 All uniform clothing has cleaning instructions sewn on the garments and no deviation will be permitted. Improper cleaning, damage or loss of uniforms that is deemed neglect on the part of the employee may require that the employee be responsible to reimburse the MDTA for cost and/or replacement of the items.

6. Uniform Measurement

6.1 Arrangements for measurements will be coordinated between the clothing vendor and the Commander of the Quartermaster Unit as required. All personnel will be notified when and where to appear for measurements. Personnel who are off duty, but are required to report to the installation for uniform measurement, will receive one (1) hour of overtime. Personnel who are reporting for duty, or who are going off duty, will be compensated for the actual time required for measurements.

7. Uniform and Equipment Replacements

7.1 Seasonal Requests

7.1.1 Winter uniforms may be ordered March 1 through March 30, and summer uniforms may be ordered September 1 through September 30, each calendar year.

7.1.2 All personnel may request Class A, B, C, D or E uniforms during seasonal requests.

7.1.3 Personnel needing new uniforms will fill out a New Uniform Clothing Request/Receipt, Form 162A and turn the completed form into his or her supervisor for approval.

7.1.4 Requests for replacement uniforms must be justified. Supervisors shall inspect worn or damaged uniform clothing prior to approving the request.

7.1.5 All approved New Uniform Clothing Request/Receipts will be given to the Detachment/Unit Quartermaster Coordinator for consolidation onto the appropriate Seasonal Request Form 107.

7.1.6 The Detachment/Unit Commander will approve all seasonal requests, signing the Seasonal Request Form 107. The Detachment/Unit Commander is not required to sign each Form 162A for seasonal requests.

7.1.7 Once approved by the Detachment/Unit Commander, all forms (107 and 162A) will be scanned and sent to the Quartermaster Unit via email.

7.1.8 Personnel are required to return their worn or damaged uniform clothing prior to receiving the replacement.

7.1.9 The Detachment/Unit Quartermaster Coordinator will designate an area for these returns. Once all clothing is collected, the clothing will be sent to the Quartermaster Unit for disposal.

7.1.10 Once an officer returns their worn or damaged uniform clothing, they can then sign their Form 162A, showing receipt of their replacement clothing.

7.1.11 The Detachment/Unit Quartermaster Coordinator will collect all signed forms. They will send them to the Quartermaster Unit via email.

7.2 Special Orders

7.2.1 Personnel needing replacement uniforms outside the seasonal request timeframes will need to request a special order, using the New Uniform Clothing Request/Receipt, Form 162A.

7.2.2 The reason for the special order shall be documented on the request form.

7.2.3 All special orders shall be approved by the Detachment/Unit Commander.

7.2.4 Once approved, the New Uniform Clothing Request/Receipt Form shall be sent to the Quartermaster Unit via email.

7.2.5 Procedures for receiving new uniform clothing for special orders are the same as receiving new uniform clothing during seasonal requests.

7.3 Quartermaster Storeroom Requests

7.3.1 Stocked Equipment and Supplies shall be requested using the Quartermaster Storeroom Request, Form 162B.

7.3.2 The Quartermaster Storeroom Catalog can be found on the MDTA Intranet, under Police and Quartermaster.

7.3.3 The Detachment/Unit Commander shall approve all requests.

7.3.4 Requests to replace sensitive equipment (badge, handcuffs, flashlight, etc.) due to normal wear shall state said reason in the comments section of the form.

7.3.5 Approved requests shall be signed by the Detachment/Unit Commander. If the commander is unavailable for signature, the request shall be sent to the commander via email. The Detachment/Unit Commander will then forward the request directly to the Quartermaster email, advising the request is approved.

7.3.6 If the Detachment/Unit Commander signed the form then the Detachment/Unit Quartermaster Coordinator can send the request to the Quartermaster email.

7.3.7 The Quartermaster Unit will notify the Detachment/Unit Quartermaster Coordinator and respective Commanders when their request is ready for pick-up.

8. Lost/Damaged Items

8.1 Personnel who lose or damage any issued item (equipment or uniforms) must submit a Special Report to their Commander, detailing the circumstances surrounding the loss or damage.

8.1.1 If an MDTA Police issued weapon, any issued identification card (MDTA Police, BWI/TM Airport, Port), badge, set of handcuffs is lost or stolen, the officer will immediately report it to the police in the local jurisdiction where the incident occurred. Next, the officer will notify the Duty Officer at the facility to which he/she is assigned. The Duty Officer will notify the Detachment/Unit Commander when practical. If the lost/stolen item is an MDTA Police issued firearm or badge the employee's Commander will ensure that the weapon or badge has been entered into NCIC.

8.2 The Commander will determine if the loss or damage was avoidable and document the finding. The Commander will ensure that a requisition to replace the item is completed. A copy of the Special Report will be sent, with the requisition, to the Quartermaster.

8.3 Supervisors will immediately report lost or damaged weapons (lethal and non-lethal) to the MDTA Police Range Master. After the Commander's determination, the requisition and Special Report will be sent to the Range Master for issuance of a replacement weapon.

8.4 Upon receipt of the requisition and Special Report, the Quartermaster will replace the lost or damaged item.

8.5 Cases in which loss or damage was determined to be avoidable will be referred to the Internal Affairs Unit.

9. Personnel Inspections

9.1 To ensure compliance with the uniform guidelines, each Officer, Corporal and Sergeant will be inspected on a quarterly basis. These inspections will be recorded on an MDTA Police Personnel Inspection Report.

9.2 The Inspection Report shall be filed in the employee's auxiliary file at the facility where the employee is assigned. The Inspection Report is a self-explanatory checklist to ensure members have in their possession appropriate issued equipment, and that the equipment is kept in accordance with departmental appearance guidelines.

9.3 Quarterly, the serial numbers of police issued equipment will be confirmed. This includes agency weapons, handcuffs, body armor, badges, portable radios, flashlight, mobile data computer, cellular phones and/or pagers. Any discrepancies noted will be forwarded to the Detachment or Division Commander. All employees driver's licenses will be verified annually. Members failing to maintain satisfactory ratings concerning uniform and equipment guidelines may receive a negative Fact and Observation Report. Personnel continuing to receive "Unsatisfactory" ratings on his or her Personnel Inspection Report will be subject to progressive disciplinary actions.

10. Ordnance Inventory

10.1 Each accountable position shall ensure that an Ordnance Inventory, Form 19A and 19B (if applicable), is completed for their division, command, detachment, or unit. Form 19A will list all assigned personnel, in alphabetical order, and the ordnance issued to each. Form 19B will list all additional sensitive equipment assigned to their division, command, detachment, or unit. (ex. weapons, body armor, etc.). Accountable positions include:

10.1.1 Office of the Chief (Chief, PIO, Executive Officer)

10.1.2 Operations Bureau (Lieutenant Colonel, Commander of Patrol Division, Commander of Special Operations Division and Operations Commanders)

10.1.3 Detachments (BWI/TM Airport, Central Command, Hatem Bridge, Inter-County Connector, Lane Bridge, Nice Bridge, and Port)

10.1.4 Commands & Units
Commercial Vehicle Safety Unit-Metro, Commercial Motor Vehicle Safety Unit-JFK, Homeland Enforcement and Traffic/Motors, K-9, Criminal Investigations Unit, Emergency Operation Services, Marine, Special Response Team, Civil Disturbance Unit, Tactical Medical Unit, Electronic Enforcement, Training, Property & Evidence, Quartermaster, Fleet/Technology, Budget & Planning, Internal Affairs, and Communications.

10.1.5 Administrative Bureau (Lieutenant Colonel, Commander of Logistics Division, Commander of Support Services Division, Logistics Command Operations Officer)

10.2 Four copies of the Ordnance Inventory Form will be completed and signed by the individual conducting the inventory inspection. The original shall be forwarded to the MDTA Police Quartermaster Unit. The Division Commander will retain one copy for each Command, Detachment and Unit under his or her command. One copy will be forwarded to the MDTA Police Range Master and one copy shall be forwarded to the Budget and Planning Command.

10.2.1 The Quartermaster and the MDTA Police Armorer will conduct a comparison for accuracy.

10.2.2 Should any discrepancies be discovered during or after the initial inventory, the inspecting officer will forward a Special Report, explaining the circumstances surrounding the discrepancy, through the Chain of Command, to the Division Commander.

10.3 The ordnance inventory will be performed semi-annually, completed at the end of June and December.

11. Out–Processing Procedures

11.1 MDTA Police members are required to return and/or account for all agency issued clothing and equipment prior to terminating employment with the Agency. Clothing must be cleaned and returned on hangers.

11.2 The Quartermaster Unit will examine the returned clothing and uniform items for serviceability. Items that cannot be reissued or are no longer serviceable will be disposed of pursuant to Inventory Control procedures.

11.3 All returned items are to be documented on the Clothing and Equipment Out-Processing Record and at the completion of the inventory the employee will sign and receive a copy of the completed Clothing and Equipment Out-Processing Record.

11.4 The Clothing and Equipment Out-Processing Record will be used to verify all “controlled” items have been returned in proper operating condition to the appropriate Detachment/Unit Commander.

11.5 Once all items listed on the MDTA Police Clothing and Equipment Out-Processing Record have been accounted for, both the exiting individual and the Detachment/Unit Commander, or his/her designee, will sign the form.

11.6 Personnel who are unable to return all issued equipment will submit a Special Report identifying the items(s) and why it is not being returned.

11.7 The signed MDTA Police Clothing and Equipment Out-Processing Record, the exiting person's Auxiliary File from the Detachment/Unit, and any Specials related to missing equipment will be forwarded through the chain of command to the Commander of the Support Services Division.

11.8 The Commander of the Support Services Division will determine if the exiting individual will be held financially accountable for the missing item(s).

11.9 The MDTA Police Clothing and Equipment Out-Processing Record, the existing employees Auxiliary File from the Detachment/Unit, and any Specials, if applicable, must be received by the Commander of the Support Services Division before the employee's retirement credentials will be issued, if authorized.

11.10 The Detachment/Unit Commander, or his/her designee will ensure all of the collected equipment is returned to those locations indicated on the MDTA Police Clothing and Equipment Out-Processing Record within five (5) business days of receiving the equipment from the exiting employee.

Chapter 12
Employee Performance Evaluations
Directives Manual Revision Date: 05/01/2020

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview……01

This section describes the purpose of Employee Performance Evaluation and the policy governing it.

Section II – Sworn Employee Performance Evaluation System……02

This section describes the process and procedure to include appeal process for evaluating sworn personnel.

Section III – Non-Sworn Employee Performance Evaluation System (EMPRES)……07

This section describes the Employee Performance Evaluation process, including responsibilities for writing, submitting, and filing the Evaluation. The appeals process is outlined.

Section IV – Evaluation of Entry & Lateral Level Probationary Employees……10

This section describes the requirements for evaluating recently hired, probationary employees.

Section V – Evaluation of Promoted Probationary Sworn Employees……12

This section describes the procedures to be used for evaluating the performance of newly promoted probationary employees.

Section VI – Fact & Observation Report……13

This section describes the ways to use the F&O Report to support the performance appraisal process.

Section VII – Personnel Early Warning System Overview……16

This section describes some of the indicators that could provide justification for a supervisor to enter an employee into the P.E.W.S.

Chapter 12
Employee Performance Evaluations
Directives Manual Revision Date: 05/01/2020

SECTION **PAGE**

Section VIII – Personnel Early Warning System Documentation……...……19

This section describes the procedures to complete the Performance Indicator and Performance Recommendation forms that are used in the P.E.W.S.

Chapter 12
Employee Performance Evaluations
Directives Manual Revision Date: 05/01/2020

Section I – Overview

1. Definition

1.1 An Employee Performance Evaluation is the assessment of skills and behavior for general and specific job classifications by the employee's rating supervisor. The Maryland Department of Transportation (MDOT) is responsible for the administration of a program for rating the work performance of all Maryland Transportation Authority Police (MDTA Police) employees. The Division Commanders are responsible for administering the employee performance evaluation within the agency.

2. Policy

2.1 The MDOT and the MDTA Police regularly review and evaluate employee performance through a written performance evaluation and discussion with the employee. It is the policy of the MDTA Police:

2.1.1 To require the highest standards of professionalism and technical competence from its work force in order to meet the MDTA Police mission.

2.1.2 To plan for all employees' growth and development and to provide employees evaluated as "Unsatisfactory" with opportunities to improve their performance.

2.1.3 To consider an employee's performance in career advancement.

2.1.4 That an employee's performance will be a determining factor in compensation adjustments.

2.1.5 All promotions will be fair and consistent.

Section II – Sworn Employee Performance Evaluation System

1. TSHRS

1.1 The MDTA Police participate in the MDOT, Transportation Service Human Resources Policy Section 7A "Employee Performance Appraisal" (EPE)

1.1.1 The MDTA Police Employee Performance Evaluation Form Instructions explain the process and the evaluation criteria for each job classification.

1.1.2 The Employee Performance Evaluation form provides a narrative comments section that must be completed for each "Unsatisfactory" rating category supporting the rated score provided by the supervisor.

2. Rating Period

2.1 The MDTA Police will complete performance evaluations for submission to MDTA Human Resources on an annual basis. Additionally, all MDTA Police personnel will be evaluated on the Employee Performance Evaluation form on a semi-annual basis. The rating period is for the calendar year, January 1 through December 31.

2.1.1 The Employee Performance Evaluation (Form 108) is located on the MDTA Police Intranet Forms Page.

2.1.2 The evaluation will only address performance of the employee for the specified evaluation period.

3. Procedure

3.1 Completed Employee Performance Evaluation forms will be filed in the employee's official personnel file, which is located in the Human Resources Office. The appraisal remains in the file for the duration of the employee's employment.

3.2 The Employee Performance Evaluation form provides a signature and date block for the rated employee to sign. The signature acknowledges receipt but does not imply agreement or disagreement. The employee may comment by attaching a written statement. The employee should be advised that they may attach a statement that offers their personal opinion of his/her performance appraisal.

3.3 Address both the positive and negative elements of the employee's rating on the form.

3.4 The employee will be rated by his/her supervisor utilizing the Employee Performance Evaluation form. Officer I through Senior Officer will be rated in Sections 1 through 13, Corporal through 1st Sergeant will be rated in Sections 1 through 15, and Lieutenant through Lieutenant Colonel will be rated in Sections 1 through 16. Supervisors will select "satisfactory", "unsatisfactory", or "non-applicable" rating for each benchmark in a category based upon the employee's performance.

3.5 A "satisfactory" rating for a benchmark indicates the employee meets the expectations; demonstrates proficiency; exhibits acceptable performance; and is an effective employee. An "unsatisfactory" rating for a benchmark indicates that the employee does not meet expectations; does not meet basic proficiency; needs improvement to exhibit acceptable performance; and needs improvement to be an effective employee (which must receive immediate attention). A "non-applicable" rating for a benchmark indicates it does not apply; skill or performance not observed; or the performance factor does not apply to the employee.

3.6 The total number of "satisfactory" and "unsatisfactory" ratings will be used to calculate an overall performance rating. The "non-applicable" ratings will not be used to calculate the overall performance rating. (i.e. total number of "satisfactory" ratings were 76 with 11 "unsatisfactory ratings for a total of 87 benchmarks being rated. This would lead to an overall 87.4% or "satisfactory" overall rating for the employee. Another example- total number of ratings were 64 "satisfactory and 29 "unsatisfactory" ratings for a total of 93 benchmarks being rated. This would lead to an overall performance rating of 68.9% or "unsatisfactory overall rating for the employee). If the overall rating is below 70% the employee will be placed on an "Employee Performance Improvement Plan".

3.7 Complete an employee development plan with the employee to provide direction in attaining continuous improvement.

3.8 Supervisors will establish an improvement plan for an employee that receives more than 30% "Unsatisfactory" ratings on their Performance Evaluation.

3.9 The rating employee's supervisor is responsible for reviewing the Employee Performance Evaluation form before the form is reviewed with the employee. The Employee Performance Evaluation form requires the signature of the Detachment/Unit Commander or his/her designee and the date.

3.10 A private meeting must be convened between the supervisor and the employee to discuss the employee's performance evaluation for the prior rating period. The supervisor should try to establish a relaxed and trusting atmosphere during the session.

3.11 At this meeting, with input from the employee, written goals for the forthcoming rating period should be established. They should be attainable and pertain to the employee's function and position. The supervisor should have periodic meetings throughout the year to discuss the employee's progress. Supervisors should encourage employees to take advantage of career advancement and educational/training opportunities. See TSHRS Reference Section, 7A & 7C.

3.12 The supervisor shall offer an objective assessment of the employee's strengths and weaknesses and when necessary provide explanation or documentation to support their overall assessment in Section 17 of the Employee Performance Evaluation form. The employee should be encouraged to provide feedback, comments and discussion regarding their performance evaluation.

3.13 Any employee anticipated to receive an overall "unsatisfactory" Employee Performance Evaluation rating will be notified, in writing, by their supervisor no later than September 30 of the current rating period. A copy of the notice shall be sent to the Commander of Support Services via the chain of command.

3.14 Employees will receive a copy of their evaluation at the conclusion of a private meeting with the supervisor.

4. Oversight

4.1 Division Commanders should ensure that there is a review of all performance appraisals prepared by the Supervisors under their command. Reviewers will consider the quality of ratings given by raters when the rater is evaluated.

4.1.1 Files should be checked for relevant information, such as disciplinary actions, attendance, and letters of commendation that would affect an employee's evaluation.

4.1.2 Division Commanders should ensure that rating supervisors are using the correct guidelines for the employee's occupational group. (Each employee occupational group is printed at the top of the Employee Performance Evaluation form).

4.1.3 Division Commanders should ensure consistency in rating employees.

5. Appeal Process - Sworn Personnel

5.1 If there is an irreconcilable difference involving the Employee Performance Evaluation of an employee, the employee must sign the "Intent to Appeal" on the last page of the Employee Performance Evaluation form. Additionally, a Special Report must be submitted to his/her immediate supervisor who will forward it, through the Chain of Command, to the Division Commander. The Division Commander will attach the Special Report to the Employee Performance Evaluation form.

5.1.1 An Employee Performance Evaluation Rating Appeal Board will only be appointed if the officer signs the final Employee Performance Evaluation form in the section stating “I wish to appeal”. If the officer does not sign this section, no hearing will be scheduled and the Employee Performance Evaluation rating will be final.

5.2 Sworn employees desiring to appeal their evaluation must do so within 15 calendar days following receipt of their evaluation. The appeal must be submitted in writing on a “Special Report” and must indicate the reason for the appeal request, such as the following:

- Negative ratings by the rater are not substantiated by the documentation
- Personal prejudice on the part of the rater
- The rater did not consider pertinent data to the evaluation process
- Pertinent data was considered, but was considered improperly or only partially
- Extraordinary cases involving reasons not covered above may also be considered at the discretion of the Appeal Board

5.3 The Administrative Bureau Chief, or designee, will appoint an Appeal Chairperson to hear all performance appraisal appeals for sworn members. The appeal Chairperson appointed by the Administrative Bureau Chief shall consist of one member, Captain or above, and will be a fact-finding body whose function shall be to rule on all assigned appeals of the Employee Performance Evaluation System.

5.4 Upon being notified of the appointed Chairperson, the appellant shall have the right to challenge the Chairperson’s designation within twenty-four hours of the notification. The Administrative Bureau Chief, or designee, will rule on the challenge and if such a ruling is in favor of the appellant, the Administrative Bureau Chief, or designee, will appoint a replacement. The appellant may request the summoning of witnesses; however, he/she must explain the importance of each witness to his/her case. The Appeal Chairperson, after careful consideration, will affect the summoning of witnesses that, in his/her opinion may make material contribution toward the resolution of the appeal. The Appeal Chairperson will have the authority to summon any additional witnesses whose testimony, in his/her opinion, may be pertinent.

6. Conduct of Hearing

6.1 The Appeal Chairperson will consider only those factors properly documented. The appellant will be permitted to present oral arguments if the appeal request is granted. Discussion will be confined to the factors cited in the request and accepted by the Hearing Board. The Appellant should be prepared to provide any reports or documents that support the position. Arguments concerning rating of peers or overall total scores will not be permitted. While the rater may be present, he/she is not required to justify his/her rating unless so requested by the Hearing Board.

6.2 The Appeal Chairperson may adjust the ratings on the specific factor(s) appealed based on a review of the standard and the evidence presented. Adjustments will be made on the form itself and must be accomplished by written justification for each change made.

6.3 Appeals will be an objective review of the Appellant's argument that his/her performance has not been properly rated. For this reason, officers hearing appeals will not discuss any appeals with the reviewers or others involved prior to the appeal.

6.4 The Appeal Chairperson will notify the Appellant in writing of the decision within 10 calendar days after the hearing. The decision of the Hearing Board is final and binding on all parties.

Section III – Non-Sworn Employee Performance Evaluation System (PULSE)

1. TSHRS

1.1 The MDTA Police participate in the MDOT, Transportation Service Human Resources Policy Section 7A "Employee Performance Appraisal" for non-sworn police employees.

1.1.1 The MDTA Employee Performance Evaluation (EPE) form instructions, explain the process and the evaluation criteria for each job classification.

1.1.2 The EPE form provides a narrative comments section that must be completed for each occupational rating category supporting the rated score provided by the supervisor.

2. Rating Period

2.1 The MDTA Police will complete an EPE for all non-sworn employees for submission to MDTA Human Resources on an annual basis. Additionally, all MDTA Police non-sworn personnel will be evaluated on the EPE form on a semiannual basis. The rating period is for the calendar year, January 1 through December 31.

2.1.1 The EPE form is located on the MDTA Intranet Forms Page.

2.1.2 The evaluation will only address performance of the employee for the specified evaluation period.

3. Procedure

3.1 Completed EPE forms will be filed in the employee's official personnel file, which is located in the Human Resources Office. The appraisal remains in the file for the duration of the employee's employment.

3.2 The EPE form provides a signature and date block for the rated employee to sign. The signature acknowledges receipt, but does not imply agreement or disagreement. The employee may comment by attaching a written statement. The employee should be advised that they may attach a statement that offers their personal opinion of his/her performance appraisal.

3.3 Address both the positive and negative elements of the employee's rating on the form.

3.4 Complete an employee development plan with the employee to provide direction in attaining continuous improvement.

3.5 Establish an improvement plan for an employee in any factor rated “Unsatisfactory” on their Performance Evaluation.

3.6 The rating employee’s supervisor is responsible for reviewing the EPE form before the form is reviewed with the employee. The EPE form requires the signature of the Detachment Commander or his/her designee and the date.

3.7 A private meeting must be convened between the supervisor and the employee to discuss the employee’s performance evaluation for the prior rating period. The supervisor should try to establish a relaxed and trusting atmosphere during the session.

3.8 At this meeting, with input from the employee, written goals for the forthcoming rating period should be established. They should be attainable and pertain to the employee's function and position. The supervisor will have semiannual meetings (January and July) to discuss the employee’s progress. Supervisors should encourage employees to take advantage of career advancement and educational/training opportunities. See TSHRS Reference Section, 7A & 7C.

3.9 The supervisor shall offer an objective assessment of the employee’s strong and weak points and when necessary provide explanation or documentation to support their assessment. The employee should be encouraged to provide feedback, comments and discussion regarding their performance evaluation.

3.10 Employees will receive a copy of their evaluation at the conclusion of a private meeting with the supervisor.

4. Oversight

4.1 Division Commanders should ensure that there is a review of all performance appraisals prepared by the Supervisors under their command. Reviewers will consider the quality of ratings given by raters when the rater is evaluated.

4.1.1 Files should be checked for relevant information, such as disciplinary actions, attendance, and letters of commendation that would affect an employee’s evaluation.

4.1.2 Division Commanders should ensure that rating supervisors are using the correct guidelines for the employee’s occupational group. (Each employee occupational group is printed at the top of the EPE Form).

4.1.3 Division Commanders should ensure consistency in rating employees.

5. Appeal Process – Non-Sworn Personnel

5.1 Non-sworn members of the MDTA Police may contest or appeal their Performance Evaluation as outlined in the MDOT, Transportation Service Human Resources Policy, Section 7-I, “Grievance Procedure.”

Section IV - Evaluation of Entry and Lateral Level Probationary Employees

1. Probationary Period – Sworn Personnel

1.1 All sworn employees appointed at entry level shall remain in a probationary status for a period of two years from the date of appointment to the MDTA Police.

1.2 All sworn employees appointed at lateral level shall remain in a probationary status for a period of one year from the date of appointment to the MDTA Police.

1.3 The Chief of Police may discharge an employee in probationary status for any cause which the Chief, in the Chief's sole discretion, deems sufficient.

2. Supervisor's Responsibilities

2.1 Supervisors are responsible for meeting with their personnel at the beginning of each rating period to clearly define job specifications and expectations of the employee. Commanders will closely monitor the performance and conduct of employees to ensure appropriate counseling and training are being conducted by supervisors.

2.2 Commanders will ensure that probationary employees are aware of their performance and job expectations and requirements. Probationary performance will be documented quarterly on the Employee Performance Evaluation form. However, no annual Employee Performance Evaluation form will be forwarded to MDTA Human Resources until the employee has completed his/her probationary period.

2.3 Commanders will ensure that documentation and accurate records are maintained on the above actions.

3. Probation Board

3.1 All entry and lateral level probationary employees shall appear before a Probation Board 180 calendar days prior to the end of their probationary period.

3.2 The Probation Board will be chaired by a commissioned officer, Lieutenant or above. The Board members will be comprised of two other sworn members of the MDTA Police with one holding the rank of Officer II or Senior Officer.

3.3 The Probationary Officer’s Commander will direct the preparation of a Standardized Probation Report packet by supervisory personnel outlining the officer's performance and conduct.

3.4 The Probationary Officer and Commander will appear before the Probation Board. The Commander will serve as the MDTA Police “Presenter of Facts”. As such, the Commander will submit the Standardized Probation Report packet and required documentation to the Board. This Standardized Probation Report packet template can be located on the Police Intranet under the Reference Library.

3.5 At the conclusion of the Commander's presentation one of the following recommendations will be made by the Commander to the Probation Board:

3.5.1 Employee be retained in a permanent status at the completion of the employee's probationary period.

3.5.2 Employee be separated from the MDTA Police immediately.

3.5.3 Employee be notified that an additional Probation Board review will be convened at least 30 calendar days prior to the end of the employee’s probationary period thereby allowing the employee the opportunity to improve performance/conduct and participate in remedial training.

3.6 The Probationary Officer will be afforded the opportunity to address the Probation Board and may present additional information on his/her behalf.

3.7 The Probation Board will confer following the presentations. The Board will endorse the Commander's report and include whether the Board concurs or does not concur with the Commander's recommendation. All reports will be immediately forwarded to the applicable Division Commander for presentation to the Chief of Police.

3.7.1 If the Board’s recommendation is to reject the employee on probation, immediately following the Board, the employee’s police powers will be suspended until a final determination is made by the Chief of Police.

4. Unsatisfactory Performance & Misconduct

4.1 If at any time during the probationary period, an Officer demonstrates unsatisfactory performance or misconduct to the extent additional training or counseling would serve no constructive purpose, a Probation Board may be convened as outlined above. Recommendations pertaining to the officer's employment status will be immediately forwarded through the chain of command to the Chief of Police.

Section V – Evaluation of Promoted Probationary Sworn Employees

1. Probationary Period

1.1 All sworn employees promoted to Corporal, Sergeant, 1st Sergeant, and Lieutenant shall remain in a probationary status for a period of six months from the date of promotion.

1.2 Promoted probationary employees (Corporal through Lieutenant) will receive quarterly Employee Performance Evaluations until they have been released from probation.

1.3 The Chief of Police or his/her designee may extend an employee's probationary period for an additional period, not to exceed six months. The supervisor must provide documentation supporting the reasons for the extension. The request must be made no later than thirty calendar days before the end of the probationary period.

2. Supervisor's Responsibilities

2.1 Supervisors are responsible for meeting with their personnel at the beginning of each rating period to clearly define job specifications and expectations of the employee. Commanders will closely monitor the performance and conduct of employees to ensure appropriate counseling and training are being conducted by supervisors.

2.2 Commanders will ensure that probationary employees are aware of their performance and job expectations and requirements. Probationary performance will be documented quarterly on the Employee Performance Evaluation form.

2.3 Commanders will ensure documentation and accurate records are maintained on the above actions.

2.4 The probationary employee's supervisor must submit a completed Release from Promotional Probation, MDTA Police Form 37, and the employee's most recent Employee Performance Evaluation or Quarterly evaluation through the chain of command to the Commander of the Support Services Division no later than thirty calendar days before the end of the probationary period.

Section VI - Fact & Observation Report

1. Policy

1.1 It is the policy of the MDTA Police to recognize and record both exceptional and sub-standard performance by members of this agency. Supervisors will use the Fact & Observation Report (F&O Report) form for this purpose.

2. Use

2.1 The F&O Report will be used for the following:

- Assess training needs - recognizing deficiencies in employee job knowledge and correcting them through added training (roll call, in-service, specializing training, etc.)
- Improve employee performance - after an observation, recommendations shall be made to correct minor deviations from procedures, rules or regulations. (For Example, employees placed on a “One Day Sick Certificate” for the use of sick leave, which has not been substantiated by medical documentation, must be informed in writing. An F&O Report shall be utilized for this notification).
- Prepare employee performance appraisals - these sessions assist the supervisor in preparing appraisals, including positive and negative information, for the rating period. Counseling sessions should be documented in the performance appraisal.
- Document exceptional performance - provide written documentation when exceptional performance is observed or reported to the rating supervisor.

2.2 Only F&O Reports issued during the current rating period will be used for performance appraisals.

2.3 F&Os are not considered to be disciplinary action.

3. Completing the F&O Report

3.1 The supervisor responsible for the counseling will ensure that the original completed report is presented at the session.

3.2 The employee must be given the opportunity to review and make comments regarding the F&O Report. He/she shall sign the document and receive a copy of the completed form at the conclusion of the session.

3.3 A copy will be given to the employee, immediately following the counseling session. The original should be retained by the rating supervisor to assist with the performance appraisal process. The original should be attached to the performance rating during the review and approval process.

4. Positive Performance

4.1 Exceptional performance should always be recognized. Whether in the form of an F&O Report, complimentary letters from citizens, other members of the MDTA, exceptional reports or other documented information, take the time to catch someone doing something right. These items should be mentioned in the performance evaluation and forwarded using the process described above.

5. Negative Performance

5.1 When a counseling session is held to discuss a negative matter, the supervisor and the employee should decide on corrective actions that should be taken to eliminate or improve the action. If, after a period, the employee feels that the action has been rectified he can submit a report to the supervisor detailing the corrective action/s taken. The supervisor will note his agreement or disagreement on the report and forward it for file as described above.

5.2 Supervisors have a training responsibility and should use this counseling process as another tool in their training arsenal. Identify acceptable and non-acceptable performance. Commend those who are doing a good job and identify those areas where employees need to improve. Design a plan to train away performance deficiencies and together with the employee, develop reasonable objectives for improvement.

5.3 The employee should be reminded that training is available and encouraged to participate in areas of their specific interest. Training bulletins are published and posted and employees are directed to the Training Unit to ascertain the types and dates of training offered by various agencies and organizations.

6. Unsatisfactory Performance

6.1 Any non-probationary employee whose performance is deemed to be Unsatisfactory during the rating period will be counseled in writing by their supervisor relative to the affected areas(s). The rating supervisor will complete an F&O Report at any time during the rating period to provide documentation of sub-standard performance.

6.2 Rating Supervisors shall inform the employee concerning their deficient performance and offer suggestions and strategies to improve and meet the requirements to achieve a minimum satisfactory level of performance.

6.3 At the discretion of the Appointing Authority, employees may be required to be formally evaluated at more frequent intervals.

7. Retention

7.1 F&O Reports will be kept in the employee's files for one year from the date of receipt.

Section VII - Personnel Early Warning System Overview

1. Policy

1.1 It is the policy of the MDTA Police to identify, evaluate and provide assistance to officers who demonstrate symptoms of behavior and/or stress related problems.

2. Intervention

2.1 The primary function of the Personnel Early Warning System (PEWS) is to facilitate the identification and early detection of an employee who may benefit from intervention.

2.2 Agency intervention is generally determined by the individual situation or circumstances and dependent upon the type of assistance or remedial action(s) needed to maximize the benefit to the employee.

2.3 Intervention may be used as a preventative method in circumstances indicating the likelihood of a negative consequence to the employee, co-workers, or the public.

2.4 All information and intervention related to the PEWS shall be handled in a confidential manner.

3. Intent

3.1 The Personnel Early Warning System is intended to serve as a methodical approach to highlight specific or repetitive behaviors that may otherwise be overlooked. The implementation of an early warning system can assist supervisors in recognizing early warning signs and prevent a potential problem.

3.1.1 Early warning indicators include, but are not limited to:

- Recurring involvement in certain types of incidents
- Specific patterns of performance or behavior
- Minor violations of Agency rules or regulations
- Three or more complaints received by the Internal Affairs Unit within a 12-month period
- Sudden behavior or performance changes in an employee

3.2 The Personnel Early Warning System is NOT to be used as a forum for disciplinary action, nor may a punitive sanction be imposed as a result of a review of the criteria used for data collection. Any disciplinary action should have been previously imposed at the time of the incident.

3.2.1 Nothing in the process shall interfere or supersede the Agency's normal application of a disciplinary action or procedure as part of an Internal Affairs Unit investigation for a violation of the MDTA Police's current rules or regulations.

4. Early Warning Indicator Sources

4.1 A systematic review of data comprised of specific events can be used to identify an employee who may need assistance or is experiencing a performance and/or stress related problem. The use of required reporting is one method utilized to track particular incidents or repetitive behaviors.

4.2 Data may be collected from a variety of resources including:

- Use of Force Reports
- Pursuit Driving Data Reports
- Internal Affairs Unit Complaints/Investigations
- Departmental Motor Vehicle Collision Reports
- Employee Performance Evaluation System
- Negative Fact & Observation Reports

4.3 Internal Affairs Unit IA Pro software will generate an alert to the Commander of Internal Affairs Unit when a sworn employee accumulates three or more complaints within a 12-month period. This alert information will be forwarded to the sworn employee's Detachment/Unit Commander by the Internal Affairs Unit Commander.

5. Review Methods

5.1 Generally, all data collected on employees through required reporting techniques contain or permit a review process. The Use of Force Reports, Pursuit Driving Data Reports, Departmental Motor Vehicle Collisions and IAU Investigations are subject to a committee review board.

5.2 Detachment/Unit Commanders will review the alert information as provided by the Internal Affairs Unit Commander. The alert information will contain information relative for each complaint received, as well as the outcome and/or status of each complaint.

6. Supervisory Observations

6.1 It is the responsibility of first line supervisors to familiarize themselves with the subordinates assigned to his/her squad, unit or division. Routine observations can be noted regarding each member's general demeanor, appearance and conduct. A sudden or drastic change in an employee's behavior, performance or attitude may be an early indicator to a potential problem. Such behavioral changes may include, but are not limited to:

- Sudden mood Swings
- Signs of depression
- A noticeable change in productivity level (increase or decrease)
- An increase in sick and/or late occurrences

6.2 Supervisors must also be cognizant to officers who have recently responded to an incident or tragic event that resulted in the death of one or more individuals. Supervisors should pay particular attention to these officers after such an event has occurred. Such signs or symptoms of stress may not always surface immediately.

Section VIII – Personnel Early Warning System Documentation

1. Performance Indicator & Recommendation Forms

1.1 In order to assist Detachment/Unit Commanders or supervisors in effectively monitoring an employee's performance and to recognize potential at-risk incidents a documented pattern must first be established. Initially, such documentation will be recorded for each occurrence or incident on a Performance Indicator Form.

1.2 Once the need for intervention has been identified, a Performance Recommendation Form will be completed by the Detachment/Unit Commander or supervisor initiating the recommendation request, generally the employee's immediate supervisor.

2. Application

2.1 A Performance Indicator Form may be generated for, but not limited to:

- Use of Force Incidents
- Vehicle Pursuits
- Internal Affairs Unit Complaints/Investigations
- Departmental Collisions
- Citizen Complaints
- Internal or peer complaints
- A Negative F&O Report
- A "Unsatisfactory" rating on the Employee Performance Evaluation, or any rating which is being appealed by the employee
- The employee's supervisor has become aware of a change in the employee's performance or behavior, (i.e., change in productivity, increase in sick and/or late occurrences, sudden changes in moods, etc.)
- Where the initiating Detachment/Unit Commander or supervisor determines the seriousness of the incident, or the frequency of similar incidents, warrants further documentation.
- Any other substantive source(s) bearing merit for initiating a Performance Indicator Form

2.2 A Performance Indicator Form will only be generated in cases where the initiating Detachment/Unit Commander or supervisor determines the seriousness of the incident, or the frequency of similar incidents, warrants further documentation.

2.3 Detachment/Unit Commanders shall ensure a Performance Indicator Form is completed when one of their officers receives three or more complaints in a 12-month period.

2.3.1 Detachment/Unit Commanders shall review the circumstance of the complaints and also have a Performance Recommendation Form completed.

2.3.2 A recommendation shall be listed on the Performance Recommendation Form based on evaluating the circumstances of the complaints as well as any other performance or behavior indicators.

2.3.3 At a minimum, confidential supervisory counseling shall be conducted with officers that receive 3 or more complaints in a 12-month period.

3. Procedures

3.1 Some incidents may occur in which a meeting or a counseling session would interfere with an ongoing investigation, an employee's LEOBOR rights, etc. As such, meetings will be based on the applicability of the incident.

3.2 Generally a Detachment/Unit Commander or supervisor will only meet with the employee to ascertain the officer's well-being and/or ensure his/her understanding of MDTA Police policy. These meetings are not disciplinary in nature and will not be documented in any way as a disciplinary counseling session.

3.3 Each Performance Indicator Form will be sent via the Chain of Command to the Commander of the Support Services Division.

3.4 The Performance Indicator Form will then be forwarded to the Police Human Resources Unit for review and retention in a separate confidential file. No other copies of the Performance Indicator Forms will be maintained.

3.5 A commander or supervisor shall also complete a Performance Recommendation Form any time the need for intervention has been deemed necessary.

3.5.1 The Performance Recommendation Form will have a recommended intervention indicated and will be accompanied by a Performance Indicator Form.

3.5.2 Both the Performance Indicator and Performance Recommendation Forms will be sent via the Chain of Command to the Commander of the Support Services Division.

3.5.3 The Performance Indicator and Performance Recommendation Form will then be forwarded to the Police Human Resources Unit for review and retention in a separate confidential file. No other copies of the Performance Indicator Forms will be maintained.

3.6 The Commander of Support Services will be notified anytime an employee has more than one Performance Indicator Form on file.

3.6.1 The Commander of Support Services will review the indicator forms and determine if further action is necessary.

3.6.2 If intervention is necessary, the appropriate Division Commander will be notified to have a Performance Recommendation Form completed and for appropriate action to be taken.

3.6.3 Members of IAU may also initiate Performance Indicator and Performance Recommendation Forms.

4. Remedial Actions

4.1 Once the situation, or the totality of documentation, indicates the need for agency intervention assistance may include:

- Remedial Training
- Supervisory Counseling (Non-disciplinary)
- Temporary Reassignment
- Pastoral Counseling
- Referral to the MDTA Police Employee Assistance Program
- Transfer
- Evaluation by the MDTA Police Medical Provider
- Referral to the MDTA Police Employee Relations Office

4.2 The recommendation for intervention will be determined on a case-by-case basis, as opposed to a specific number of incidents obtained per year. This will allow supervisory staff to intervene earlier in those cases needed to assist an employee.

4.3 Any action recommended (remedial training, transfer, reassignment, counseling) will not be considered punitive in nature or a disciplinary action.

4.4 Nothing in this policy prohibits a member from initiating or requesting assistance as provided through agency resources.

4.5 It is the responsibility of the Detachment/Unit Commander to verify the employee has participated in and (if applicable) satisfactorily completed the recommended course of action.

5. Retention

5.1 The information collected on the Performance Indicator Form(s) will be based on a rolling 12-month period.

5.2 Performance Indicator Form(s) and related Personnel Early Warning System reports/records older than three (3) years will be purged from all files.

5.3 The Police Human Resources Unit will maintain the Performance Indicator and Performance Recommendation Forms separate from personnel files due to the confidential nature of the content.

6. Annual Evaluation

6.1 The Commander of the Support Services Division will conduct an annual evaluation of the Personnel Early Warning System, examining the system's effectiveness during the previous twelve months, including any recommendation(s) for revisions. The evaluation will be documented on a Special Report and submitted to the Chief of Police via the chain of command. A copy shall be forwarded to the Accreditation Manager as proof of compliance.

Chapter 13
Grievance and Dispute Resolution Procedures
Directives Manual Revision Date: 05/01/2020

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Grievance Process Overview.....01

This section describes the purpose of the grievance process and the limitations for using the process. The responsibility for coordinating the process is also described.

Section II – Grievance Process.....04

This section describes the procedures that will be followed by all personnel involved in the grievance process. This process does not apply to any complaints for terms covered under the Collective Bargaining Agreement/Memorandum of Understanding.

Section III – Dispute Resolution Process.....07

This section describes the procedures that will be followed by all personnel involved resolving complaints concerning the application or interpretation of the terms of the Collective Bargaining Agreement.

Chapter 13
Grievance and Dispute Resolution Procedures
Directives Manual Revision Date: 05/01/2020

Section I - Grievance Process Overview

This section describes the purpose of the grievance process for complaints on issues not covered under the Collective Bargaining Agreement/Memorandum of Understanding and the limitations for using the process. The responsibility for coordinating the process is also described.

1. Responsibilities

1.1 The Maryland Transportation Authority Police (MDTA Police) recognizes that legitimate problems, differences of opinion, complaints, and grievances will exist in the daily relationship between the MDTA Police and its employees. It is the responsibility of all personnel to establish and maintain a work environment in which an employee's problem can be properly identified, presented, discussed, and given fair and timely consideration.

2. Obligations

2.1 Division/Detachment/Unit Commanders, Supervisors, and Employees have an obligation to make every effort to resolve employment related problems as they arise and at the lowest possible level of management.

3. Rights

3.1 Each MDTA Police employee shall have the right to make known his or her problem or complaint without fear of coercion or reprisal.

4. Policy

4.1 Recognizing that complaints and problems interfere with good work production and that an impartial grievance procedure promotes employee morale, it is the policy of the MDTA Police to provide a fair grievance procedure to all of its employees.

5. Definition

5.1 A grievance is defined as any cause of complaint arising between any employee and the MDTA Police concerning the interpretation or application of MDTA Police rules and procedures and/or the interpretation or application of Maryland Department of Transportation, Transportation Service Human Resources System Policies and Procedures, over which the MDTA Police has control.

6. Exceptions

6.1 No provisions or aspects of the MDTA Police promotional system, including promotion or failure to promote, duty assignments, wages, or benefits are grievable matters.

6.2 Disciplinary matters governed by the Law Enforcement Officers Bill of Rights (LEOBR) are exempted from this procedure and are not grievable matters.

6.3 Complaints of discrimination are processed in accordance with the Maryland Department of Transportation, Transportation Services Human Resource Procedures Manual, Section 11D, “Processing and Investigating Complaints of Discrimination” and are not grievable under this procedure. Additionally, the Maryland Transportation Authority Directive on “Fair Practices” provides a mechanism to discuss Equal Employment Opportunity and Affirmative Action issues directly with the Chief of Police.

7. Time Constraints

7.1 Grievances must be initiated within thirty (30) calendar days of the action involved, or within 30 days of the employee having knowledge of the act.

7.2 For the purpose of this directive, workdays are described as Monday through Friday, regardless of work schedule.

8. Coordination/Control of Records

8.1 The Commander of Support Services Division shall serve as the coordinator of the grievance procedure for the agency. It is the responsibility of the Commander of Support Services Division to ensure that the procedures, herein defined, are carried out as instructed by this directive. Once a sworn member has decided to formally file a grievance it is the responsibility of the employee to familiarize him/herself with the grievance procedures. If an employee has filed a grievance and has not received a response within the specified time frame at a particular step, the officer may submit a Special Report detailing this information directly to the Commander of Support Services Division.

8.2 The Coordinator of the MDTA Police Human Resources Unit shall file, maintain, and control access to all records of grievances. Access shall be limited to a “need-to-know” basis and to persons directly involved in the grievance process.

9. Annual Analysis

9.1 The Commander of Support Services Division is charged with providing the Chief of Police with an annual analysis of grievances filed and the procedure's effectiveness. This report shall be conducted for the previous calendar year, and include at a minimum:

- Types of incidents
- Steps of resolution
- Trends

9.2 Upon settlement of the grievance at any step, the petition and all accompanying reports shall be forwarded, through the chain of command, to the Coordinator of the MDTA Police Human Resources Unit for filing.

Section II - Grievance Process

This section describes the procedures that will be followed by all personnel involved in the grievance process. This process does not apply to any complaints for terms covered under the Collective Bargaining Agreement/Memorandum of Understanding

1. Law Enforcement Personnel (Sworn) Procedures

1.1 Any sworn member wishing to file a formal grievance may do so using the MDTA Police Grievance Petition (Form 22).

1.2 A grievance petition shall be typed and contain:

- A statement of fact upon which the grievance is based
- A statement of the alleged wrongful act
- A statement of the harm suffered
- A statement of the remedy or adjustment sought

1.3 All grievances will be sent directly to the Commander of Support Services Division, who will review the grievance for applicability and issue the grievance a number.

1.4 At any phase of the grievance process, the employee may select another person, (i.e. friend, co-worker, attorney, etc.) to represent him/her.

1.5 The employee shall be provided a copy of the decision at each step.

1.6 The employee may withdraw the grievance at any time during the process by submitting the request on a Special Report.

2. Log and Filing Responsibilities

2.1 The Commander of the Support Services Division will maintain a log and file for all grievances.

3. Commander of Support Services Procedures

3.1 The Commander of Support Services Division will, within five (5) days, determine whether or not the issue being grieved is applicable under this policy, and if applicable, will forward the grievance to the appropriate Division Commander; or, if the grievance originated within the Support Services Division, the grievance, shall be assigned to the appropriate supervisor within that Division.

4. Supervisor Procedures and Decision

4.1 Once a supervisor receives a grievance, he/she shall within five (5) working days of receiving the written grievance hold a conference with the grievant and his/her designated representative, and shall within five (5) working days after the conference render his/her decision typed on MDTA Police Form 22 to the grievant.

4.2 If the grievant is not satisfied with the decision at the supervisory level, he/she may appeal, typed on a Special Report to the next step within five (5) working days. The written appeal must state the reason for the appeal.

5. Detachment/Unit Commander Procedures and Decision

5.1 The Special Report containing the grievance appeal along with the entire Form 22 shall be presented to the Detachment or Unit Commander, who shall review the appeal.

5.2 Within five (5) working days after the receipt of the grievance, the Commander shall hold a conference with the grievant and his/her designated representative, and shall render a decision, typed on Form 22, within five (5) working days after the conference.

5.3 In the event the grievant is not satisfied the grievance may be appealed, typed on a Special Report, stating the reason for the appeal to the next step within five (5) working days.

5.4 It is the responsibility of the Commander to keep his/her superiors informed of the status of each grievance and, as necessary, to request their guidance or other assistance in finding resolution.

6. Division Commander- Procedure and Decision

6.1 The Special Report containing the grievance appeal and the entire Form 22 shall be presented to the Division Commander, who shall review the appeal.

6.2 Within ten (10) working days after the receipt of the grievance appeal, the Division Commander shall hold a conference with the grievant and his/her designated representative, and shall render a decision typed on Form 22 within ten (10) working days after the conference to the grievant.

6.3 In the event the grievant is not satisfied, the grievance may be appealed typed on a Special Report stating the reason for the appeal to the next step within five (5) working days.

7. Chief of Police-Procedure and Decision

7.1 If the dispute is still unresolved, the aggrieved employee may appeal to the Chief of the MDTA Police.

7.2 The appeal must be typed on a Special Report and submitted along with the entire Form 22 to the Chief of Police within ten (10) working days after receipt of the Division Commander's written decision. The appeal must state the reason for the appeal.

7.3 The Chief shall hold a conference with the grievant and his/her designated representative, within fifteen (15) working days of receipt of the grievance appeal, and shall render a decision, typed on Form 22 within twenty (20) working days after the conclusion of the conference.

7.4 The decision of the Chief of Police is final and binding.

8. Civilian Personnel (Non-sworn) Procedures

8.1 The MDTA Police participates in the grievance procedure as described in the Maryland Department of Transportation, Transportation Service Human Resources Policy, Section 7-I as it applies to civilian employees of the MDTA Police. This policy specifically excludes, "Law Enforcement Personnel" 7-I – 2.2 "C".

Section III - Dispute Resolution Process

(This section is only applicable to employees in Collective Bargaining Unit "J")

1. Definitions

1.1 Collective Bargaining Agreement (CBA)/ Memorandum of Understanding (MOU) - An agreement entered into by the Maryland Transportation Authority ("Employer") and the exclusive bargaining representative for Collective Bargaining Unit "J" and has as its purpose the promotion of harmonious relations between the Employer and bargaining representative; the establishment of an equitable and peaceful procedure for the resolution of differences without disruption in the workplace; and includes the agreement of the parties on the standards of wages, hours and other terms and conditions of employment for the Collective Bargaining Unit "J" employees.

1.2 Dispute - a complaint concerning the application or interpretation of the terms of the Collective Bargaining Agreement/MOU.

1.3 Shop Steward - a union member designated by the exclusive bargaining representative as a union representative for a Division, Detachment or Unit in dealings with the management. The Shop Steward will carry out duties as outlined in the Collective Bargaining Agreement/MOU. Prior to assuming any duties, the exclusive bargaining representative will provide the names of Shop Stewards to the MDTA pursuant to the CBA/MOU.

2. Overview

2.1 Issues grievable by general grievance procedures set forth in section II of this chapter, established by law or regulation are not subject to the Dispute Resolution Process

2.2 Employees having the same complaint with their Employer may file a single consolidated complaint.

2.2.1 Employees who wish to consolidate their complaint must include an attachment which includes the signature, signature date, printed name, and full address of each employee who wishes to file that complaint.

2.2.2 The signature sheet must notify the employees that by signing it, each employee is bound by the issues and requested remedy as stated in the complaint.

2.2.3 Each employee agrees to be represented by the person listed as the representative on the complaint.

2.3 Dispute Resolution proceedings must be initiated within thirty (30) calendar days of the event giving rise to the complaint or within thirty (30) calendar days following the time when the employee should reasonably have known of its occurrence.

2.4 All disputes will be sent directly to the Commander of the Support Services Division or designee, who will review the dispute for applicability and issue the dispute a number.

2.5 The Commander of the Support Services Division or designee will, within seven (7) calendar days, determine whether or not the issue being disputed is covered under this Dispute Resolution Process.

2.6 If the dispute is found to be applicable to this process, the dispute will be forwarded to the appropriate Commander for handling.

3. Procedure

3.1 STEP ONE

3.1.1 The employee and/or the Union representative shall discuss the dispute with the employee's Detachment/Unit Commander or designee.

3.1.2 The Commander shall attempt to adjust the matter and respond orally to the employee and/or the Union representative within five (5) calendar days.

3.2 STEP TWO

3.2.1 If the dispute has not been settled at step one, a written complaint may be filed and presented to the employee's Division Commander or designee within seven (7) calendar days after receiving the step one response.

3.2.2 The Division Commander shall meet with the employee and the employee's Union representative and render a decision in writing no later than twenty (20) calendar days after receiving the complaint.

3.3 STEP THREE

3.3.1 If the dispute has not been settled at step two, a written complaint may be filed and presented to the Chief of Police or designee within seven (7) calendar days after receiving the step two response.

3.3.2 The Chief of Police or designated representative shall meet with the employee and the Union representative and render a written decision within twenty (20) calendar days after receiving the written dispute.

3.4 STEP FOUR

3.4.1 If the dispute has not been settled at step three, the President of the Union or designee may file a written complaint with the Secretary of Transportation or designee within seven (7) calendar days after receiving the step three response.

3.4.2 The Secretary of Transportation or designated representative shall meet with the employee and the Union representative and render a written decision within twenty (20) calendar days after receiving the written appeal.

3.4.3 The secretary, or designee, and/or the Union can appeal to fact-finding the decision of the Secretary or designee, within thirty (30) calendar days of the Secretary's or designee's decision.

3.5 STEP FIVE

3.5.1 When fact finding is invoked, the Union, acting through its President or his/her designee, and the employer shall jointly request a list of seven (7) neutral fact finders from the Federal Mediation and Conciliation Service (FMCS).

3.5.2 The Parties will meet within fifteen (15) days of receipt of the FMCS list to seek agreement on one of the listed fact finders.

3.5.3 This meeting may take place on the telephone.

3.5.4 If the parties cannot agree on a fact finder, the Employer and the Union will alternately strike one name from the list until a single name remains.

3.5.5 A flip of the coin shall determine who shall strike first.

3.5.6 The fact finder shall resolve all questions related to the procedure.

3.5.7 Upon mutual agreement of the parties, threshold issues may be resolved prior to proceeding with the substantive issues involved in the case.

3.5.8 The cost of the fact-finder shall be shared equally by the parties.

3.6 Appeal of Fact Finder's Decision

3.6.1 If the Employer or the Union disagrees with the fact-finder's decision, an appeal may be filed with the State Labor Relations Board within thirty (30) days of receipt of the decision in accordance with the Board's regulations.

3.6.2 Only the Union's President or the Governor's designated collective bargaining representative may appeal a fact-finder's decision.

4. General Provisions

4.1 As used in this procedure, "days" means calendar days unless otherwise defined.

4.2 If the last day a response or action is due falls on a Saturday, Sunday, or State holiday, the deadline shall be extended to the next non-holiday weekday.

4.3 All deadlines in this procedure may be extended by mutual agreement.

4.4 Time limits for the processing of complaints are intended to expedite dispute resolution and, if not extended, must be strictly observed.

4.5 If the matter in dispute is not resolved within the time period provided for in any step, the next step may then be invoked.

4.6 If the employee or Union fails to pursue any step within the time limits provided, he/she shall have no further right to continue to seek resolution of that dispute.

4.7 A failure by the employer to provide a response in the time required shall be deemed a denial of the dispute. A failure to appeal such denial within ten (10) calendar days of the date a response was due shall constitute a withdrawal of the dispute except that the Union shall have thirty (30) days from the date the response was due to invoke step four.

4.8 The employer shall ensure that its supervisors and representatives do not repeatedly fail to respond to disputes in a timely manner and shall also ensure that its designees are authorized to settle matters subject to the dispute.

4.9 If a dispute arises from the action of an authority higher than the immediate supervisor, such dispute may be initiated at the appropriate step of this procedure.

4.10 Only designated Union representatives may represent employees or file appeals under this procedure.

4.10.1 Shop Stewards, Union staff and Union officers shall be considered designated Union representatives.

4.10.2 The Union will provide a list of names of the designated Union representatives to include telephone numbers, fax numbers and mailing addresses to the Director of Human Resources, MDOT.

4.10.3 An employee's complaint must be signed by a Union representative.

4.11 A written complaint shall state the issues including a citation to the relevant portion of the Collective Bargaining Agreement allegedly being violated.

4.12 Each party involved in the Dispute Resolution Process shall make every effort to resolve a dispute at the lowest level possible.

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview……..…..……………………………………………………….……..……01

This section describes the responsibilities in the process, the equal opportunity plan, the recruitment plan, job announcements and posting locations, statistical analysis, and the requirements for entry level probation.

Section II – Selection Process…………..………………………………………………..04

This section describes the steps and responsibilities in the selection process, applicant rejection, and candidate notification.

Section III – Background Investigations……...…………………………………..……...10

This section describes background investigation procedures and record retention.

Section IV – Reinstatement/Rehiring…………………………………………..……...….14

This section defines reinstatement and rehiring, lists eligibility requirements, and describes the procedures for application, selection, and training.

Chapter 14
Recruitment & Selection
Directives Manual Revision Date: 12/10/2021

Section I - Overview

1. Responsibilities

1.1 The purpose of this directive is to establish the MDTA Police recruiting program to attract applicants to the police service. The recruiting effort is shared with the Human Resources Office of the Maryland Transportation Authority and subject to the policies and procedures of the Transportation Service Human Resources (TSHRS) System and the Maryland Transportation Authority Employment Development Manual. The Commander of the MDTA Police Budget & Planning Command or his/her designee, is responsible for administrative control and implementation of the MDTA Police recruiting efforts through the Recruitment & Selection Unit and responsible for maintaining liaison with the Human Resources Office.

2. Assignment/Recruitment

2.1 Individuals assigned to recruitment activities will be knowledgeable in personnel matters, especially equal employment opportunity issues as it affects the management and operations of the MDTA Police. Prior to initiating recruitment activities, newly assigned recruiters shall undergo a training program that provides knowledge and skills in the following areas:

- MDTA Police recruitment needs and commitments
- MDTA Police career opportunities, salaries, benefits, and training
- Federal and State compliance guidelines
- The community and its needs (including demographics, community organizations, and educational institutions)
- Cultural awareness, or an understanding of different ethnic groups and subcultures
- Techniques of informal record keeping systems for candidate tracking
- The selection process used by the MDTA Police in conjunction with the Human Resources Office (including procedures involved in conducting background investigations and written, oral, or physical agility examinations)
- Recruitment programs of other jurisdictions
- Characteristics that disqualify candidates
- Medical requirements, to include the provisions of the Americans with Disabilities Act

3. Equal Employment Opportunity Plan

3.1 The Maryland Transportation Authority is an Equal Opportunity Employer. Its Equal Employment Opportunity Plan is established per Section 11A of the Transportation Service Human Resources (TSHRS) Policy Manual. The plan is implemented by the MDTA Office of Equal Employment Opportunity and Fair Practices and made available to all Maryland Transportation Authority employees.

3.2 It is the recruitment goal of the MDTA Police to approximate, within the sworn ranks, the demographic composition of the State of Maryland. The Office of Equal Opportunity and Program Equity provides guidance and assistance to the Recruitment & Selection Unit in compiling statistics related to this effort. Restricting recruitment within the MDTA Police service area may limit the potential number of qualified applicants. Therefore, the MDTA Police also recruits outside the State of Maryland to attract highly qualified individuals.

4. Recruitment Plan

4.1 The Recruitment & Selection Unit shall maintain a recruitment plan for sworn personnel that will include the following:

- Statement of objectives
- Plan of action designed to achieve the objectives
- Procedures to periodically evaluate the progress toward objectives and revise/reissue the plan

5. Job Announcements

5.1 The Maryland Transportation Authority job announcements provide a description of the duties, responsibilities and requisite skills, educational level and physical requirements for positions to be filled. The Human Resources Office advertises as an Equal Opportunity Employer on all employment applications and recruitment advertisements, including those for the Police. The MDTA Police entry level job vacancies are advertised through the mass media, using the most economical means of providing information on employment opportunities to potential applicants. Official application filing deadlines are noted in the advertisements.

6. Posting Locations

6.1 The MDTA Police will post job announcements for sworn personnel with community service organizations and strives to achieve cooperative assistance from community groups and key leaders.

7. Statistical Analysis

7.1 The Commander of Recruitment & Selection or his/her designee will perform an annual statistical analysis. The Commander of the Support Services Division will ensure that each component of the selection process and the selection process as a whole fulfills legal and professional requirements.

8. Entry-Level Probation

8.1 Permanent status as a police officer requires a probationary period of two years for entry level personnel. Lateral entrants must serve a one-year probationary period. Permanent status as a cadet requires a probationary period of six months. During this time the performance of both police officers and cadets will be evaluated. They will be required to be rated "satisfactory" to be released from probation.

8.2 After appointment and prior to beginning entry level training, the officer must sign a contract for reimbursement of hiring and training expenses, should he/she resign within two years after successfully completing the training. Lateral entrants will be required to sign the same contract, but the period will be for one year.

9. Lateral Entry

9.1 Lateral entry for Career Service positions is allowed only at the Officer II rank.

9.1.1 Applicants must have at least two (2) years' experience with a law enforcement agency at the time of application.

9.1.2 At the time of application, applicants must have current MPTSC certification or have been MPTSC certified within the last two years.

9.2 Appointment procedures for Executive Service positions are handled in accordance with COMAR Title 11.

9.3 Lateral entrants for Career Service positions will be required to complete the entire MDTA Police hiring process. They will also be required to meet all other entrance level testing requirements in compliance with COMAR Title 12.

9.4 Lateral entrants for Career Service positions shall not be eligible for promotion until they serve two (2) years in grade as an MDTA Officer II.

9.5 Lateral entrants for Career Service positions will receive a 6% pay increase above their previous pay scale but will not surpass step 3 in the Officer II salary grade.

Section II - Selection Process

1. Uniform Administration

1.1 All elements of the selection process will be administered, scored, evaluated, and interpreted in a uniform manner. The elements of the selection process will be in compliance with the Maryland Police Training & Standards Commission, Title 12, Subtitle 04, Chapter 1.

2. Application Rejection

2.1 Applications may not be rejected because of minor deficiencies that can be corrected during the initial background interview. When minor deficiencies are detected, the Recruitment & Selection Unit will contact the applicant and allow the applicant a reasonable period of time to obtain the required information.

3. Applicant Contact

3.1 Applicant contacts will be documented in a file maintained by the Recruitment & Selection Unit.

3.2 The MDTA Police shall maintain contact with applicants from initial application to final employment disposition. Applicants will be periodically informed of the status of their applications as they proceed through the selection process.

4. Selection

4.1 The responsibility for the selection process is an agency-wide duty coordinated by the Commander of the Support Services Division. The process shall conform to all policies and procedures set forth in the Annotated Code of Maryland, the Code of Maryland Regulations (COMAR), the Transportation Service Human Resources System (TSHRS) Policy Manual and the Maryland Transportation Authority Employee Development Manual. The specific functions of the selection process and the corresponding MDTA Police component responsible for that function are outlined below.

4.1.1 Administer the job-related agility test (Recruitment & Selection Unit)

4.1.2 Receive and collect all Orientation & Initial Interview Confirmation Sheets (Recruitment & Selection Unit)

4.1.3 Conduct the Orientation & Written Test (Recruitment & Selection Unit)

4.1.4 Administer job related written examination & distribute “Personnel Packet” (Recruitment & Selection Unit)

4.1.5 Schedule and coordinate oral board interviews (Recruitment & Selection Unit)

4.1.6 Conduct background investigations (Recruitment & Selection Unit)

4.1.7 Conduct polygraph examinations and issue the Conditional Offer of Employment (Polygraph Unit)

4.1.8 Chair the Police Pre-Selection Committee (Commander of Support Services Division)

4.1.9 Scheduling of medical examinations and psychological evaluations (MDTA Police Human Resources)

4.1.10 Chair the Police Final Selection Committee (Commander of Support Services Division)

4.1.11 Prepare the official eligibility and certification list (Commander of Recruitment & Selection)

4.1.12 Issue Final Offers of Employment to applicants certified as selected by the Police Selection Committee (Chief of Police or a designated “MDTA Hiring Manager”)

4.2 Written directives will be developed by the unit responsible for the function. They will describe topics such as timetables, administration, scoring, interpretation of test results, and other pertinent information. Copies of all directives pertaining to this process will be compiled and maintained by the Commander of Support Services Division.

4.3 The Commander of Recruitment & Selection will ensure adherence to the order of events in the selection process. It is the policy of the MDTA Police to use only job related rating criteria and minimum qualifications as part of the employee selection process. Every component of the selection process will be developed, implemented and monitored to ensure validity and utility. The Chief of Police will ensure that the selection process uses only those components that have been documented as having validity, utility and a minimum adverse impact.

5. Physical Agility Test

5.1 The Applicant Integrity Form must be completed before the Physical Agility Test.

5.2 Applicants will be informed in writing of all elements of the selection process (listed below), the expected duration of the selection process, and the policy on re-application.

- Physical Agility Test
- Orientation & Written Examination
- Oral Board Interview
- Background Investigation & Polygraph Examination
- Medical Examination, Drug Screening & Psychological Evaluation
- Final Selection
- Probationary Period

5.3 Physical Agility Tests will be scheduled as needed by the Recruitment & Selection Unit. Recruitment & Selection Unit personnel will verify that all applicants bring the completed Medical Practitioner's form and a valid driver's license. Recruitment & Selection Unit personnel will administer the test, which is developed in cooperation with the MDTA Police Physical Fitness Coordinator. After applicants have completed the test, they will be advised in writing of a passing or failing grade.

5.4 Applicants that pass the Physical Agility Test will be notified of the date, time, and location of Orientation and Written Examination.

6. Orientation and Written Examination

6.1 Orientation will be scheduled by the Recruitment & Selection Unit for those applicants that successfully pass the Physical Agility Test. Applicants must bring original letter and a valid driver's license.

6.2 After applicants complete the Written Examination, they will be advised verbally, and in writing, of their score.

6.3 Applicants that pass the Written Examination will be notified of the date, time, and location of their Oral Board Interview.

6.4 Personal History Statement Packets will be distributed to applicants that pass the Written Examination.

7. Oral Board Interviews

7.1 The oral board interviews will be composed of three members of varying ranks, race, sex, gender/gender identity.

7.2 Applicants will be required to submit their completed Personal History Statement by the date and time of their scheduled oral board interview.

8. Applicant Background

8.1 A background investigation will be conducted in accordance with MPTSC standards. The investigation will consist of interviews with the applicant, past and present employers, co-workers, neighbors, personal references and school officials when applicable. Driver's license checks, criminal records checks, credit checks, and a review of school records are conducted. The MDTA Police may also perform additional searches/checks as deemed necessary.

8.2 Applicant interviews are intended to clarify any specific issues in the investigation and allow a general evaluation of communications skills and demeanor.

8.3 All paperwork, to include test results, will be maintained by the Recruitment & Selection Unit.

8.4 If an applicant is rejected during the background process, a letter will be sent advising the applicant of their rejection.

9. Polygraph Examination

9.1 Applicants will be advised of the date, time and location of the exam. When polygraph examinations are used in the selection process, candidates will be advised what areas listed in the application package will be covered, prior to the examination.

9.2 The polygraph examination will be administered by a person who has been trained in all aspects of the operation of the polygraph and the evaluation of the examinations in compliance with the American Polygraph Association and MDTA Police standards.

9.3 The results of the polygraph are not sufficient by themselves to disqualify an applicant. However, these results can be used as an aid during the background investigation.

9.4 Qualified applicants will be issued a Conditional Offer of Employment.

10. Physicals

10.1 Applicants will be sent a letter advising them of the date, time and location of the physical. A medical examination of each candidate will be conducted as part of the selection process. This examination is conducted after a conditional offer of employment as required by the Americans with Disabilities Act, prior to the final job offer and appointment to probationary status. The medical examination must be based on valid, useful, and nondiscriminatory procedures. Only licensed physicians will be used to certify the general health of the candidate.

10.2 The MDTA Police Medical Director will provide the physicals after the Command Staff Review. As part of the police officer/cadet selection process, applicants will, prior to being selected for employment, undergo a thorough medical examination. This examination will be based on the medical standards of the MDTA Police Medical Director.

10.3 All applicants must be in sound physical condition and pass a physical fitness evaluation and medical examination, including a visual acuity and color vision test. The MDTA Police Medical Director will conduct the medical examination.

11. Psychological Testing

11.1 Applicants will be advised of the date, time, and location for psychological testing after a conditional offer of employment and prior to the final job offer and appointment to probationary status. The psychological testing will be conducted by a licensed mental health professional and is based on valid, useful, and nondiscriminatory procedures.

11.2 The MDTA Police Medical Director will send test results to the MDTA Police Human Resources. Testing is conducted following the physical. All applicants considered for employment must be able to pass an emotional stability and psychological fitness examination as determined by the MDTA Police Medical Director. Qualified professionals shall be used to assess the emotional stability and psychological fitness of candidates.

12. Police Selection Committee

12.1 The Police Selection Committee will be comprised of the Bureau Chiefs and Division Commanders.

13. Final Offer of Employment

13.1 After the entire hiring process has been completed, a Final Offer of Employment will be sent to the applicant.

13.2 The Commander of the Recruitment & Selection Unit must ensure that, before beginning an entry-level training program, all students must have had within 90 days a documented criminal history check.

13.3 The assigned background investigator will check lateral entrant status with either the MPTSC or the lateral entrant’s current employer within thirty days of beginning lateral-level training.

14. Reapplication and Disqualification

14.1 Applicants that exceed MPTSC substance abuse standards are permanently disqualified and may not re-apply.

14.2 Failure to satisfactorily complete any phase of the testing procedure, including failure to return completed forms, will result in disqualification.

15. Candidate Notification

15.1 Candidates that fail to meet minimum qualifications established for the position of police officer or cadet as set forth in the Annotated Code of Maryland, Public Safety Article, Title 3, Subtitle 2 and the General Regulations of the Maryland Police Training & Standards Commission Title 12, Subtitle 04, Chapter 01 or are otherwise determined to not be eligible for appointment will be notified in writing by the Commander of Recruitment & Selection within thirty days of the decision.

16. Permanent Rejection

16.1 An applicant having been permanently rejected has no reapplication right. An application will not be accepted from any individual who has been previously rejected, based on MDTA Police standards, on two occasions for substance abuse. Reapplication will be accepted if:

16.1.1 An individual has abstained from usage for the period specified, and

16.1.2 The indicated frequency requirements are met.

16.2 A final decision will be based on the above information in addition to that developed through any counseling, testing, or investigation. The Chief of Police shall have the latitude to impose additional requirements based on a demonstrated need. The indicated guidelines may be sufficient; however, the method of ingestion, circumstances of use, and attitude toward substance abuse may cause additional considerations and warrant more investigation prior to a final decision.

16.3 Applicants will be required to submit to a urinalysis or controlled dangerous substances test during the application process. The MDTA Police will designate the time, location, and procedure.

16.4 Methods used to identify and corroborate the criteria will include, but are not limited to, polygraph examinations and/or background investigations.

Section III - Background Investigations

1. Policy

1.1 It is the policy of the MDTA Police to retain a trusted workforce and provide a secure work environment by conducting background investigations on all personnel prior to appointment to probationary status.

1.2 The background investigation will include the verification of a candidate's qualifying credentials, as well as a review of a candidate's criminal record, if any, and verification of at least three personal references of the candidate. A record of each candidate's background investigation will be maintained on file for at least five years.

2. Applicability

2.1 This policy is in compliance with the Transportation Services Human Resources System (TSHRS) as defined in the Code of Maryland Regulations 11.02.02.08.

2.2 This policy applies to all individuals, sworn and non-sworn, seeking employment within the MDTA Police including: temporary and contractual employees, lateral transfers from other departments within the MDTA or other individuals, as required by law as stated in TSHRS, Section 6A.

2.3 In regards to temporary or contractual employees, the MDTA contracted temporary employment agency will be notified that due to the critical confines and security sensitive environments of MDTA Police units, the most qualified candidate will be subjected to a second and separate background investigation in addition to any conducted by the contractor.

3. Definitions

3.1 Background Investigation - The act of seeking criminal and/or professional information to determine suitability for a position within the MDTA Police. Areas of investigation may include but are not limited to:

- Motor Vehicle Records
- Criminal Record/NCIC check
- Other records as deemed appropriate

3.2 Hiring Manager - The Director, Unit/Division Commander that is responsible for conducting the interviews for a specified position.

4. Investigations

4.1 All applicants must submit to a background investigation to verify his/her credentials, review of any criminal record, and verify at least three personal references. At a minimum, the background check will include a NCIC check and a social security trace, which includes a date of birth verification.

4.2 The Commander of Recruitment & Selection will be responsible for ensuring background investigations are performed for purposes of verification and suitability of employment.

4.3 Materials to be specifically excluded from the background investigation are:

4.3.1 In the area of residence and neighborhood checks, any general statement not supported by specific details.

4.3.2 In the area of employment, general statements not supported by specific details or documents.

4.3.3 In the area of education, I.Q. and other aptitude test scores.

4.3.4 In the area of credit, information relating to legitimate debts, except that information leading to a pattern of gross indebtedness will not be excluded.

4.3.5 In the area of disability (ADA), no speculation will be made as to the applicant's ability to perform the essential functions of the job.

4.4 The name of all candidates must be searched through the records of the MDTA Police, and other appropriate state agencies.

4.5 Criminal record checks shall not be used to discriminate on the basis of race, color, ancestry, national origin, marital status, sexual orientation, gender, sex, gender identity, genetic information, disability, political or religious opinion or affiliation, or age.

4.6 During the interview process, the Commander of Recruitment & Selection will obtain a signed Maryland Transportation Authority “Authorization for Release of Information” form from each qualified candidate.

4.7 All candidates will be fingerprinted. The Background Investigator will ensure the submission of FBI and CJIS fingerprint cards for all candidates prior to appointment.

4.8 A candidate’s failure to be fingerprinted and to sign the release form authorizing a criminal records and background check will result in the disqualification of their ability to work for the MDTA Police.

4.9 The Commander of Budget & Planning Command or his/her designee will ensure the confidentiality of all materials, including any computer generated information.

4.10 If one year has expired since the background investigation was completed prior to hiring, an updated background investigation must be conducted and the applicant must successfully pass it.

5. Disqualification

5.1 Reasons for disqualification can include, but are not limited to the following:

- Conviction of a felony
- Conviction of a crime of moral turpitude
- Conviction of Sexual offenses
- Conviction on Controlled Dangerous Substance charges
- Conviction on theft charges
- Conviction on fraud or identity theft charges
- Other crimes which may be identifiable as a risk to the MDTA Police and its employees
- Conspiracy to commit any of the above crimes

5.1.1 Unless the MPTSC determines that an applicant is automatically disqualified from employment, the Chief of Police has the final discretion to determine whether a conviction for the offenses listed in §5.1, above, will disqualify an applicant.

5.2 For the purpose of disqualification, an entry of probation or probation before judgment on a disposition docket shall be interpreted as a conviction.

5.3 If the background investigation reveals or substantiates one or more of the disqualification criteria listed, the Chief of Police or his/her designee reviews the entire package and forwards it to the Commander of Support Services Division for further investigation or rejection.

6. Retention of Applicant Background Information

6.1 The disposition of records of candidate's background information that have been hired, with the exception of medical examinations and psychological examinations, will be retained in a secure file/location by the Internal Affairs Unit. The background information will be retained in accordance with the Auxiliary Personnel Filing System Retention Table or until the individual is deceased, and then it will be destroyed. The Human Resources Coordinator will maintain information concerning the results of medical examinations and psychological examinations in a secure file/location.

6.2 The disposition of records of candidate's background information that have not been hired, with the exception of medical examinations and psychological examinations, will be retained in a secure file/location by the Recruitment & Selection Unit. The background information will be retained in accordance with the Auxiliary Personnel Filing System Retention Table or until the individual is deceased, and then it will be destroyed. The Human Resources Coordinator will maintain information concerning the results of medical examinations and psychological examinations in a secure file/location.

6.3 Information contained in the background investigation files for candidates determined to be ineligible for appointments (excluding the results of medical and psychological examinations) will be retained by the Recruitment & Selection Unit, in a secure file/location, in accordance with the Auxiliary Personnel Filing System Retention Table and then destroyed in accordance with the Retention Schedule. The results of medical and psychological examinations for applicants determined to be ineligible for appointment will be retained by the Human Resources Coordinator, in a secure file/location, in accordance with the Auxiliary Personnel Filing System Retention Table and then destroyed.

6.4 All materials/information used in the selection process shall be stored in a secure area when not being used and will be disposed of in a manner that prevents disclosure of the information within.

Section IV - Reinstatement/Rehiring

1. Definitions

1.1 Rehire - Employment of sworn employees that have been separated from the MDTA Police for three or more years.

1.2 Reinstatement - Employment of sworn employees that have been separated from the MDTA Police for less than three years.

2. General

2.1 When a vacancy has been authorized to be filled, the Commander of Support Services Division may reinstate any former sworn employee who meets all requirements for initial appointment.

2.2 A reinstated employee must agree to a period of training as prescribed by the Commander of Support Services Division. The minimum training for reinstated personnel will be consistent with current MPTSC requirements.

2.3 Reinstated employees will not be eligible for assignment to specialized units until they have completed twelve months of satisfactory service and any portion of their initial probationary period and meet the eligibility requirements of the unit. The Commander of Support Services Division may waive these requirements.

2.4 Reinstated employees will not be eligible for promotion until they have completed twelve months of satisfactory service and any portion of their initial probationary period and meet the eligibility requirements in Chapter 31, Section II.

2.5 A former employee seeking to be rehired, must complete the entire MDTA Police hiring process and police academy.

2.6 At the discretion of the Chief of Police, employees may be rehired as an Officer I. They will be given no credit for prior service completed and must serve a two year probationary period from the date of their re-employment.

3. Reinstatement Policy

3.1 Personnel reinstated within 90 days will be reinstated to their former rank with all seniority rights.

3.2 Regardless of the rank they held at the time of resignation, personnel reinstated after 90 days must reenter at the rank of Officer II, unless they were an Officer I at the time of their resignation, in which case they will be reinstated as an Officer I. They will be given credit for completed prior service and will be entitled to the commensurate pay increment. Their seniority will be below that of current employees having the same or equal creditable service.

3.3 Personnel that were on probation at the time of resignation must complete the balance of their probationary period. Other reinstated personnel will not be placed on probation, unless the Commander of Support Services Division determines otherwise.

4. Ineligibility for Reinstatement or Rehire

4.1 Former employees will not be eligible for reinstatement or rehire when they:

4.1.1 Do not meet all of the requirements for initial appointment.

4.1.2 Were terminated in compliance with the Law Enforcement Officers' Bill of Rights for a violation of the MDTA Police rules of conduct.

4.1.3 Were not recommended for reinstatement or rehire, unless the Commander of Support Services Division waived the recommendation requirement.

4.1.4 Have twice been rejected for reinstatement and/or rehiring.

5. Procedures

5.1 Personnel applying for reinstatement after 90 days must complete the following in addition to the requirements outlined by MPTSC and COMAR:

5.1.1 Pass the applicant physical agility test, including the physical agility demonstration.

5.1.2 Submit to a supplementary polygraph examination and modified background investigation, covering the period of absence from the MDTA Police.

5.1.3 Be recommended by a board appointed by the Commander of Support Services Division.

5.1.4 Pass the applicant medical, psychological and drug screenings.

5.2 Persons applying for reinstatement within 90 days of termination may be required to successfully complete one or more of the requirements in subparagraph 5.1 of this section.

5.3 The board appointed by the Commander of Support Services Division will do the following:

5.3.1 Review all material considered necessary to make a recommendation.

5.3.2 Interview the applicant before making a recommendation.

5.3.3 Submit a written recommendation to the Commander of Support Services Division, who will make the final determination.

6. Reinstatement Following Military Service

6.1 Any State employee in the State Personnel Management System, other than a temporary or emergency employee, who, due to entry in the United States Armed Forces, leaves his/her position with the State of Maryland, will be reinstated to the classification within his/her agency which was held prior to entry into the armed forces or to a position of equal responsibility, qualifications, and pay, provided:

6.1.1 He/she applies for reinstatement within 90 days of the date separation from the armed forces, if entered involuntarily, or within 90 days of termination of the first period of enlistment, if entered voluntarily.

6.1.2 The applicant separates from the armed forces after involuntary service or the first period of enlistment and he/she applies for reinstatement within 90 days of discharge from a hospital, provided such hospitalization is directly connected with, related to, and immediately follows the applicant’s separation from the armed forces and the period of hospitalization does not extend beyond a year from the date of such separation.

6.2 Any employee qualifying for reinstatement under the above provisions qualifies for the salary and rate of earnings for leave which he/she would have received if he/she would have remained continuously in State service.

Chapter 15
Training & Career Development
Directives Manual Revision Date: 01/14/2022

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Organization……..01

This section describes the composition and responsibilities of the Training Unit and Training Committee and the requirements for updating training records.

Section II – Entry Level Training……...03

This section describes the procedures that are used to administer the MDTA Police Officer Candidate and field training programs.

Section III – Newly Promoted Corporal Field Training Program……..08

This section describes the Field Training process for newly promoted Corporals.

Section IV – Career Development……..12

This section describes the types of training an employee may receive upon completion of entry-level training. The purposes of, requirements for, and procedures used to apply for Career Development training are outlined.

Section V – College Internship Program……20

This section describes the purpose of and rules governing the Internship Program.

Section VI – Transfers and Reassignments……22

This section describes how to request training for, and transfers and reassignments to specialized units and detachments. The selection criteria are outlined.

Chapter 15
Training & Career Development
Directives Manual Revision Date: 01/14/2022

Section I - Organization

1. Training Unit

1.1 The MDTA Police Training Unit is responsible for the management and coordination of the Agency training programs. The Chief of Police or his/her designee will appoint the personnel (sworn or non-sworn) to staff these functions. Training programs may be developed in-house or the MDTA Police may take advantage of available training programs offered by outside agencies. The Training Unit shall be responsible for the development and implementation of training programs for police personnel and non-sworn personnel.

1.2 The training goals of individual programs shall be consistent with the goals and objectives of the MDTA Police and shall include, but not be limited to, training designed to achieve the following:

1.2.1 Increase and develop technical skill levels.

1.2.2 Increase and develop job-related knowledge and abilities.

1.2.3 Increase and develop survival and safety skills.

1.2.4 Improve job performance to provide a higher level of service to the agency customers and employees.

1.2.5 Facilitate the development of selected personnel in advanced areas of training, management, and specialized functions.

1.2.6 To provide or facilitate recertification material to assist with personnel maintaining certifications and professional memberships.

2. Training Committee

2.1 The purpose of the Training Committee is to assist in developing and evaluating training needs and to serve as a focal point for input from employees and representatives of agency components.

2.2 A committee comprised of the below listed individuals will be established to properly identify and evaluate training needs within the MDTA Police. The Committee reports to the Chief of Police or his/her designee and is coordinated and chaired by the Commander of the Training Unit:

- Commander, Training Unit (Chairperson)
- Detachment Training Coordinators
- Additional personnel (Subject Matter Experts) as designated by the Commander of the Training Unit

2.3 The Chief of Police or his/her designee appoints committee personnel based on the recommendations from the Command Staff. When a vacancy occurs, the Chief will solicit input from the Command Staff regarding the selection of a replacement(s).

2.4 The Training Committee will serve in an advisory role to the Chief of Police through the Commander of the Training Unit. He/she will coordinate training priorities through the Training Unit after consultation with the Chief of Police or his/her designee. The training matters reviewed by the Committee will include entry-level curricula, in-service curricula, advanced skill training, career development, supervisory/management and related topics, as necessary. The Training Committee will meet annually to evaluate training material. The Training Committee will assist in developing and evaluating training needs and serve as a focal point for input from those representing agency components.

2.5 The MDTA Police Academy will document attendance at entry level, in-service, and other authorized training programs through the use of sign in sheets. Training received outside of the MDTA Police will be documented by use of Course Completion Certification. If a member is unable to attend a training session due to illness, emergency, or scheduling conflict, that member will notify the Training Unit, through his/her supervisor, as soon as possible. Upon such notification, the Commander of the Training Unit or his/her designee may excuse the member and reschedule the training.

3. Employee Training Records Maintenance

3.1 The Certification Coordinator or his/her designee will update records of training on all agency personnel upon successful completion of the training program. The information to be recorded for each employee is:

- Date of training
- Type of training received
- Any certificates received
- Attendance
- Test scores

3.2 Immediately, upon returning from training, all personnel shall send a copy of any training certificates they receive to the Training Unit.

Section II - Entry Level Training

1. MDTA Police Academy Facilities

1.1 The MDTA Police operate its Training Academy at 4330 Broening Highway, Dundalk, Maryland 21222. The Commander of the Training Unit or his/her designee will ensure that the Training Academy facility includes, at a minimum:

1.1.1 Classroom space appropriate for the curriculum being taught

1.1.2 Office space for instructors, administrators, and administrative staff

1.1.3 Physical training facilities

1.1.4 A library

1.1.5 Access to a firing range

1.1.6 Access to a paved driver-training track that meets Maryland Police Training & Standards Commission (MPTSC) requirements.

2. Officer Training Program

2.1 All newly hired officers shall successfully complete an Officer Training Program before being permitted to carry a firearm, enforce the law, or make arrests, except as part of a formal field training program.

2.2 The Officer Training Program will include:

2.2.1 A curriculum based on the job tasks of the most frequent assignments and associated duties of officers who complete recruit training; and

2.2.2 Use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.

2.3 The Officer Training Program for sworn officers will include instruction in the subject areas required by the MPTSC.

2.4 The Officer Training Program Curriculum will provide emergency medical training equivalent to that contained in the “Maryland Emergency Medical Services: First Responder Training Course”.

3. Field Training Program

3.1 It will be the policy of the MDTA Police to have an eight-week (320 hours) Field Training program. This program is designed to increase the overall efficiency and effectiveness of the agency by developing highly trained, professional Police Officers capable of meeting standards and ethics required by the MDTA, and the community as a whole.

3.2 MPTSC requires the following:

a) New officers will complete a minimum of 240 hours of Field training
b) Maryland officers that lateral to another Maryland agency will complete a minimum of 80 hours of Field Training

3.3 All Officers are required to successfully complete the above Field Training as mandated by MPTSC before being released from the training program.

3.4 It will be acceptable to extend Field Training to accommodate the needs of the Probationary Officer and the MDTA Police.

3.5 Nothing in this directive prohibits a Probationary Officer from being rejected on probation during Field Training for poor performance or misconduct.

3.6 No officer will be released from Field Training until the Detachment Commander has signed the Release from Field Training form.

3.7 Selection of Field Training Officers

3.7.1 Personnel interested in becoming a Field Training Officer (FTO) must have reached the rank of Officer II, have two years of experience as a Police Officer prior to selection and be recommended by their immediate supervisor as well as the Detachment Commander. Interested Officer's must submit a Specialized Training Request form via the chain of command to the Training Unit.

3.7.2 Selection will be based on the following criteria:

- The needs of the agency;
- Demonstrates effective written and oral communication skills;
- Knowledge of appropriate police procedures and ethical work practices;
- Exhibits a positive attitude towards policing and the MDTA Police, and;
- Models a broad array of policing skills from traffic enforcement to criminal investigation.

3.7.3 Field Training Officers will be selected on a continuous basis, based on the needs of the agency, and the Training Unit will monitor and maintain an up-to-date roster of approved FTO's.

3.8 Training of Field Training Officers

3.8.1 Field Training Officers will attend a three-day (24 hours) training course to include, but not limited to:

- Mental Preparation
- Expectations, Outcomes, and Learning Environment
- Diagnosis Dialogue (listening and questioning)
- Developmental Learning Activities
- Behavioral Feedback
- FTO support systems

3.8.2 The Field Training Officer will also attend in-service FTO training annually for a minimum of four (4) hours. The annual FTO in-service training will be scheduled by the Training Unit.

3.8.3 Failure to attend and successfully complete training will be cause for suspension from the Field Training Program. Failure to attend in-service training for two consecutive years will be cause for termination from the Field Training Program.

3.9 Evaluation of Probationary Officers by FTO's: The MDTA Police Field Training Officer Program will be monitored and maintained via the Automated Daily Observation Report Evaluation (ADORE) Software program. This program will allow for accurate documentation of Probationary Officers status, and any need for improvement. The ADORE Software program is in compliance with the Spencer/Goldman training approach and will act as the records and tracking device for all probationary Officers during their Field Training. If there is technical difficulty with the software program, all necessary forms are available via the FTO Program coordinator at each detachment.

3.10 Reporting Responsibilities of Field Training Officers: It will be the responsibility of the Field Training Officer to document all duties performed during a shift by the Probationary Officer. This documentation should be collected while in the field and transferred into the ADORE software system as soon as possible. Comments listed in the ADORE software system are vital to accurate record keeping for the Training Unit. Field Training Officers will be responsible for numerically rating the Probationary Officer and documenting that rating with comments.

3.11 Lead FTO and Detachment FTO Coordinators

3.11.1 The Lead Field Training Coordinator will be a member of the Training Unit staff. This will ensure an orderly flow from Recruit to Probationary Officer in Field Training. The Lead Coordinator will be responsible for gathering all material for placement in the Probationary Officer permanent training file and will be in constant contact with the FTO coordinator at each Detachment.

3.11.2 The Detachment FTO Coordinator will be an individual trained in the Spencer/Goldman FTO workshop and recommended by the Detachment Commander. The Detachment FTO Coordinator will usually be of supervisory rank. The FTO Coordinator will be responsible for coordinating FTO schedules to meet the needs of the Probationary Officers during field training. The Detachment Coordinator will also be responsible for ensuring that all documentation is completed by the FTO's and reviewed by the probationary officer. The Detachment FTO Coordinator will then review the field training documentation and submit the Request for Release from Field Training form to the Detachment Commander. No probationary officer will be released from Field Training without proper documentation.

3.11.3 The Detachment FTO coordinator will update the Lead FTO coordinator on any early releases from field training as well as any extensions or need for remedial training. Upon release from field training the Detachment FTO Coordinator will forward the Release from Field Training form, as well as any other documentation to the Lead FTO Coordinator for placement in the Probationary Officer permanent training file.

3.12 Supervision of Probationary Officers in Field Training: The Probationary Officer's training will be a total of 8 weeks (320 hours) following graduation. Detachment Commanders, with the support of the Training Unit, will supervise Field Training.

3.13 Rotation of Field Training Assignments/Officers: Probationary Officers in Field Training will be assigned to detachments based on an as needed basis. Probationary Officers in Field Training may be rotated throughout various detachments for familiarization and to gain experience. When possible, Probationary Officer's will be rotated through Field Training Officers as determined by the Lead Field Training Coordinator in consultation with the Detachment FTO Coordinator. This will allow for all shifts to be covered and minimize overtime for Field Training Officers. This will also allow time for proper documentation to be completed in a timely manner.

3.14 Completion of Field Training: Upon the completion of a Probationary Officer's Field Training it will be the Field Training Officer's responsibility to complete the Release from Training form. Once this form has been signed off by all necessary parties it is to be immediately forwarded to the Training Unit in care of the Lead Field Training Coordinator, to be filed in the Probationary Officers permanent training file. It is then the responsibility of each Field Training Officer to complete all necessary ADORE software reports, as well as any hand-written reports and forward them to the Detachment FTO Coordinator for review. The Detachment FTO Coordinator will then forward all paperwork to the Training Unit.

3.15 Probationary Officers Training Survey: Upon completion of Field Training each Probationary Officer will be asked to complete a "Probationary Officers Training Survey" to evaluate the effectiveness of the Academy and Field Training they received. The Lead FTO Coordinator will issue the survey to the Probationary Officer after receipt of the Release from Field Training Form has been received. The Probationary Officer will complete this survey in a timely manner and forward it to the Lead FTO Coordinator. This survey will be reviewed and forwarded to the Training Unit Commander for quality control purposes. A copy will be forwarded to the applicable Detachment/Unit FTO coordinator for their review.

3.16 Records Retention: Upon completion of Field training all training records will be forwarded to the Lead Training Coordinator at the Academy. Training Records will be filed in the Probationary Officers Academy Training file, and will remain with that file, and follow the Academy Training file retention schedule.

3.17 Field Training Officers may be removed from the FTO program by the Division Commander for reasons to include, but not limited to performance issues or disciplinary actions. Removal from the FTO program will be done in the best interest of the agency and is not a form of discipline.

3.18 Field Training Officers may submit a request to be removed from the FTO Program using a Special Report.

3.18.1 The request shall be submitted to the Commander of the Training Unit via the chain of command.

3.18.2 Upon request, the officer will be removed from the FTO program as soon as practical.

Section III - Newly Promoted Corporal Field Training Program

1. Newly Promoted Corporal Field Training

1.1 It will be the policy of the MDTA Police to have a four-week (160 hours) Field Training program for newly promoted Corporals. This program is designed to increase the overall efficiency and effectiveness of the MDTA Police by developing highly trained, professional supervisors capable of meeting standards and ethics required by first line supervisors of the MDTA Police.

1.2 All newly promoted Corporals are required to successfully complete the above Supervisor Field Training as mandated, before being released from the training program.

1.3 It will be acceptable to extend Supervisor Field Training to accommodate the needs of the newly promoted Corporal and the MDTA Police.

1.4 Nothing in this directive prohibits a newly promoted Corporal from being rejected on probation during Supervisor Field Training for poor performance or misconduct.

1.5 No newly promoted Corporal will be released from Field Training until the Detachment Commander has signed the Release from Field Training Form (Form-21).

1.6 Selection of Supervisor Field Trainers

1.6.1 Personnel interested in becoming a Supervisor Field Trainer (SFT) must be at the rank of Corporal or Sergeant, have a minimum of 2 years of experience as a ranked supervisor prior to selection and be recommended by their immediate supervisor, and their Detachment Commander. Interested supervisors must submit a Specialized Training Request form via the chain of command to the Training Unit.

1.6.2 Selection will be based on the following criteria:

- The needs of the agency;
- Demonstrates effective written and oral communication skills;
- Knowledge of appropriate police procedures and ethical work practices;
- Exhibits a positive attitude towards policing and the MDTA Police, and;
- Models a broad array of supervisory skills from traffic enforcement and criminal investigation, to administrative functions.
- Demonstrates a high level of familiarity with Mobile Computer Aided Dispatch (CAD), the Records Management System (RMS), and Delta Plus.
- Prior Field Training Officer and/or OIC experience is desirable.

1.6.3 Supervisory Field Trainers will be selected on a continuous basis, based on the needs of the agency. The Training Unit will monitor and maintain an up-to-date roster of approved SFT's.

1.7 Training of Supervisor Field Trainers

1.7.1 In addition to the initial 3 days (24 hours) training course for Field Training Officers, Supervisor Field Trainers will also attend a one-day (8 hour) training course to include, but not limited to:

- Goals and Objectives of the Newly Promoted Corporal Training Program
- Expectations, Outcomes, and Supervisor challenges
- Employee Evaluation and documentation
- SFT support systems

1.7.2 The Supervisor Field Trainers will also attend in-service SFT training annually for a minimum of four (4) hours. The annual SFT in-service training will be scheduled by the Training Unit.

1.7.3 Failure to attend and successfully complete training will be cause for suspension from the Supervisor Field Trainer Program. Failure to attend in-service training for two consecutive years will be cause for termination from the Supervisor Field Trainer Program.

1.8 Evaluation of newly promoted corporals by SFT's: The MDTA Police Supervisor Field Trainer Program will be monitored and maintained via the Automated Daily Observation Report Evaluation (ADORE) Software program. This program will allow for accurate documentation of newly promoted corporals status, and any need for improvement. The ADORE Software program is in compliance with the Spencer/Goldman training approach and will act as the records and tracking device for all newly promoted Corporals during their Field Training. If there is technical difficulty with the software program, all necessary forms are available via the SFT Program coordinator at each detachment.

1.9 Reporting Responsibilities of Supervisor Field Trainers: It will be the responsibility of the Supervisor Field Trainer to document all duties performed during a shift by the newly promoted Corporal. This documentation should be collected while in the field and transferred into the ADORE software system as soon as possible. Comments listed in the ADORE software system are vital to accurate record keeping for the Training Unit. Supervisory Field Trainers will be responsible for documenting observed behaviors and recommending release or extension of Supervisory Field Training for a newly promoted Corporal.

1.10 Lead SFT and Detachment SFT Coordinators

1.10.1 The Lead Supervisor Field Training Coordinator will be a member of the Training Unit staff. This will ensure an orderly flow from newly promoted Corporal to Corporal in the field. The Lead Coordinator will be responsible for gathering all material for placement in the newly promoted corporal's permanent training file and will be in constant contact with the SFT coordinator at each Detachment.

1.10.2 The Detachment SFT Coordinator will be an individual trained in the Spencer/Goldman FTO workshop and recommended by the Detachment Commander. The Detachment SFT Coordinator will be of supervisory rank. The SFT Coordinator will be responsible for coordinating SFT schedules to meet the needs of the newly promoted corporals during field training. The Detachment Coordinator will also be responsible for ensuring that all documentation is completed by the SFT's and reviewed by the newly promoted corporal. The Detachment SFT Coordinator will then review the field training documentation and submit the Request for the Release from New Corporal Field Training Form to the Detachment Commander. No newly promoted Corporal will be released from Supervisor Field Training without proper documentation.

1.10.3 The Detachment SFT coordinator will update the Lead SFT coordinator on any early releases from supervisor field training as well as any extensions or need for remedial training. Upon release from supervisor field training, the Detachment SFT Coordinator will forward the Release from New Corporal Field Training Form, as well as any other documentation, to the Lead SFT Coordinator for placement in the newly promoted Corporal's permanent training file.

1.11 Supervision of newly promoted corporals in Field Training: The newly promoted Corporal's training will be a total of four (4) weeks (160 hours) following promotion. Detachment Commanders, with the support of the Training Unit, will supervise Field Training.

1.12 Completion of Supervisor Field Training: Upon the completion of a Newly Promoted Corporal's Field Training, it will be the Supervisor Field Trainer's responsibility to complete the Release from Field Training Form (Form-21). Once this form has been signed off by all necessary parties it is to be immediately forwarded to the Training Unit in care of the Lead Field Training Coordinator, to be filed in the newly promoted Corporals permanent training file. It is then the responsibility of each Supervisor Field Trainer to complete all necessary ADORE software reports, as well as any hand-written reports and forward them to the Detachment SFT Coordinator for review. The Detachment SFT Coordinator will then forward all paperwork to the Training Unit.

1.13 New Corporals Training Survey: Upon completion of Field Training, each newly promoted Corporal will be asked to complete a “Newly Promoted Corporal Training Survey” to evaluate the effectiveness of the Field Training they received. The Lead SFT Coordinator will mail this form to the newly promoted corporal after receipt of the Release from New Corporal Field Training Form has been received. The newly promoted Corporal will complete this survey in a timely manner and forward it to the Lead SFT Coordinator. This survey will be reviewed and forwarded to the Training Unit Commander for quality control purposes. A copy will be forwarded to the applicable Detachment/Unit SFT coordinator for their review.

1.14 Records Retention: Upon completion of New Corporal Field training, all training records will be forwarded to the Lead Training Coordinator at the Academy. Training Records will be filed in the New Corporals Training file, and will remain with that file, and follow the Training file retention schedule.

1.15 Supervisor Field Trainers may be removed from the SFT program by the Division Commander for reasons to include, but not limited to, performance issues or disciplinary actions. Removal from the SFT program will be done in the best interest of the agency and is not a form of discipline.

1.16 Supervisor Field Trainers may submit a request to be removed from the SFT Program using a Special Report.

1.16.1 The request shall be submitted to the Commander of the Training Unit via the chain of command.

1.16.2 Upon request, the Trainer will be removed from the SFT program as soon as practical.

Section IV - Career Development

1. Career Development/Personnel Training

1.1 The primary function of the Career Development Unit is the development and implementation of the MDTA Police In-Service Training Program. This includes the management and coordination of all specialized law enforcement training courses and management/leadership training available to employees.

1.2 Career Development is a structured process to provide opportunities for individual growth and development at all levels. All Commanders and/or their trained supervisors are responsible for career development of personnel assigned to their command.

1.3 The aforementioned personnel have undergone a period of orientation to increase knowledge and/or skills in at least the following areas, through attendance at command schools (Southern Police Institute, FBI National Academy, Northwestern University Center for Public Safety and approved MPTSC training programs).

- General counseling techniques
- Skills, knowledge, and abilities assessment techniques
- Salary, benefits, and training opportunities in the MDTA Police
- Education opportunities and incentive program
- Awareness of cultural background of ethnic groups in the MDTA Police program
- Record keeping techniques
- Career development programs
- Availability of outside resources

1.4 Career counseling is a vital component of the career development program. In addition, counseling is an integral part of employee performance appraisal, the supervisory process in dealing with the positive discipline, and the process of setting and achieving both agency and individual goals and objectives. All commanders are responsible for career counseling and development of assigned personnel.

2. Shift Briefing Training

2.1 On occasion, the Training Unit will utilize shift briefing for various types of formal training. When the Training Unit initiates shift briefing training, videos and accountability sheets will be provided. Each commander is responsible for ensuring that the video is viewed and accountability sheets are signed by every officer under his/her command. After completion of the required training, commanders will return the video and accountability sheets to the Training Unit for recording and filing.

3. Annual Training Program

3.1 All sworn personnel are required to complete an annual training program, including firearm requalification. In-service training, proficiency, career specialty, and management are integral parts of the Career Development Program. All training is subject to approval by the Chief of Police.

3.2 The purpose of in-service training is to ensure that personnel are kept up to date with new laws, technological improvements, and revisions in policy, procedures, rules, and regulations. The mandatory training may also be designed to provide supervisory, management or specialized training to participants.

3.3 The program will be structured to meet the minimum requirements of the MPTSC, to motivate experienced officers, and to further the professionalism of the MDTA Police.

3.4 Annual in-service training may include a review of the following topics:

- MDTA Police policy, procedures, rules and regulations, with an emphasis on changes
- Statutory or case law affecting law enforcement operations, with emphasis on changes
- The function of agencies in the local criminal justice system
- Exercise of discretion in the decision to invoke the criminal justice process
- Interrogation and interviewing techniques
- MDTA Police policy on the use of force, including the use of deadly force
- Emergency medical services
- The performance evaluation system
- New or innovative investigation or technological techniques or methods
- Hazardous material incidents
- Contingency plans, including those relating to special operations and unusual occurrences
- Crime prevention policies and procedures
- Collection and preservation of evidence
- Report writing and records system procedures and requirements

3.5 Due to time constraints and MPTSC training mandates, it is unlikely that the full range of suggested topics can be covered in one training cycle, but the topics listed above should constitute a core group upon which the continuing in-service program is based.

4. Accreditation Training

4.1 All MDTA Police employees, both sworn and non-sworn will be familiarized with the accreditation process. This is provided to MDTA Police personnel by the Training Unit, under the direction of the Accreditation Unit as follows:

4.1.1 To all newly hired personnel within 30 days after their employment begins or within 30 days after completing the recruit academy.

4.1.2 To all personnel during the self-assessment phase associated with achieving initial accreditation and each re-accreditation: and

4.1.3 To all personnel just prior to an on-site assessment associated with initial accreditation and each re-accreditation.

4.2 Familiarization will include, but not limited to, the following:

- History and background of accreditation and the MDTA Police involvement in the process
- The accreditation and re-accreditation process
- The goals and objectives of accreditation
- The advantages of accreditation and its impact on the MDTA Police

4.3 Personnel that are assigned as Accreditation Managers will receive specialized accreditation manager training within one year of being assigned.

5. Specialized Training Requests/Forms

5.1 A Specialized Training Request Form must be submitted when personnel request training to acquire a specialized skill or qualification.

5.2 Personnel requesting a specialized skill may submit a Specialized Training Request form at any time and forward the request through his/her chain of command for consideration.

5.3 Requests for Specialized Training include, but are not limited to, the following:

- Bicycle Patrol
- Child Passenger Safety Technician
- Commercial Motor Vehicle Inspector
- Crisis Intervention/Stress Management
- Lidar Operator
- Preliminary Breath Test Operator
- Radar Operator
- Standardized Field Sobriety Testing Training

5.4 If a candidate chooses to withdraw training request(s), he/she may do so prior to being scheduled or registered for the training by using the Specialized Training Request form, indicating “Withdraw” and forwarding the document through the appropriate chain of command.

5.5 Specialized Training Requests not associated with a specialized unit will be stored/maintained by the Career Development Unit.

6. Specialized Unit Requests

6.1 Requests for specialized units will require an agency posting indicating the necessary requirements and submission process as listed in Section VI (Transfers and Reassignments).

7. Specialized In-Service Training

7.1 The MDTA Police provides specialized training in areas where a need has developed. Specialized training provided to personnel includes the following:

7.1.1 Development and/or enhancement of the skills, knowledge, and abilities particular to the assignment or specialization.

7.1.2 Management, administration, supervision, personnel policies, and support services of the function or component.

7.1.3 Performance standards of the function or component.

7.1.4 MDTA Police policies, procedures, rules and regulations specifically related to the function or component.

7.1.5 Supervised on-the-job training.

7.2 The following specialized assignments have been identified as those needing either pre- and/or post-assignment specialized training:

- Bike Patrol
- Civil Disturbance Team
- Collision Reconstruction Unit
- Commercial Vehicle Safety Unit
- Criminal Investigations Unit
- Crisis Negotiation Team
- Critical Incident/Stress Management Team
- Drug Recognition Expert
- Homeland Enforcement and Traffic (H.E.A.T.)
- Honor Guard
- Internal Affairs Unit
- Intoximeter Technician (CTAU)
- K-9 Unit
- Marine Unit

- Motorcycle Unit
- Polygraph Examiner
- Public Information Officer
- Special Response Team
- Training Academy/Training Instructors

7.3 All high liability training programs taught by personnel of the MDTA Police (firearms, defensive tactics, ASP baton, first aid, CEW's, etc) must be taught by an instructor currently certified to teach in that area. All high liability training must be approved through the Commander of the Training Unit and must meet with approved MPTSC standards.

8. Skill Development Training Upon Promotion

8.1 The MDTA Police or the MPTSC will provide required skill development training and management training to first line Supervisors and first line Administrators within a year of their promotion.

9. Remedial Training

9.1 Remedial training may be provided to personnel who require improvement of basic skills, knowledge, judgment, and/or abilities needed for satisfactory job performance. Remedial training under this subsection is not a form of disciplinary action. The training should use positive and constructive techniques to improve the employee's productivity, effectiveness, and morale.

9.2 The employee's Commander will be responsible for recommending and/or assigning employees to remedial training, based on work performance.

9.3 Employees that have received remedial training and continue to perform unsatisfactorily or refuse to comply with remedial training requirements may be subjected to disciplinary action or other appropriate personnel actions.

9.4 The Commander of the Training Unit and the affected Detachment/Unit Commander will be responsible for developing and scheduling the appropriate training for personnel. Documentation of the remedial training will be kept in the employee's training file and a copy will be forwarded to the employee's Commander. Remedial training may be documented, positively or negatively, in an employee Annual Performance Evaluation.

10. Outsource Travel and Training Requests

10.1 It is the policy of MDTA Police to ensure training will be provided fairly and equitably to all employees who seek improvement. To this end, commanders should facilitate and encourage the development of those employees under his/her command.

10.2 The MDTA Police Training Unit will establish and manage all training/travel for the MDTA Police.

10.3 The employee will request training by completing “Application for Employee Development” Form MDTA 163DW. The Form will be accompanied by an endorsement (Form 102) from the employee’s Commander. The endorsement will include, but not be limited to the following:

10.3.1 The benefit of the training for both the employee and the MDTA.

10.3.2 The cost involved and the proposed funding source.

10.3.3 The impact on manpower constraints and overtime.

10.4 In addition, for any cost training or out of state no-cost training, the employee will complete the MDTA Police Outsource Travel & Training Worksheet, Form 190, and the Maryland Transportation Authority Individual Request for Travel, Travel Form 1.

10.5 It will be the employee’s responsibility to research and complete all required forms, including all costs associated with the requested training.

10.5.1 If requesting a rental vehicle, the employee must justify this request. Should it be approved, the employee must place the reservation on their personal credit card and submit a request for reimbursement upon their return.

10.6 Requests for In-State training WITHOUT travel, room or boarding costs will be submitted electronically (scanned) to the “MDTA Police Training” email group by the Detachment/Unit Commander. Requests must reach the Training Unit, using the following deadlines:

10.6.1 In-State training with any associated costs: No later than four (4) weeks prior to the start of training.

10.6.2 In-State training without any associated costs: No later than two (2) weeks prior to the training.

10.7 Requests for any Out of State training or that have travel, room or boarding costs will be submitted electronically (scanned), via the chain of command, to the respective Division Commander. After endorsing, the Division Commander will scan the request to the “MDTA Police Training” email group. Requests must reach the Training Unit, using the following deadlines:

10.7.1 Out of State Travel: No later than six (6) weeks prior to the start of training.

10.7.2 In-State Training with any associated costs: No later than four (4) weeks prior to the start of training.

10.8 The request with all required forms (MDTA 163DW, Form 190 & Travel Form 1) and Commander's endorsement must be included when sending to the Training Unit via the "MDTA Police Training" email group. An email will be sent to the appropriate Commander verifying receipt of the training request. The Commander of the Training Unit will review the request for final approval, considering the below factors:

10.8.1 An assessment whether the training is compatible and/or adheres to the MDTA Police Policy, Procedure and Master Training Plan, to include whether other available training would be more beneficial.

10.8.2 An assessment whether the training request is appropriate for the employee.

10.8.3 The balance in the Division's training budget allocation plan.

10.9 Approved requests will then be processed by the Training Unit and a Personnel Order will be issued. Employees shall not attend the training unless notified by the Training Unit of its approval or via the issuance of a Personnel Order.

10.10 Requests not approved will be returned to the employee through the chain of command with a copy maintained in the Training Unit.

10.11 An annual audit will be conducted by the Training Unit, to include a breakdown of training programs attended, expenses and personnel attending. This audit will be forwarded to the Commander of Support Services no later than June 30 of each year.

11. Outside Training Reimbursement

11.1 The MDTA Police abide by the procedures set forth in the MDTA Policy and Procedures Manual for short-term training, tuition reimbursement, and career development.

12. Non-sworn Personnel Orientation

12.1 All newly hired MDTA Police employees, sworn and non-sworn will receive an Employee Orientation Kit. The Employee Orientation Kit will familiarize the employee with the following:

12.1.1 The MDTA Police role, purpose, goals, policies and procedures

12.1.2 Working conditions, rules, and regulations

12.1.3 Responsibilities and rights of employees

13. Non-sworn Pre-Service and In-Service Training

13.1 The non-sworn positions that require both pre-service and in-service training are:

- Motor Carrier Inspectors
- Police Cadets
- Dispatchers

13.2 Training stresses not only the skills necessary to perform the technical aspects of their positions but also the importance of the communication link they provide between the citizens and the MDTA Police. Emphasis is placed on the citizen's opinion of the MDTA Police as it is based on the type and quality of service obtained.

13.3 Human Resources will identify and maintain an inventory of all career specialty assignments within the Police and an inventory of the skills, knowledge, and abilities needed for each assignment. The contents of such inventories will be reviewed annually and updated as necessary.

Section V - College Internship Program

1. Purpose

1.1 The MDTA Police Training Unit will establish and manage an Internship Program. The program will be designed to enable interested persons to obtain insight and experience in the law enforcement profession. The program will serve as a recruiting tool for the MDTA Police to identify and attract highly qualified applicants.

2. Commander Responsibilities

2.1 The Commander, or designee, of the Training Unit will serve as the liaison with the participant's institution representative regarding the institution's internship program to include the following responsibilities:

2.1.1 Coordinate with the institution's coordinators regarding prospective interns.

2.1.2 Interview the Intern to ensure compatibility and commitment to the program.

2.1.3 Complete a MDTA Police Internship Program Application and a Waiver of Claims and Release from Liability form.

2.1.4 Conduct a MILES/NCIC check for open warrants & drivers license information on the Intern.

2.1.5 Coordinate the assignment of the Intern with a specific Division/Unit supervisor.

2.1.6 Maintain communication with the institution's coordinators regarding the progress of the Intern to include a review of the Intern's overall performance at the conclusion of the internship.

3. Division/Unit Supervisor Responsibilities

3.1 Develop four (4) or five (5) specific learning objectives for the internship in cooperation with the Intern and in consultation with the Commander, or designee, of the Training Unit.

3.2 Ensure that the intern is engaged in work that is directly related to their career objectives.

3.3 Ensure that no more than 25% of the Intern's time involves basic responsibilities such as data entry, copying, and answering telephones.

3.4 Ensure that a visitor's badge is issued to the Intern during working hours.

3.5 Provide appropriate supervision and guidance to include a review of the Intern's Time Keeping Record.

3.6 Communicate with the Commander, or designee, of the Training Unit regarding the progress of the Intern and any problems that should be conveyed to the Institution's staff.

4. Intern Responsibilities

4.1 Maintain a daily Time Keeping Record as required by the school for review by the Division/Unit Supervisor.

4.2 Maintain a daily log of activities as required by the institution.

4.3 Maintain a weekly journal of acquired skills/knowledge covered during the internship as required by the Institution.

4.4 Complete a written report at the conclusion of the internship, as required by institution.

Section VI - Transfers and Reassignments

1. Definition

1.1 The transfer of an individual is defined as a lateral movement of an employee within the MDTA Police. Generally, a transfer does not involve a change in job description or function and is not punitive in nature. A reassignment will typically result in a significant change in duties and responsibilities.

2. The Good of the Agency

2.1 The Chief of Police or Bureau Chiefs may transfer/reassign any employee, either temporarily or permanently, when it is deemed necessary and in the best interest of the MDTA Police and/or the employee.

2.2 Transfers or reassignments for commander, assistant commander and executive officer positions will be conducted based on the needs and in the best interest of the MDTA Police.

2.2.1 The factors that will be considered when assigning commanders, assistant commanders and executive officers include, but are not limited to:

- Knowledge, skills and abilities
- Training, education and experience
- Disciplinary record
- Appropriate staffing
- Performance evaluations (previous and current)

2.3 The assignment of commander, assistant commander and executive officer positions will be decided by the Chief of Police or Bureau Chief and are not subject to the transfer or reassignment procedures outlined below.

2.4 Division, Detachment, and Unit Commanders have the authority to transfer or reassign employees, either temporarily or permanently, within their command to best serve the needs of the command. In all cases, written documentation will be forwarded to the Chief of Police through the appropriate chain of command. A copy will be forwarded to the Commander of Support Services.

3. Transfer Requests

3.1 Selection Criteria:

3.1.1 Factors that will be considered include, but are not limited to:

- Knowledge, skills and abilities
- Training, education and experience
- Disciplinary record
- Appropriate staffing
- Performance evaluations (previous and current)
- Needs of the MDTA Police

3.1.2 Providing the previous factors are relatively equal, seniority will be a determinative factor. Seniority is determined as follows:

3.1.2.1 Time in rank

3.1.2.2 Appointment date as an MDTA Police Officer

3.1.2.3 Police Academy class rankings

3.2 After successfully completing field training, employees are eligible to request a transfer to another facility as long as the position is within the individual's current classification.

3.3 Personnel requesting a transfer to the Commercial Vehicle Safety Unit may do so at any time, using MDTA Police Form 23, Transfer/Reassignment Request.

3.4 Employees below the rank of Lieutenant may apply for a transfer by completing the Transfer Request Form subject to the Collective Bargaining Agreement Personnel may have no more than two active transfer requests on file at any time. A separate form must be filed to submit a primary request and a secondary request.

3.5 If an employee's request for transfer is granted, all other requests will no longer be honored and removed from the interest file.

3.6 The employee will submit the completed form(s) to his/her immediate supervisor. The supervisor will specify whether the assignment is recommended or not recommended and forward the Transfer Request via the chain of command. All comments, positive and negative, will be documented on the Transfer/Reassignment Request form.

3.7 The Transfer Request will be forwarded through the chain of command to the appropriate Bureau Chief. The Bureau Chief will make the final decision.

3.8 The completed Transfer Request will then be forwarded to the Commander of Support Services for filing and placement on the consideration list. The Commander of Support Services will ensure the employee receives a copy of the completed Transfer Request.

3.9 If the Transfer Request is not correctly submitted, it will be returned to the employee with the reason it was not accepted.

4. Consideration for Hardship

4.1 Claims for hardship consideration must be forwarded via a detailed Special Report through the appropriate chain of command to the Division Commander. Each report will be accompanied by suitable documentation to substantiate the request. Supervisors at each level will provide written comments regarding the validity of the request.

4.2 The employee's Division Commander, in consultation with the appropriate Bureau Chief, will evaluate requests for hardship consideration and make a final decision within ten (10) days of receiving the request.

5. Transfer Request Withdrawal

5.1 Employees may withdraw a request by using the Transfer Request form through the chain of command to the Commander of Support Services.

5.2 The Support Services Division will store and maintain all Transfer Withdrawal Requests and ensure the employee receives a copy of the completed request being placed on file.

5.3 If the Transfer Request Withdrawal is not correctly submitted, it will be returned to the employee with the reason it was not accepted.

6. Reassignment Requests

6.1 Openings for specialized units will be announced by the respective Division Commander and posted to all personnel unless otherwise directed by the Chief of Police. Applications for consideration to a specialized unit will be submitted on a Transfer/Reassignment Request form, only when the positions are advertised. Specialized units may include, though are not limited to, positions in the following:

- Office of the Chief
- Patrol Division
- Special Operations Division
- Logistics Division
- Support Services Division

6.2 Any Division Commander may designate certain Units within their Division as a Specialized Unit. A competitive selection process will be used for all specialized unit assignments, with the exception of Commander, Assistant Commander or Executive Officer.

6.3 Personnel applying for a specialized unit will complete the form, check the box labeled "Reassignment" and forward the request through his/her chain of command. Commanders and supervisors at each level will provide written comments and verify applicant information.

6.4 Certain units designated by the Chief of Police may require an annual physical examination by the MDTA Police Physician. Additionally, some units may require successful completion of annual certification and/or agility tests.

6.5 The announcement for a specialized unit will include the minimum qualifications required for the position. It is the responsibility of the applicant to submit documentation detailing his/her qualifications. Supervisors will ensure that the documentation meets/exceeds the minimum qualifications.

7. Selection

7.1 All personnel who meet the minimum qualifications and submit an application to a specialized unit will be interviewed for the position. All recommendations concerning the acceptable candidates will be forwarded to the respective Division Commander, who will make the final selection(s).

7.2 Selection criteria may be based on knowledge, skills, and abilities necessary to perform in the position.

7.3 The expiration of eligibility lists will be defined by the Division Commander on the Personnel Order.

7.4 Qualified candidates not selected for the position may request a follow-up meeting with the Division/Unit Commander or Function Coordinator. The purpose of the meeting will be to discuss the candidate's qualifications related to the position and to identify actions that may be taken to increase their qualifications for future consideration.

7.5 Personnel accepting a requested reassignment and/or selection to a specialized service are not eligible for supplemental compensation unless otherwise provided.

8. Non-sworn Employees Transfer/Reassignment Policy

8.1 Non-sworn employees of the MDTA Police are not subject to the "Police Transfer/Reassignment Policy". Dispatchers, Cadets, Motor Carrier Inspectors and Administrative/Clerical employees of the MDTA Police will follow the procedures outlined in the Transportation Service Human Resources Policies and Procedures Manual (TSHRS), Section 6C.

Chapter 19
Juvenile Operations
Directives Manual Revision Date: 10/01/2022

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview.....01

Policy, Policy Input, Crime Analysis Reports, Managing Offenders, Alternatives, Definitions

Section II – Taking Into Custody.....04

Elements, Handcuffs, CINA, Constitutional Rights, Placement in Detention or Shelter, Custody Procedures, Status Offenders

Section III – Processing.....07

Transportation, Miranda, Custodial Interrogation, Fingerprints and Photographs, Charging, Charging Documents

Section IV – Required Notifications.....12

Department of Juvenile Services, Parents, Schools

Chapter 19
Juvenile Operations
Directives Manual Revision Date: 10/01/2022

Section I - Overview

1. Juvenile Operations Policy

1.1 The MDTA Police is committed to the development of programs designed to prevent and control juvenile delinquency.

1.2 The responsibility to support MDTA Police juvenile policies and procedures will be met by all members of the MDTA Police.

2. Policy Input

2.1 The MDTA Police will design programs and implement new procedures and policies through the input acquired from other elements of the Juvenile Justice System as needed for the development of changes relating to children.

3. Crime Analysis Report

3.1 Annually the Criminal Investigations Unit will conduct a Crime Analysis Report, which will include a quantitative and qualitative analysis of all Juvenile Arrest Reports. This report will include number, type, location, and disposition of incidents.

3.2 The Crime Analysis Report will be sent via Chain of Command to the Chief's Office and the Budget and Planning Command where the information will be used to determine whether specific policies and procedures relating to children should be continued, modified, or discontinued.

4. Reporting Dates for Juvenile Holding Logs

4.1 In accordance with the Juvenile Justice Delinquency Prevention Act (JJDPA), reporting agencies must submit their logs and surveys on a Federal fiscal cycle.

4.2 The below dates will be used when submitting these reports:

- October 1 (previous year) – March 31 (current year).
  Due on April 15th of current Year

- April 1 (current year) - September 30 (current year).
  Due on October 15 of the current year

- All Annual surveys will be due on October 15 (Secure Juvenile facility surveys, Non-Secure Adult, Non-Secure Juvenile, Jail and Prison Surveys).

5. Managing Offenders

5.1 The MDTA Police requires officers to be familiar with operational procedures for managing both criminal and non-criminal child incidents. Though law enforcement operations regarding children may involve a different legal concept and approach than that applied to adults, child offenders will be processed in a manner consistent with current state laws.

6. Alternatives

6.1 Generally, the approach mandated by the Juvenile Justice System is that of correcting wrongful behavior rather than punishment. In dealing with child offenders, law enforcement personnel should always attempt to use the least coercive among reasonable alternatives consistent with preserving public safety and order.

7. Court Jurisdiction

7.1 For court jurisdiction over children and formally charging children, refer to the Courts and Judicial Proceeding Article.

8. Definitions

8.1 Delinquent Act: An act, which would be a crime if committed by an adult.

8.2 Delinquent Child: A child who has committed a delinquent act and requires guidance, treatment, or rehabilitation.

8.3 Child in Need of Supervision (CINS): A legal status determined by a court, which finds that a child requires guidance, treatment, or rehabilitation; and that the child:

8.3.1 Is required by law to attend school and is habitually truant.

8.3.2 Is habitually disobedient, ungovernable and beyond the control of the person having custody of him/her.

8.3.3 Deports him/herself so as to injure or endanger themselves or others.

8.3.4 Has committed an offense applicable only to children.

8.4 Child in Need of Assistance (CINA): A legal status determined by a court, which finds that a child requires court intervention because:

8.4.1 The child has been abused, has been neglected, has a developmental disability, or has a mental disorder.

8.4.2 The child's parents, guardian, or custodian are unable or unwilling to give proper care and attention necessary to the child and the child's needs.

8.5 Status Offender: A child who is charged with an offense that would not be a crime if committed by an adult (i.e. runaway, truant, possession of alcoholic beverages).

8.6 Intake Officer: An individual assigned to the court by the Department of Juvenile Services to provide intake services. The officer processing a child who has been taken into custody will make immediate contact (via telephone) with the Juvenile Intake Officer assigned to the jurisdiction in which the offense occurred. Based on the circumstances of the offense, the Juvenile Intake Officer is responsible for making a determination regarding the disposition of an "in custody" child, i.e., release him/her to a parent/guardian, remand to juvenile detention, etc.

9. Court

9.1 A child under 18 years of age, depending on their age and the alleged act committed, is subject to the jurisdiction of the Circuit Court for the county/city sitting as a Juvenile Court.

Section II - Taking Into Custody

1. Elements

1.1 Officers taking children into custody shall determine whether the child is:

- Alleged to have committed a criminal offense (A child under the age of 10 cannot be charged with a crime, and a child under the age of 13, but age 10 or older may only be charged with a crime of violence under 14-101 of the Criminal Law Article)
- Alleged to have committed a non-criminal offense (status offense)
- A child in need of assistance
- A child in need of supervision

2. Handcuffs

2.1 If the child has been taken into custody, the arresting officer shall make the decision whether handcuffs are to be used. The decision to use handcuffs and/or other restraining devices may be based in part on, the number of officers' present, the physique and stature of the arrested child, his/her reputation for violence, his/her conduct at the time of arrest, and any prior arrest record.

3. CINA

3.1 When an officer determines a child meets the criteria for a CINA, the officer will take the child in to protective custody.

4. Constitutional Rights

4.1 Informal contact with a child does not impact the child's constitutional rights. However, when detained or in custody, a child has all the constitutional rights that an adult would have in a similar situation, and it is essential that the arresting/detaining officer ensure these rights are protected.

5. Placement in Detention or Shelter

5.1 Only the Court or an Intake Officer may authorize the placement of a child in detention or shelter care. If a child is to be placed in detention, the child will be transported to the designated location immediately. (If the child requires medical attention, he/she will be treated by qualified medical personnel prior to this transport).

5.2 There are six occasions when a child may be placed in a shelter or detention facility:

5.2.1 When the parent or guardian cannot be located.

5.2.2 When the parent or guardian is located but refuses to pick up the child.

5.2.3 When the parent or guardian is located, but does not have transportation and/or cannot leave home because of other smaller children, etc.

5.2.4 When the officer has reason to believe the child will leave the jurisdiction.

5.2.5 When the officer has reason to believe the child will bring harm to themselves or someone else.

5.2.6 When a child is arrested on a “Writ of Attachment”.

5.3 If the parent or guardian refuses to respond solely because of inconvenience to themselves due to lateness of the hour, etc., they are to be advised that they may be charged under the Family Law Article §10-203, Desertion - Minor Child. If after being so advised they still do not respond, the child will be placed in detention and the parent or guardian may be charged as indicated above at a later time.

5.4 If the circumstances indicated so warrant, every reasonable effort will be made to provide transportation for the child to the home where release by the signing of the proper form will be affected. The determination for this transportation will be guided by availability of manpower, distances involved, etc.

6. Custody Procedures

6.1 The MDTA Police has authority in multiple jurisdictions and the child procedures vary somewhat from county to county. It will be the Detachment Commander’s responsibility to ensure that officers under his/her command are aware of their respective county or municipal procedures. The following are general guidelines for the custody of children:

6.1.1 A child alleged to be delinquent may be taken into temporary police custody, and placed in secure detention separated, by sight and sound, from adult prisoners, for up to six hours (six hours begin when the child is physically placed in the cell, secured to a stationary object, or locked in a room from which the child cannot get out on his/her own), unless waived as an adult.

6.1.2 Offenders placed in a shelter or secured detention must be released to a parent, guardian or detention facility within six hours.

6.1.3 When a delinquent child is placed in secured detention, MDTA Police members will check the child at a frequency consistent with behavior and at no more than 30-minute intervals. Children with special medical needs will be checked at no more than 15-minute intervals. Suicidal children will have constant supervision.

6.1.4 Status and non-offenders will never be held in secured detention.

6.1.5 In most cases, children alleged to be delinquent and taken into custody will be searched by sworn personnel of the same gender and sex. However, if a member of the same gender or sex is not available, the officer taking the child into custody will search the child in the presence of a proper witness. If the child's gender identity differs from his or her birth sex, then the officer taking the child into custody will assure that the search is done in the presence of a witness who is of the gender that the child identifies with.

7. Status Offenders

7.1 An officer may take a child into custody if the officer has reasonable grounds to believe that the child has run away from his parents or guardian. When an officer takes a child into custody:

7.1.1 The officer shall immediately notify the parents/guardian and make arrangements for release.

7.1.2 The officer shall complete the appropriate paperwork.

7.1.3 If the child is temporarily taken to the station, he/she shall be placed in a non-secure (unlocked) setting, not a cell.

7.1.4 The investigating officer will maintain custody of the child (or have custody of the child maintained by the Duty Officer, another officer in the building, etc.) until relieved by the parent(s)/guardian.

7.1.5 An officer may not take a child into custody simply because he/she is truant.

7.1.6 An officer may attempt to have the child identify himself/herself, age and school. If that information can be obtained, the officer shall notify the school principal. If any action is taken by an officer (voluntary transport, escort back to school, etc.) the contact with the child will be captured in RMS via Dispatch.

Section III - Processing

1. Transportation of Juveniles

1.1 Maryland law forbids the transportation of a child in the company or association of a known adult criminal, vicious or mentally incompetent person.

1.2 The Arresting Officer shall be responsible for transporting (or arranging for transportation for) the child, to the designated shelter or detention facility without delay unless the child is in need of emergency medical treatment.

2. Miranda Warning

2.1 Whenever a child is placed in a custodial environment and prior to any questioning, the Miranda warning shall be read and the officer shall ascertain, before proceeding, that the child and parent/guardian understand the rights of the child.

3. Custodial Interrogation

3.1 Child interrogations/interviews shall be conducted in a similar manner as adult interrogations/interviews, with the following guidelines:

3.1.1 Prior to custodial interviews or questioning a Juvenile Intake Officer should be summoned if available.

3.1.2 A law enforcement officer may not conduct a custodial interrogation of a child until:

3.1.2.1 The child has consulted with an attorney who is:

a) Retained by the parent, guardian, or custodian of the child; or
b) Provided by the Office of the Public Defender; and
c) The law enforcement officer has made an effort reasonably calculated to give actual notice to the parent, guardian, or custodian of the child that the child will be interrogated.

3.1.3 A consultation with an attorney shall be:

a) Conducted in a manner consistent with the Rules of Professional Conduct; and
b) Confidential; and
c) May be in person or by telephone or video conference.

3.1.4 To the extent practicable and consistent with the Maryland Rules of Professional Conduct, an attorney providing consultation shall communicate and coordinate with the parent, guardian, or custodian of the child in custody.

3.1.5 The requirement of consultation with an attorney under this section:

a) May not be waived; and
b) Applies regardless of whether the child is proceeded against as a child under Maryland Annotated Code, Courts and Judicial Proceedings Article, Title 3, Subtitle 8A, or is charged as an adult.

3.1.6 A law enforcement agency conducting an interrogation shall maintain a record of the notification or attempted notification of a parent, guardian, or custodian, including:

a) A signed statement by a duly authorized law enforcement officer employed by the MDTA Police that an attempt to notify a parent, guardian, or custodian was made;
b) The name of the person sought to be notified; and
c) The method of the attempted notification.

3.1.7 A law enforcement agency conducting an interrogation under Courts and Judicial Proceedings Article, Title 3, Subtitle 8A shall maintain a record of the name of the attorney contacted and the county or counties in which the attorney provided the consultation. An attorney contacted to provide legal consultation to a child shall provide to a law enforcement officer the information required for the record.

3.1.8 Notwithstanding the requirements of this section, a law enforcement officer may conduct an otherwise lawful custodial interrogation of a child if:

a) The law enforcement officer reasonably believes that the information sought is necessary to protect against a threat to public safety; and
b) The questions posed to the child by the law enforcement officer are limited to those questions reasonably necessary to obtain the information necessary to protect against the threat to public safety.
c) Unless it is impossible, impracticable, or unsafe to do so, an interrogation conducted under this section shall be recorded, and the child shall be informed if the interrogation is being recorded.
d) The term “threat to public safety” as used in this section is to be interpreted consistent with the judicially recognized exception to the requirements to provide Miranda warnings.

3.1.9 If, prior to or during questioning, the child, the parent or responsible adult express the desire to speak with an attorney, all questioning shall cease and not be renewed until permission is granted.

3.1.10 In the absence of a parent or guardian, a child may be questioned and may provide statements if reasonable assurances can be made that the child fully understands his/her constitutional rights.

3.1.11 Children have the same rights regarding statements and confessions as do adults; however, an additional effort shall be made to ensure that the child understands these rights as well as Juvenile Justice procedures.

3.1.12 Custodial interrogations will be limited to two hours with no more than two interrogators participating. The Division Commander must grant permission for all exceptions to the time limit and number of investigators.

3.1.13 Supervisory notification is required prior to any child interrogation.

4. Fingerprints and Photographs

4.1 The circumstances requiring and procedures for processing a child are basically the same as for an adult except that the Maryland Fingerprint Card (CJIS-005) will be used for this purpose. Children arrested for the commission of a delinquent act, will be fingerprinted and photographed.

4.2 Only one fingerprint card needs to be filled out and forwarded to CJIS within 72 hours of the arrest.

4.2.1 Put a check in the box on the front of the card marked juvenile.

4.2.2 Leave the “Primary Charge” area blank.

4.3 Fingerprints and photographs will not be completed in any of the following instances:

4.3.1 The child is a status offender.

4.3.2 The mental maturity of the child is such that processing would be inappropriate and supervisory approval has been granted not to process the child.

4.3.3 The child has only committed a traffic offense.

4.4 Supervisors may grant exceptions to the above directives for good cause. Such circumstances include, but are not limited to:

4.4.1 The child is suspected of committing a serious crime.

4.4.2 The child is involved in multiple crimes.

4.4.3 The child's fingerprints and/or photograph may prove successful in solving a case or would serve a legitimate law enforcement purpose.

5. Charging

5.1 The Maryland Annotated Code, General Provisions Article Section 1-103, states:
an adult, refers to an individual at least 18 years old. The term "minor" as it pertains to legal age and capacity refers to persons who have not attained the age of eighteen years.

5.2 The law permits some discretion to be exercised when determining disposition in child matters. When choosing among the alternatives available to deal with a child offender, each of the following factors should be considered:

- The nature of the offense
- The age of the offender
- The circumstances of the alleged offense
- The offender's prior record
- Recommendations/endorsements by the complainant/victim (if appropriate)

6. Charging Documents

6.1 Juvenile Custody - Whenever a child is taken into custody, whether or not the child is charged, a Field Arrest Report will be completed. If charges are being placed on the child an Incident Report will also be completed and linked to the Field Arrest Report. When adding a child into RMS no information will be redacted. If a child and adult are being charged for the same offense the child will be listed on a separate IR from the adult.

6.2 Uniform Complaint and Citation Book - Form DC 49:

6.2.1 Any officer who takes a child into custody for a traffic offense shall follow the current procedures established for the custody of children.

6.2.2 Any officer wishing to charge a child under the age of sixteen with a traffic offense must do so via arrest. No citations shall be issued. If any of the jailable traffic offenses are committed by a child over sixteen, but under eighteen, the officer shall charge the child (via an IR) for all of the traffic offenses. No citations will be issued.

6.2.3 If a citation is issued to individuals in the above categories, it should be voided per MDTA Police regulations.

6.2.4 If a child between the ages of sixteen and eighteen commits a non-jailable traffic offense, the officer shall issue a Maryland Uniform Complaint & Citation.

6.3 Juvenile Civil Citation for Alcohol & Tobacco Offense - Form DC 31 & Anne Arundel County Juvenile Citations are used when applicable.

Section IV - Required Notifications

1. Department of Juvenile Services

1.1 Officers taking children into custody will ensure timely notifications are made to appropriate agencies or the Department of Juvenile Services.

2. Parents

2.1 Officers taking children into custody will ensure timely notifications are made to the child's parents, guardians, or custodians.

2.1.1 to include the child's location; provide the reason for the child being taken into custody; and instruct the parent, guardian, or custodian on how to make immediate in-person contact with the child.

3. Schools

3.1 Education Article, §7-303 establishes reporting responsibilities for all law enforcement agencies. The Act requires law enforcement agencies to contact the local public-school superintendent or nonpublic school principal within 24 hours of the arrest or as soon as practicable when a student (5 years of age or older and under 22 years of age) is arrested and charged with certain reportable offenses, which are outlined in the subparagraphs below. This action will inform school officials of child students that commit particular crimes that could impact their status as a student. The offenses for which the public school superintendent or nonpublic school principal must be notified are as follows:

3.1.1 Crimes of violence as defined by §14-101 of the Criminal Law Article

- Abduction
- Arson in the first degree
- Kidnapping
- Manslaughter, except involuntary manslaughter
- Mayhem
- Maiming
- Murder
- Rape
- Robbery under §3-402 and §3-403
- Carjacking
- Armed Carjacking
- Sexual offenses in the first degree
- Sexual offenses in the second degree

- Use of a firearm in the commission of a felony, except possession with intent to distribute a controlled dangerous substance under §5-602(2) or other crime of violence
- Child abuse in the first degree under §3-601
- Sexual abuse of a minor under § 3-602 under certain conditions described in §14-101
- Home Invasion under §6-202(b)
- A felony offense under Title 3, Sub-Section 11 of this article
- Attempts at the previously mentioned crimes
- Continuing course of conduct with a child under §3-315 of the Criminal Law Article
- Assault in the first degree
- Assault with intent to murder
- Assault with intent to rape
- Assault with intent to rob
- Assault with intent to commit a sexual offense in the first degree
- Assault with intent to commit a sexual offense in the second degree

3.1.2 Any of the offenses enumerated in § 3-8A-03(d) (4) of the Courts and Judicial Proceedings Article. The offenses in the Courts Article that do not also appear in 3.1.1 above are:

- Second Degree Rape under the Criminal Law Article
- Attempted Robbery under §3-403 of the Criminal Law Article
- Third Degree Sexual Offense under §3-307(a)(1) under the Criminal Law Article
- Attempted Second Degree Murder under §2-206 under the Criminal Law Article
- A crime in violation of §5-133, Restrictions on possession of regulated firearms; §5-134, Restrictions on sale, rental, or transfer of regulated firearms; §5-138 Sale, transfer, or disposal of stolen regulated firearm prohibited; or §5-203, Possession of short-barreled rifle or short-barreled shotgun, of the Public Safety Article.
- Using, wearing, carrying or transporting a firearm during and in relation to a drug trafficking crime under §5-621 of the Criminal Law Article
- Use of a firearm under §5-622, Firearms Crimes, of the Criminal Law Article
- Assault in the first degree under §3-202 and §3-203 Murder in 1st Degree of the Criminal Law Article
- A violation of §4-203, Wearing, carrying, or transporting handgun; §4-204, Use of handgun or antique firearm in commission of crime; §4-404, Use of machine gun in crime of violence; or §4-405, Use of machine gun for aggressive purpose, of the Criminal Law Article.

3.1.3 A violation of §4-101, Dangerous weapons; or § 4-102, Deadly weapons on school property, of the Criminal Law Article.

3.1.4 A violation of Criminal Law Article:

- §5-602, Manufacturing, distributing, possessing with intent to distribute, or dispensing CDS
- §5-603, Equipment to produce CDS
- §5-604, Counterfeit substance
- §5-605, Keeping common nuisance
- §5-606, False prescription
- §5-607, Penalties-Certain crimes (Repeat offender)
- §5-608, Penalties- Narcotic drugs (2nd or 3rd time offender)
- §5-609, Penalties – Selected Schedule I and II hallucinogenic substances
- §5-612, Volume dealer
- §5-613, Drug kingpin
- §5-614, Importer of certain CDS
- §5-617, Distributing fake controlled substances
- §5-618, Possession or purchase of non- controlled substance
- §5-627, Controlled dangerous substance near school
- §5-628, Use of minor

3.1.5 A violation of Criminal Law Article:

- §4-503 Manufacture or possession of destructive device
- §9-504 False statement – Concerning destructive device or toxic material
- §9-505 Representation of a destructive device

3.1.6 A violation of Criminal Law Article:

- §6-102 Arson in the first degree
- §6-103 Arson in the second degree
- §6-104 Malicious burning of personal property in the first degree
- §6-105 Malicious burning of personal property in the second degree
- §6-202 Burglary in the First Degree
- §6-301 Malicious Destruction
- §7-105 Motor Vehicle Theft

3.1.7 A violation of Criminal Law Article:

- §9-302 Inducing False Testimony or Avoidance of a Subpoena
- §9-303 Retaliation for Testimony
- §9-305 Intimidating or Corrupting Juror
- §9-802 Criminal gang activity
- §9-803 Criminal gang activity – Schools
- §10-606 Aggravated Cruelty to Animals

3.1.8 Any offense that is related to the student's membership in a criminal gang.

3.2 When an officer charges a child with one or more of the mandated offenses, the detaining officer and the shift supervisor will ensure the following occurs:

3.2.1 Obtain and verify the name of the school that the child attends, and the appropriate school district (i.e., county or city).

3.2.2 Place this information in the appropriate blocks on the Field Arrest Report.

3.2.3 In the "School Notification" block, the officer will place the date, time and the name of the officer making the notification.

3.2.4 Ensure the notification is made to the appropriate School Superintendent or principal within 24 hours of the arrest or as soon as practicable and

3.2.5 Ensure this information also appears in the narrative with a copy of the notification.

3.3 If the child is not enrolled in a school, it shall be noted in the Field Arrest Report.

Chapter 21
Temporary Detention Facilities
& Arrestee Transportation
Directives Manual Revision Date: 12/10/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Pre-Transport Procedures……..……..……01

This section includes the requirements for pre-transport searches, temporary detention facilities/processing/testing room procedures and use, detention and arrestee property log, searching transport vehicles, and court notification.

Section II – Transport Procedures……..……..…06

This section includes the requirements for transporting prisoners by vehicle, arrestee restraints, transportation interruptions, transport destination procedures, escape procedures, prisoner I.D. and documentation.

Section III – Sick, Injured, Disabled Prisoners……..……10

This section describes the procedures to be followed when obtaining medical treatment for prisoners, as well as hospital security and control.

Chapter 21
Temporary Detention Facilities & Arrestee Transportation
Directives Manual Revision Date: 12/10/2021

Section I - Pre-Transport Procedures

1. Treatment

1.1 All persons arrested by the Maryland Transportation Authority Police (MDTA Police) will be properly and safely transported and processed. At no time will a prisoner's Constitutional Rights or their right to be brought before a commissioner in a timely manner be violated.

2. Pre-Transport Arrestee Searches

2.1 Immediately after an individual has been placed under arrest and physically taken into custody, he/she will be properly handcuffed and a search of the individual will be conducted. Typically, this search will take place at or near the scene of the arrest by the arresting officer.

2.2 The transporting officer will be responsible for searching all arrestees before transport.

2.3 The arrestee will be transported without delay to the MDTA Police Detachment where the violation occurred. In exigent circumstances, the arrestee may be transported to the nearest detachment.

2.4 The sworn personnel and the arrestee will proceed immediately to the arrestee processing area. All officers in the processing area with an arrestee shall secure their weapons (i.e. Firearm, ASP Baton, CEW, and any knives) in the lockbox prior to removing the prisoner’s restraints.

2.5 A second search of the arrestee will be conducted in the processing area prior to removing handcuffs and prior to placing the arrestee in the temporary detention facility. Any additional articles found in the prisoner's possession, will be secured and retained in accordance with MDTA Police policy.

2.6 If a strip search is warranted and approved by the Duty Officer, it will be conducted under the following guidelines:

2.6.1 Strip searches will only be conducted when there is reasonable and articulable cause to believe that a weapon or contraband is secreted on the arrestee’s body and is discoverable/recoverable only by a strip search. All strip searches will be documented on the IR or Field Arrest Report that is generated as a result of the original incident.

2.6.2 At a minimum, the details that shall be documented on the report include: Date, time and location of search; name of officer conducting search; names of those present during search; detailed description of the nature and extent of the search; and any weapons, evidence or contraband found during the search.

2.6.3 A strip search will be conducted by at least two officers, with one to serve as a witness.

2.6.4 The fewest number of personnel necessary for safety and a witness shall be present during a strip search.

2.6.5 Only officers of the same sex or gender as the arrestee shall conduct or witness the strip search unless exigent circumstances dictate otherwise.

2.6.6 Arrestee requests based on their gender identity/expression to the person conducting the search shall be honored, if available.

2.6.7 Strip searches shall be conducted as privately as possible, out of view of the opposite sex or gender, unless exigent circumstances dictate otherwise.

2.6.8 Officers involved in the strip search shall refrain from touching the arrestee's body except for safety and control purposes.

2.6.9 There is no constitutional difference between adult and juvenile strip searches.

2.7 Body cavity searches may be performed if there is sufficient probable cause to believe this type of search is required to obtain concealed evidence, or for the arrestee's personal safety. Body cavity searches will only be conducted with Commanders approval and on authority of a search warrant. Body cavity searches shall be performed by a doctor, or equally qualified medical personnel, and must be done under sanitary conditions. Officers should contact the Office of the State’s Attorney for assistance before applying for a body cavity search warrant. All body cavity searches will be documented on the IR that is generated as a result of the original incident.

3. Temporary Detention Facility/Processing/Testing Room Procedures and Use

3.1 All sworn personnel will secure their weapons (i.e. Firearm, ASP Baton, CEW, and any knives) before removing the prisoner's restraints in processing/CTAU testing room/temporary detention facility. The arresting officer will be responsible for constant supervision of prisoners. Care and caution will be taken when handling an arrestee to prevent escape. Unnecessary personnel will stay out of the temporary detention facility/processing/CTAU testing room areas and away from the prisoner.

3.2 If an arrestee demonstrates violent or self-destructive behavior, appropriate measures will be taken to minimize the potential for injury to the arrestee and others. If necessary, a Petition for Emergency Evaluation will be prepared and the arrestee will be transported to the medical facility typically used by that detachment/unit.

3.3 Arresting officers at detachments not equipped with panic or duress alarms in the processing/temporary detention facility areas must have a portable radio available at all times. For CTAU testing rooms, the arresting officer will be required to remain by the open door at all times with his/her portable radio available while the test is conducted. If an emergency arises and/or assistance is needed, the officer will have immediate access to Dispatch.

3.4 After obtaining pertinent information from the prisoner, he/she will be placed in a temporary detention facility.

3.5 The temporary detention facility will be searched before placing and after removing the arrestee in or from a temporary detention facility.

3.6 All arrestees will be searched before being placed in a temporary detention facility. Arrestees will be permitted to have only their clothing in the temporary detention facility. Items such as jewelry, shoelaces, and belts are not permitted in the temporary detention facility.

3.7 Male, female, or transgendered arrestees will not be placed in the same temporary detention facility.

3.8 The temporary detention facility will remain locked at all times. Care will be taken when removing an arrestee to prevent escape. Sight and sound separation from juveniles will be maintained.

3.9 When a temporary detention facility is not available, arrestees may be secured to an immovable object that has a bar or ring that a handcuff can be secured to.

3.10 Meals will be provided for arrestees held more than six hours. Meals will be documented on the Field Arrest Report.

3.11 All temporary detention rooms will provide access to water, restrooms and other needs. For temporary detention facilities not equipped with restroom facilities, all requests from arrestees to use such facilities will be accommodated as soon as possible. The arrestee will be escorted by an officer of the same sex or gender, or gender identity when available.

3.12 Personnel will not, unless absolutely necessary, visit arrestees of the opposite sex, gender, or gender identity unless accompanied by a witness.

3.13 Suspects being detained for interview/interrogation shall not be left unattended at any time in other rooms/areas within a detachment.

3.14 All arrestees placed in temporary detention facilities will be physically checked at a minimum of every thirty minutes. All suicidal arrestees shall be constantly monitored. High risk arrestees (i.e. under the influence of CDS/alcohol or other special needs) will be checked at least every fifteen minutes.

3.15 Duty Officers at facilities equipped with electronic audio/visual monitoring systems will ensure that the systems are activated and monitored at all times when arrestees are held in the temporary detention facility.

3.16 In the event of a fire, the detachment evacuation plan will be used.

3.17 All sworn personnel and cadets will be trained in the handling of arrestees in temporary custody.

3.18 Temporary detention facility retraining will occur at least once every three years. This training may consist of classroom, shift briefing, or training bulletins, or any combination of these methods.

3.19 An administrative review of the temporary detention facilities and procedures will be conducted at least once every year by the appropriate Division Commander or their designee. This review will ensure that MDTA Police policies and procedures governing temporary detention are being followed and are adequate for the MDTA Police needs.

4. Field Arrest Report

4.1 The Field Arrest Report shall be completed in all cases where a member of the MDTA Police takes a prisoner/detainee into custody, to include those instances where a person is being held for another department (except for juveniles). The Incident Report will serve as the detention log for juveniles.

4.2 The Field Arrest Report is sufficient documentation for person held for another department. No further report needs to be filed. The receiving department shall be listed and a name of transport officer obtained and listed in the officer section.

4.3 The original Field Arrest Report will be retained in the RMS and approved by the supervisor.

4.4 The Field Arrest property log section will be completed for any property that will be released to the suspect upon his/her release or transfer to another facility.

4.5 Prior to transporting a prisoner to the Commissioner or detention facility, ensure all of the prisoner's essential personal property (i.e. wallet, keys, cell phone, etc.) have been inventoried and are placed into a manila envelope or similar container, and placed in the patrol vehicle. If the prisoner is released on their own recognizance, their personal items will be returned to them at that time. If the prisoner is transported to a detention facility or CBIF, the envelope will be handed over to the appropriate facility personnel.

5. Searching Transport Vehicles

5.1 All sworn personnel are required to inspect their assigned patrol vehicles at the beginning of each shift. The inspection will include a general assessment of the condition of the vehicle and an inspection for weapons and contraband that may have been discarded by a prisoner.

5.2 All sworn personnel are responsible for completing a Vehicle and Equipment Inspection form prior to operating any MDTA Police patrol vehicle. Additionally, vehicles shall be searched prior to and as soon as practical, after each arrestee transport to ensure that an arrestee has not disposed of weapons or contraband.

6. Notify Court of Security Hazard

6.1 The MDTA Police will not routinely transport arrestees for court appearances. If a situation arises in which the MDTA Police must transport an arrestee to court, or to another department, and the arrestee is an exceptional security risk, notification will be made to the Judge or department as to the circumstances so that additional personnel or restraining equipment may be available.

Section II - Transport Procedures

1. Procedures for Transporting by Vehicle

1.1 All arrestees being transported in a MDTA Police vehicle will be properly seat belted.

1.2 Generally, one sworn person will not transport more than one arrestee in a patrol car. When possible, arrestees will be transported using vehicles equipped with a safety barrier. When using a vehicle not equipped with a safety barrier, it is required the arrestee be secured in the right front seat. Under certain conditions (the individual is extremely obese, pregnant, or blind) the arrestee may be secured in the right rear seat.

1.3 Under normal conditions, arrestees will not be transported in the rear of police vehicles, unless the rear compartment has been modified to minimize any opportunities for exit without the aid of the transporting officer.

1.4 If two sworn personnel are transporting, no more than two arrestees will be transported in a patrol car. The officers will secure the arrestees so that the assisting officer may effectively monitor both individuals.

1.5 Whenever possible, female arrestees should be transported by a female officer.

1.6 In all cases, when transporting an arrestee of the opposite sex or gender or gender identity, Dispatch will be notified of the vehicle number, destination, and the beginning mileage. The transporting officer will say that he/she has a female/male “in custody for transport” to the specified location. Once arriving at the destination, using the shortest route possible, Dispatch will be notified of the ending mileage.

1.7 When arrestees demonstrate violent and/or combative behavior, or the individual is being transported for an emergency evaluation, a minimum of two sworn personnel will transport the suspect.

1.8 Juveniles will not be transported in the same vehicle as adults unless exigent circumstances exist.

1.9 For security purposes, transporting officers shall discourage arrestees from communicating with one another or with other parties during transport.

1.10 The MDTA Police will not transport arrestees in special situations such as funerals, visiting critically ill relatives, or any other unusual events.

2. Arrestee Restraint Requirement

2.1 During periods of transportation, arrestees will be handcuffed at all times, generally with both hands behind his/her back.

2.2 An additional officer may be required to assist with the transport if necessary, for officer safety reasons.

2.3 Officers may consider alternative methods for transporting arrestees for long distances, (e.g. handcuffing the arrestee in the front, with the use of a waist chain for added safety).

2.4 Under no circumstances:

2.4.1 Will an arrestee be handcuffed to a part of the vehicle (e.g., the door post, a security screen); or

2.4.2 Will an arrestee be "hog-tied", i.e., both hands behind the back, both feet bound, with the individual lying face down. This has been found to contribute to serious physical injury or death, known as "positional asphyxia".

3. Interruption of Transport

3.1 Under normal circumstances, personnel will not stop when transporting an arrestee from the detachment to the District Court Commissioners or the Detention Center.

3.2 While transporting a prisoner, the transporting officer may render assistance to others only when the risk to third parties is both clear and grave and the risk to the arrestee is minimal. Regardless of the situation, the transporting officer must be constantly aware of his/her responsibility for the prisoner's protection and security. Sworn personnel must be cognizant of the possibility of diversionary tactics used to aid in the escape of the prisoner.

3.3 The MDTA Police do not routinely transport arrestees for long distances (which would require meals and/or the use of toilet facilities). If a situation arises requiring the long-distance transport of a prisoner, no fewer than two sworn personnel will be used and constant visual contact with the arrestee will be maintained. This includes stopping for meals and the use of toilet facilities, if necessary.

4. Transport Destination Procedures

4.1 Upon arriving at his/her destination, sworn personnel transporting arrestees must ensure that the following procedures are adhered to:

4.1.1 All weapons will be secured in the designated area for the facility being entered.

4.1.2 Restraint devices will be removed only when directed to do so by the receiving facility or just before placing an arrestee in a cell.

4.1.3 All paperwork will be submitted to the appropriate person at the receiving facility.

4.1.4 Proper signatures will be obtained on all paperwork to be returned to the police.

4.1.5 The receiving department is advised of any potential medical or security hazards involved with the prisoner(s).

5. Escape Procedures

5.1 The following procedures will be implemented if an arrestee escapes while being transported, or while being held in an arrestee detention area:

5.1.1 The arresting/transporting officer will request immediate assistance to recapture the arrestee from the jurisdiction the arrestee is in at the time of the escape.

5.1.2 The arresting/transporting officer shall immediately notify the Duty Officer and Dispatch. The escapee's description will be broadcasted to all MDTA Police personnel on duty in that area.

5.1.3 The Duty Officer will determine if additional police personnel are needed to assist with the search. Dispatch will continually broadcast updated information to all affected personnel, as well as when the search effort is to be terminated.

5.2 As soon as practical, the arresting/transporting officer will submit an Incident Report detailing how the incident occurred.

5.3 Based on the information gathered as to how or why an incident occurred, provisions will be made to ensure it does not happen again. This may include repairing and/or replacing defective equipment or remedial training for the officer(s) involved. The incident may be forwarded to the Internal Affairs Unit for further investigation.

6. Prisoner I.D. and Documentation

6.1 The MDTA Police do not routinely transport prisoners from a detention center to another facility.

6.2 If MDTA Police personnel do transport a prisoner from a holding facility, the transporting officer shall ensure he/she has the correct individual. Personal knowledge, positive photo identification, prior arrest information, fingerprints, or verification of the prisoner's identity from the holding facility's personnel can be used to identify the prisoner.

6.3 Sworn personnel will request any other documentation and/or records, concerning the prisoner including commitment papers, medical records, documented escape or suicidal tendencies, notable health problems, and any other personal traits of a security nature.

Section III - Sick, Injured, Disabled Arrestees

1. Medical Attention

1.1 If an arrestee becomes ill at any time before, during, or after an arrest, the officer will immediately request medical attention for the arrestee and notify the Duty Officer of the circumstances. The arrestee will be treated and medically cleared before further processing or transport.

1.2 If an arrestee becomes injured while in police custody, qualified medical personnel will be called to treat the individual.

1.3 In either case, a detailed written Incident Report will explain the circumstances of the occurrence, including the name(s) of the attending medical personnel and the degree of the illness/injury.

1.4 Sworn personnel must use good judgment when a sick, injured or disabled (e.g. requiring the use of crutches, wheelchairs, prosthetic devices, or mentally disabled) individual is restrained and transported. If the individual is totally incapacitated, a second officer may be requested to accompany him/her in lieu of restraints. Sworn personnel shall be guided by the totality of circumstances and the arrestee's demeanor, when determining the appropriate restraining devices to be used. Do not assume that restraining devices are unnecessary for disabled prisoners.

2. Hospital Security and Control

2.1 If an arrestee requires immediate medical assistance while in custody, an ambulance will be contacted for transport to the closest medical facility. For security purposes, one officer will ride in the ambulance with the arrestee, and another officer will follow in a patrol car. Restraining equipment may be applied, as long as it does not interfere with medical treatments/procedures. If the arrestee becomes violent, medical and/or arrestee restraints will be applied to the individual.

2.2 If the attending physician determines that the individual should be admitted, the officer will attempt to ascertain the projected period for the admittance, obtain the treating physician's name, and immediately contact the Duty Officer with this information.

2.3 The Duty Officer will advise the District Court Commissioner of the circumstances of the arrest, the circumstances surrounding the hospitalization, and request a pre-trial release hearing be conducted at the hospital. If the Commissioner refuses, the officer will include this information in his/her report.

2.4 If the arrestee has to remain in police custody, request the medical facility move the arrestee to a private and as secure a room as possible. The arrestee will be kept under observation at all times. Restraining devices will be used as long as they do not interfere with medical procedures or treatments. Officers must be particularly alert at times when the arrestee is not in restraints, as this affords him/her the opportunity for escape or assault on the officer or hospital staff.

2.5 The Duty Officer will notify the oncoming Duty Officer of the circumstances as soon as practical. Provisions will be made to have officers rotated regularly. Selected officers will be assigned a tentative schedule to follow until the arrestee is released.

2.6 When guarding an arrestee in a hospital or other medical facility, sworn personnel should:

- Prohibit visits and telephone contacts
- Monitor the prisoner's eating utensils and see that all are returned or disposed of
- Guard against complacency and carelessness while on this detail
- Use all appropriate restraints

2.7 Sworn personnel will notify their Duty Officer or Unit supervisor of updates concerning the prisoner's condition, location, tentative release information, or with any problems or areas of concern.

2.8 When released from treatment, the prisoner's condition should be carefully recorded. All instructions for medication and further treatment(s) will be obtained in writing and signed by the attending physician. Prior to moving the prisoner, the officer will apply the appropriate restraints and search the prisoner.

Chapter 23
Property & Evidence Control
Directives Manual Revision Date: 03/01/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Property and Evidence Overview.....01

This section describes the MDTA Police policies and the general procedures to use when recovering property and evidence other than CDS and weapons.

Section II – Property/Evidence Storage.....05

This section describes the storage procedures for using the Property Room and other storage locations.

Section III – Property/Evidence Release/Disposal.....08

This section describes the release procedures for using the Property Room and other storage locations.

Section IV – CDS Processing.....11

This section describes the procedures for documenting, weighing, storing, submitting, and disposing of CDS.

Section V – Firearms.....15

This section describes the procedures when taking possession of and submitting a firearm.

Section VI – Other Weapons.....21

This section describes the procedures for submitting weapons other than firearms.

Section VII – Conducted Electrical Weapons.....22

This section describes the procedures for submitting Conducted Electrical Weapons.

Section VIII – Responsibilities.....23

This section describes the responsibilities of Property Coordinators, the Commander of the Criminal Investigations Unit, and Detachment/Division Commanders. The requirements for periodic inspections are outlined.

Chapter 23
Property & Evidence Control
Directives Manual Revision Date: 03/01/2021

Section I - Property and Evidence Overview

1. Policy

1.1 As part of their routine responsibilities, law enforcement officers come into possession of property and evidence that varies widely in nature, value, and condition. Therefore, it is the policy of the Maryland Transportation Authority Police (MDTA Police) to ensure that property and evidence in its custody is properly secured and stored, readily retrieved, and that any changes in its custody are properly and fully documented. This is critically important in supporting investigations, helping to guarantee successful outcomes at civil and criminal trials, facilitating the timely return of property to its rightful owner, and establishing the MDTA Police reputation as an honest, reputable organization worthy of the public's confidence and trust.

2. Recovery

2.1 All property coming into possession of a sworn member of the MDTA Police will be placed under the control of the property/evidence control function prior to that member ending his/her shift. While every circumstance cannot be covered here, officers may, at their discretion, complete a Property Report in cases that are exempt from these procedures.

2.2 In all cases where property/evidence comes into possession of the MDTA Police and is retained, a property report and/or MSP 67 will be submitted by the officer describing each specific item prior to ending the officer’s shift.

2.3 All property must be entered into the Caliber Records Management System (RMS) as either part of an Incident Report (IR) or as a stand-alone report for non-evidentiary property. All corresponding forms will be attached to the IR or the property entry. Instructions to complete an evidentiary property entry as well as a non-evidentiary property entry are available in the Computerized Report Management Manual.

2.4 If completing an IR for a case, even non-evidentiary property associated with said case should be added to the IR as well. Only instances where property is being taken for safe keeping, and is not associated with any investigation or case, should the stand-alone property entry in RMS be completed.

2.5 The Property Report, as part of an RMS property entry, may be used as a stand-alone report for non-evidentiary property only, however the remarks section must be completed describing the circumstances surrounding how the property came into police possession and when/how notification was made to the owner.

2.6 Upon receipt of any item of property/evidence, an officer will completely list all items on a Property Report. If there is insufficient space to list all items on the Property Report, a second Property Report will be used to list the remaining items. Items of property/evidence belonging to different owners will be recorded on separate Property Reports. It is the responsibility of the officer to list all Property Reports in the Property Report logbook.

2.7 Each item listed will be thoroughly described to include size, color, quantity, make, model, and serial number. This is not meant to be an all-inclusive list of descriptive categories. CDS will be reported on MSP 67, however a weight will NOT be stated. CDS paraphernalia, will be recorded on a Property Report. Firearms and other evidence must be reported on an MSP 67. Firearms received through a court ordered Extreme Risk Protective Order (ERPO) will be reported on an IR, and Property Report.

2.7.1 Marijuana is a Schedule I controlled dangerous substance and subject to seizure. Paraphernalia with suspected marijuana residue shall not be seized unless the contents are needed for charging via a civil citation.

2.7.2 CDS paraphernalia that is merely related to the use or possession of marijuana only shall not be seized.

2.7.3 Paraphernalia seized that only has marijuana residue will be placed on a Property Report and marked for destruction.

2.7.4 When seizing Marijuana weighing less than 10 grams, the seizing officer will photograph it and attach the photo to the IR within RMS. A Property Report will be completed and the Marijuana will be marked for destruction unless the seizing officer deems it necessary to retain for evidentiary purposes.

2.8 The Property Report will be retained at the detachment until the property/evidence is returned to its owner or transferred to the Property & Evidence Unit. This report stays with the property/evidence wherever it goes and will be stored in the detachments/P&E Unit's Property/Evidence file.

2.9 Shift supervisors shall ensure that their detachment's Property/Evidence Storage Area is continuously available for storage.

2.9.1 Only MDTA Police detachments operating on a twenty-four-hour schedule will maintain a Property/Evidence Room. Any unit that does not maintain a Property/Evidence Room will use the Detachment in the area of which they are working in when coming into possession of property/evidence.

2.10 If an owner returns to claim his/her property before a Call for Service (CS) number for a Property Report has been issued, the property can be released without the use of a Property Report. The owner's information will be recorded on the Call for Service.

2.10.1 MDTA Police personnel coming into possession of property requiring safe keeping will complete the required Property Report and entry into RMS prior to ending his/her shift. The officer will make every effort to establish ownership, make notification and arrange for the property's release as applicable.

2.10.2 Personal property will not be taken from any agency that has its own procedures for handling property unless that property is part of an investigation or is the product of judicial process such as search warrant and subpoena.

2.10.3 Instances when property may be disposed of without MDTA Police intervention are as follows:

- Except for evidence and contraband, which will be processed according to policy, personal property of an arrested individual will be separated from the person, packaged, and appropriately identified as belonging to the owner. The package should be transported with the arrestee. If it is not possible to transport the property with the arrestee, the property will be released to his/her designated representative. Established procedures will prevail until such release is affected. The owner will be requested to sign the Property Report authorizing destruction/disposition of the property after thirty days if not properly claimed.
- Personal property that is hazardous material should be disposed of by authorized personnel having training and facilities to properly control and store such items.

2.11 Property Reports will not be completed for the following items unless these items are considered evidence:

- Food
- Clothing (except items of significant value such as fur coats and leather coats)
- Registration plates removed from vehicles for tag pick-up orders, tags to another or found registration plates
- Found Driver Licenses/State Identification Cards
- Found keys with no identifying marks, labels or tags
- Bank credit/debit cards which are to be shredded
- Passports which shall be returned by dropping off at the nearest Post Office.

2.12 Exceptions:

2.12.1 At BWI/TM Airport, property that is not of high value will be released to the BWI Lost & Found with the Duty Officer approval. If the airline that the owner patronized can be identified, the property will be released to the airline's baggage office. If the property is recovered and released to the baggage office or BWI Lost & Found, a Property Report is not required. The type of property and the name of the employee to whom the property was released must be recorded on a Call for Service.

2.13 Before securing any item in the Property Room or evidence locker, an officer will ensure that an item is properly packaged and labeled to avoid contamination or damage. Shift supervisors will be responsible for ensuring compliance and will initial the lower left corner of all Property Reports indicating their approval.

2.14 Officers will be responsible for notifying owners when property comes into their possession, either by telephone, teletype or in person. Detachment Property and Evidence Coordinators will be responsible for sending certified letters to owners allowing for a thirty-day response.

2.15 Officers will be responsible for obtaining a disposition in all cases involving property, evidence, firearms, and CDS following adjudication in court. Dispositions will be completed in RMS using the Supplement Module and, once submitted, will automatically be forwarded to the Detachment Property & Evidence Coordinator and the Agency Property & Evidence Unit. The P&E Unit will routinely visit all detachment's property and evidence rooms for pick up and will be responsible for final disposition/destruction of all property/evidence.

2.16 All paper copies of the report may then be shredded by the P&E Unit or the detachment where the disposition is made.

Section II - Property/Evidence Storage

1. Packaging

1.1 All property/evidence coming into possession of the MDTA Police will be properly packaged, labeled with an RMS Evidence Label and stored, so that all items can be readily retrieved and the risk of potential damage or tampering minimized.

1.2 All items of property/evidence will be sealed in a Property/Evidence Envelope prior to filing inside the Property Room.

1.3 All envelopes will be filled out completely and witnessed by a supervisor.

1.4 The mishandling of stapled packages can create a bio-hazardous situation. The use of staples when packaging property/evidence is strictly prohibited.

2. Large Items

2.1 Items too large to fit in a Property/Evidence Envelope will receive a Property/Evidence Tag prior to storage.

2.2 Items too large to fit in the Detachment/Unit Property /Evidence Room will be properly tagged and stored in the designated Detachment/Unit bulk storage area. This area must be secured and only accessible to law enforcement personnel. This area, and any related keys, will be regulated using the same procedures that apply to the Property Room and the lock box keys.

2.3 If an evidentiary item is too large to fit either in the Property/Evidence Room or the bulk storage area, (motor vehicle, trailer, boat) officers will be assigned to maintain 24-hour surveillance of this item until the item can be completely processed and analyzed. A continual chain of custody is essential to maintain the evidentiary value of these items.

2.3.1 Once assigned, no officer will leave this post until relieved by another officer.

2.3.2 Changes of assignment must be completely documented in the chain of custody.

2.3.3 Should this type of surveillance be required for multiple days, shift supervisors should assign the same personnel, if possible. This will reduce the chain of custody and increase accountability.

3. Property/Evidence Room Procedures

3.1 With the exception of the Commander of P&E and those assigned to the Property and Evidence Unit, only sworn members of the MDTA Police are authorized to access areas used by the Agency for storage of in-custody and evidentiary property. All personnel accessing the storage areas will abide by the below listed guidelines.

3.2 Only one property/evidence room key will be assigned to each detachment. This key will be stored in a secure area.

3.3 Every time the key is used to access the property/evidence storage area, two personnel must access it. Under no circumstance will fewer than two people access any property/evidence room or property/evidence room keys. This is known as the "Two Person Rule" and is an essential part of an effective property/evidence control system.

3.4 A Property/Evidence Room Access Log will be maintained for recording entry into the Property/Evidence Room and use of the Property/Evidence Room key for detachments that do not have a swipe card system in place. The log will include spaces for both signatures when entering, date and time in, date and time out, and reason for use, including lock box use.

3.5 When depositing property/evidence into the Property /Evidence Room, both officers signing the logbook will be present from the time the Property/Evidence Room is opened until it has been re-secured.

3.6 Once the Property/Evidence Room is secured again, the time the room is secured will be recorded in the logbook.

4. Security Measures for Handling Exceptional, Valuable, or Sensitive Items of Property and Evidence

4.1 Items of property/evidence of an exceptional, valuable, or sensitive nature will be subject to extra security measures.

4.2 Exceptional; valuable and sensitive items may include, but are not limited to CDS, money, firearms and jewelry. Bodily fluids are considered sensitive and will be handled separately by Detectives and/or P&E Unit personnel.

4.3 Each detachment will maintain individual lock boxes within the Detachment Property/Evidence Room to accommodate items of property/evidence that are considered exceptional and valuable. One of the lock boxes will be kept locked at all times. This secured box will be the “Key Drop, Lock Box. The key to this box will be maintained with the Property/Evidence room key and allow access to the remaining lock box keys. This box will have a small hole in its face, to allow for secure storage of all other lock box keys when a lock box is in use.

4.4 Anytime property/evidence of exceptional or valuable nature comes into possession of a member of the MDTA Police, the following procedures will be followed:

4.4.1 Items of an exceptional or valuable nature will be packaged separate and apart from other types of property. Example: Money, guns and drugs, found together, will be packaged separately and recorded on separate Property Reports. Items that are part of the same case, but not as sensitive, valuable, or exceptional can be listed together but on a separate Property Report from the more sensitive, valuable, or exceptional items.

4.4.2 The Commander of the Property and Evidence Unit will ensure all cash is turned over to the Division of Finance. Exceptions to this procedure would be if the MSP Crime Lab must analyze the cash or the cash is physically needed as evidence in court, or it is being handled federally and seized.

4.4.3 Found currency:

- If located on MAA property and no owner is identified, the currency will be turned over to the MAA Cashier's Office during normal business hours. A Property Report will be completed. MAA will provide a handwritten receipt after the currency is received and counted.
- If located on MPA property and no owner is identified, the currency will be turned over to the MPA Cashier's Office during normal business hours. A Property Report will be completed. MPA will provide a handwritten receipt after the currency is received and counted.
- If located on MDTA Property and no owner is identified, the currency will be turned over to the MDTA Division of Finance during normal business hours.
- Found currency will **not** be deposited into the State Asset Forfeiture Account.

4.4.4 All property/evidence will be logged and documented as previously described in this chapter.

4.4.5 The Property/Evidence Room will be accessed as previously described in this chapter.

4.4.6 The Property/Evidence Room will be secured, and the Property/Evidence Room key returned as previously prescribed in this chapter.

4.4.7 The Two-Person Rule will apply every time the Property/Evidence Room is accessed.

Section III - Property/Evidence Release/Disposal

1. Property Report

1.1 When the owner or representative claims property from the MDTA Police, they will sign Section 16 of the Property Report. The owner or representative's signature will be the last signature on the Property Report. The owner or representative will be given a copy along with their property.

1.2 The owner or representative must present a valid Government issued photo ID prior to any property release. A representative must have in their possession an original, notarized statement from the owner empowering/authorizing them as the designee for the property release and a description of the property to be released to them (photocopies or fax copies are not acceptable).

1.3 If the Property Report is completed as part of an IR), a copy will be attached to that report. If a related report is not required, officers may retain this copy for their files.

1.4 In cases involving CDS, weapons, or money that are not being sent to the Crime Lab, all copies of the Property Report will be forwarded to the Property & Evidence Unit at the same time the listed items are forwarded to the Property & Evidence Unit. The Property Report will be photocopied and attached to the officer's report. CDS, weapons, and money are always recorded on separate Property Reports. Evidentiary items that are recorded on an MSP 67 are not required to be recorded on a Property Report. Bulk CDS requires a Property Report.

2. Release of Non-Evidentiary Property

2.1 Any item of non-evidentiary property held at a Detachment/Unit may be released to an owner/custodian (or agent of the owner/custodian) upon proper documentation confirming the owner/custodian's identity, or authorization of the agent. The Detachment Property & Evidence Coordinator will send a certified letter (return-receipt-requested) to the owner(s) advising of the property and arranging for its release from the detachment within thirty days. If not retrieved, the property will be disposed of.

2.1.1 Any non-evidentiary Firearms and ammo turned in from an ERPO will be held at the Property and Evidence Unit. The P&E Unit will coordinate with the owner and/or representative to arrange pick up of their firearms.

2.2 All of the aforementioned procedures must be adhered to when accessing the Property/Evidence Room and/or lock boxes.

2.3 Prior to the property being released the Property Report Chain of Custody will be completed to reflect what items were released and to whom.

2.4 Once an item of non-evidentiary property has been in the possession of the MDTA Police at the detachment level for sixty days, the item(s) will be transported to the Property & Evidence Unit.

2.5 Once a non-evidentiary item(s) has/have been in the custody of the MDTA Police for a total of 60 days, and the owner has failed to claim the item(s), it may be disposed of either by destruction, auction, forfeiture, or other legal means.

2.6 Non-evidentiary Firearms and ammo held for an ERPO that are not claimed will be destroyed.

2.7 Once non-evidentiary property is set for destruction, it will be the responsibility of the Property and Evidence Unit to arrange for the destruction operation, with the approval of Commander of the P&E Unit. Anytime property is destroyed, a Special Report listing the items destroyed will be forwarded to the Commander of the Logistics Division.

3. Release of Evidentiary Property

3.1 In cases where property held as evidence can be returned to its owner, the Property Report Chain of Custody will be completed to reflect this transfer of custody.

3.2 All evidentiary property will be disposed of within six months of all legal requirements being satisfied.

3.3 It is the responsibility of the seizing officer to notify the Detachment Property and Evidence Coordinator and the Property and Evidence Unit via RMS, as soon as property is no longer needed as evidence.

3.4 Once property is no longer needed as evidence, the Detachment Property and Evidence Coordinator will arrange to have the property transported to the Property & Evidence Unit for final disposition.

3.5 When items can be legally returned to the owner, the Property and Evidence Unit will send a certified letter (return-receipt-requested) to the owner, requiring the owner to retrieve their property within thirty days. If not retrieved within sixty days, the property will be disposed of using the same guidelines as for non-evidentiary property.

3.6 If evidentiary property cannot be legally returned to the owner, it will be disposed of either by destruction, forfeiture, auction, or other legal means, under the direction of the Director of the Property and Evidence Unit.

3.7 If items of property/evidence have been forwarded to the Property and Evidence Unit, owners wishing to claim their property will be required to arrange for pick up from the Property and Evidence Unit in order to obtain their belongings.

3.8 Any release of property/evidence from the Property & Evidence Unit will be done in accordance with the aforementioned procedures for release of property/evidence.

4. Temporary Release of Property/Evidence

4.1 Any temporary release of property/evidence must be fully documented on an MSP 67 or a Property Report. This can include, but is not limited to, items released for court, items transported to the crime lab, or items used for investigative purposes.

4.2 Once an item(s) has been signed for, the appropriate carbon copy, of the above listed forms, will be retained at the Detachment/Unit until the original is returned. This will allow a complete chain of custody to be maintained on all items of property/evidence, from the time they come into possession of the MDTA Police, until final disposition. Additionally, this will allow an officer (or other authorized person) to know the exact status of property being held by the Agency.

4.3 All property must also be checked out in RMS by an Evidence Custodian (member of the P&E unit or Detachment/Unit Property Coordinator). When property is returned, an Evidence Custodian must then check the property/evidence back into RMS.

Section IV - CDS Processing

1. Determining Possession

1.1 No matter how small an amount of CDS or suspected CDS is recovered or taken into custody, the seizing officer or assisting supervisor shall determine if an individual is involved and can be shown to have been in possession of the CDS or suspected CDS. Discretion is very limited in this area. If there is doubt as to whether the individual should be charged with a criminal offense, the State's Attorney's office should be contacted. The following procedures have been established for the handling of CDS or suspected CDS, which has been taken into custody by a member of this agency.

2. Property & Evidence Unit Notification

2.1 The Property and Evidence Unit is to be notified, as soon as possible, when an arrest is made involving unusually large quantities of CDS, large amounts of currency or other factors, which may lead to asset forfeiture. The seized items will be temporarily stored at the detachment and the Property and Evidence Unit will make a determination as to the handling of the seized items.

3. Submitting CDS

3.1 Any seized, found, or recovered CDS or paraphernalia evidence that is not being submitted to the Crime Lab for analysis will be recorded on a Property Report.

3.2 Prior to ending his/her shift, the seizing officer will scan a completed signed copy of appropriate paperwork into RMS and attach the paperwork to the original case report.

- Completed MSP Form 67 (if applicable)
- Completed Property Report
- Civil Citation
- Statement of Charges
- Statement of Probable Cause

3.3 Prior to any paperwork being electronically attached, the seizing officer's supervisor will inspect the paperwork for accuracy and completeness.

3.4 Upon review of the electronic copy of the CDS paperwork, a Property and Evidence Unit member will review the paperwork for accuracy, completeness, and compliance with current MSP guidelines for submission of CDS evidence.

3.5 If corrections are to be made, the Property & Evidence Unit will notify the officer/detachment Property & Evidence Coordinator and Detachment Commander as soon as possible to advise of the needed corrections. If the officer is off-duty, corrections will be given to the property & evidence coordinator at the officer's assigned detachment/unit who will relay the corrections to the officer upon their return to duty.

3.6 The officer will make all corrections immediately upon returning to duty. Corrections will be made prior to the officer beginning any other duties or assignments.

3.7 As soon as all paperwork is correct, the Property and Evidence Unit will arrange for the CDS to be picked-up. It is the responsibility of the Property and Evidence Unit to arrange for the transportation of CDS to the MSP Crime Lab.

3.8 CDS evidence will be transported to the Crime Lab weekly. Lengthy delays in submission place an extra burden on the Laboratory. Requests for "RUSH" analysis must be in writing from the local State's Attorney's Office and will not be given priority where lengthy delays in submission are involved.

4. Weighing and Counting

4.1 All CDS items must be weighed or counted. Items should be weighed with as little wrapping material as possible. Items such as pills, tablets, and capsules must be accurately counted. Each item will be weighed or counted by the seizing officer and verified by the assisting supervisor/officer. Items involving traces or residue of suspected CDS need only be accounted for in number, but not weighed.

4.2 The exact weight of each weighed item will be recorded in the narrative portion of the Incident Report. No weights will be written on the MSP Forms 67.

4.3 Any vegetable matter which is not dried may lose weight as the material dries. Therefore, all vegetable matter must be dried prior to submission to the MSP Crime Lab. MSP will not accept wet vegetable matter. The Property & Evidence Unit will do all drying of CDS.

5. Packaging

5.1 Items must be packaged individually and appropriately identified. The packaging of CDS by the seizing officer should not be extensive. Zip-lock type clear plastic bags and glass vials should be used whenever possible. Seizing officers will also use KAPAK heat sealed bags when items are being sent to the MSP Crime Lab.

5.2 When packaging items, keep tape use to a minimum.

6. MSP Crime Lab Guidelines for Submitting Physical Evidence

6.1 Personnel shall follow the procedures outlined in the *MSP Crime Lab Guidelines for Submitting Physical Evidence* for random sampling, CDS/latent print submissions, and any other situations that are covered by the *Guidelines*. A copy of these guidelines can be found on the police intranet page under the Reference Library link. Members of the Property and Evidence Unit are primarily responsible for completing these tasks.

7. Clandestine Laboratories

7.1 Clandestine laboratories are concealed or secret illicit operations consisting of chemicals and equipment necessary to manufacture controlled substances. Clandestine laboratories can be found in many places. These places can include, but are not limited to mountain cabins and rural farms, single and multifamily residences, and motor vehicles.

7.2 Clandestine laboratories present life-threatening dangers that should only be approached by well-trained and properly equipped individuals.

7.3 Evidence associated with a clandestine laboratory should be thoroughly scrutinized. Only that evidence necessary to prove manufacture and demonstrate the size of the operation should be submitted. Photographs can prove the latter.

7.4 Prior to the investigation of a clandestine operation, the Criminal Investigations Unit and the Property & Evidence Unit will be contacted. Together, both units will ensure that properly trained personnel are present, prior to the investigation.

7.5 Questions involving the impact of evidence originating from clandestine operations should be discussed with the State's Attorney to avoid submission of unnecessary material.

7.6 It is an excellent precautionary tool to have a knowledgeable forensic chemist present when dismantling any clandestine laboratory.

8. Other Evidence Situations

8.1 Evidence situations not covered above will be handled
on an individual basis. Consult the Property & Evidence Unit who will coordinate with the MSP Forensic Sciences Division or Latent Print Unit Supervisor.

9. Property & Evidence Unit Responsibilities

9.1 It is the responsibility of the Property & Evidence Unit to transport CDS/evidence/firearms to and from the MSP Crime Lab. If possible, weekly trips should be made to the Crime Lab to pick up or drop off CDS evidence. All appointments must be scheduled with the MSP Evidence Vault Custodian.

9.2 The Property & Evidence Unit will maintain records so that the exact location of all CDS evidence is known and documented at all times (Chain of custody and reports in RMS).

9.3 Immediately upon receiving their court dockets, officers will contact the Property & Evidence Unit to advise of evidence needed for court.

9.4 CDS/evidence/firearms will be picked up, on the day of trial, from the Property & Evidence Unit as needed. Additionally, all CDS/evidence/firearms will be returned to the Property & Evidence Unit following court. The Commander of the Property & Evidence Unit or his/her designee must approve any exceptions to this policy.

9.5 When an MSP 67 is returned by the Crime Lab, the Property & Evidence Unit will e-mail a scanned copy to the arresting officer, if the officer has requested to be notified. If the original copy of the MSP 67 Form is required, it must be picked up from the Property & Evidence Unit on the day of the trial.

10. Disposal of CDS

10.1 All CDS will be disposed of after six months of all legal requirements being satisfied.

10.2 It is the responsibility of the Commander of the Property & Evidence Unit to ensure the destruction of CDS is performed at least semi-annually.

10.3 The Commander of the Property & Evidence Unit is responsible for assigning at least two people to the destruction process. One of the persons assigned should be from the Property & Evidence Unit, and the other, a person not directly associated with either the property function or the Property & Evidence Unit.

10.4 The Commander of the Property & Evidence Unit, or his/her designee, will attend the destruction.

10.5 At the completion of the destruction, the Property & Evidence Unit will maintain a Special Report listing all CDS and paraphernalia destroyed. The Property & Evidence Unit will send a photocopy of the Special Report to the Chief of Police through the chain of command.

Section V - Firearms

1. Safety

1.1 Recovered firearms will be immediately unloaded and rendered safe.

2. Firearms Involved in a Violation

2.1 A MSP 67, Request for Laboratory Examination, Chain of Custody Log will list all items being submitted for ballistics testing, weapon(s), clip/magazine(s), and ammunition. Items will be listed separately and have a thorough description (quantity, make, model, caliber, type and color).

2.2 Holsters, cases, speed-loaders and other firearms accessories should not be confiscated unless they are directly related to the violation committed. If they are confiscated, they will be listed on a Property Report. The items will then be held at the detachment until no longer needed as evidence.

2.3 An MDTA Police Firearms Seizure/Recovery Form 223 will be filled out accurately and signed by the investigating officer and his/her supervisor and then forwarded to the Property & Evidence Unit with the firearm.

2.4 An NCIC check will be made in an attempt to determine if the firearm is stolen.

2.5 A copy of the NCIC Check will be attached to the MDTA Police Firearms Seizure/Recovery Form 223.

2.6 A Bureau of Alcohol, Tobacco, Firearms & Explosives (BATFE) Trace will be submitted by the Property & Evidence Unit to determine ownership.

2.7 When submitting firearms to the Property & Evidence Unit, the following paperwork is required:

- MSP 67 Original (typed or printed)
- MDTA Police Form 223 Firearms Seizure Recovery Form
- MSP 97 (only if recovered in a Stop & Frisk)
- Copy of related NCIC checks and gun recovery TTY
- Proof of ownership if available.

2.8 Prior to the Property & Evidence Unit accepting firearms, the paperwork will be electronically attached to the original case report in RMS. Upon review, the Property & Evidence Unit will determine a time when the firearm is to be picked up from the detachment or when it may be transported to the Property & Evidence Unit.

2.9 When packaging a firearm for transport, the following is required: Make the firearm safe (safety on, unloaded and chamber open). Place firearms loose in a gun box. Clips/magazines are also to be placed in the gun box. Ammunition is to be placed in a sealed paper envelope and then placed in the gun box. Never put a tie back through the trigger housing.

2.10 Any additional packaging required for transport to the MSP Crime Lab or for test firing (taping, zip tying, etc.), will be completed by members of the Property and Evidence Unit.

2.11 Officers processing firearms should always verify:

- Serial number
- Make of firearm
- Ammunition (quantity)
- Clips/magazines (quantity)

3. Firearms Not Involved in a Violation

3.1 When there has been no violation of the law, but a firearm comes into possession of the MDTA Police (no owner or eligible person who is lawfully able to take immediate possession of the weapon), a Property Report will be properly filled out, with a description of the firearm(s) (make, model, caliber, and serial number) listed. The property will also be entered into the RMS Master Indices under property.

3.2 An NCIC Check will be made in an attempt to determine if the firearm is stolen. Attach a copy to the officer's report.

3.3 All firearms, not in violation, but coming into possession of a member of the MDTA Police, will be forwarded to the Property & Evidence Unit. Prior to forwarding, the following paperwork will be electronically attached to the original case report in RMS. Upon review, the Property & Evidence Unit will determine a time when the firearm is to be picked up from the detachment or when it may be transported to the Property & Evidence Unit.

- Property Report
- MDTA Police Firearms Trace Form
- MDTA Police Firearms Seizure/Recovery Form,
- Proof of ownership, if available
- Court documentation or ERPO, if applicable

3.4 Once the Property & Evidence Unit has received the firearm, the Property & Evidence Unit will conduct a Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) Trace, and a criminal history check on the owner.

3.5 If the firearm can legally be returned to the owner, the Property & Evidence Unit will advise the owner, via certified letter (Return Receipt Requested), that he/she has thirty days to retrieve the firearm. If the owner fails to retrieve their firearm within thirty days of receiving the letter, disposition of the firearm will be made in accordance with applicable state law, the P&E Unit will submit a written report to the Commander of the Logistics Division recommending final disposition.

3.6 Proof of ownership will be required before a firearm is released to the owner. The Property & Evidence Unit will retain a photocopy of proof of ownership.

4. Identification of Ownership

4.1 Police employees who seize or otherwise receive a firearm shall attempt to identify ownership by searching the MSP Firearm Registration File. The officer requesting the trace should personally examine the weapon to determine the manufacturer, the type of weapon, model designation, caliber or gauge, magazine or cylinder capacity, barrel length, finish, serial number, identifying marks, and any other information that would aid in tracing ownership. The reason for the trace should accompany every request.

4.2 A request for a trace to the BATFE will be properly completed and sent to attempt to identify ownership.

4.3 In compliance with Operation Test Shot, all handguns of evidentiary value coming into possession of MDTA Police Property & Evidence Unit will be test fired prior to final disposition in accordance with established procedures. Handguns of non-evidentiary value (safe keeping), are not required to be test fired.

4.4 Firearms acquired through an ERPO will not be test fired. They will be maintained in the same condition that they were turned in to the agency.

5. Disposition of Firearms

5.1 The Property & Evidence Unit will maintain a special file to document all firearms coming into possession of the MDTA Police.

5.2 When a firearm is confiscated pursuant to the Criminal Procedure Article or otherwise comes into possession of an employee of the MDTA Police, the Commander of the Logistics Division will authorize the final disposition. The disposition may include:

5.2.1 Return the firearm to the owner if review of the case has indicated it is not needed as evidence and that the owner did not use the firearm or knowingly permit it to be used.

5.2.2 Confiscated firearms appropriate for use of the MDTA Police may be retained following appropriate application to the Chief of Police. Application shall be made via Special Report.

5.2.3 Unusually expensive firearms or firearms of significant value as collector's items may be retained and sold at public auction.

5.2.4 All other firearms will be destroyed in a manner approved by the Chief of Police.

5.3 When a firearm is retained as evidence in a criminal investigation, the disposition of the firearm will be given by the court at the conclusion of the case. The retention of this firearm as evidence indicates that it is believed to have been used in violation of the Criminal Procedure Article.

5.4 The owner shall be properly notified by certified mail, "Return Receipt Requested", by the Director of the Property & Evidence Unit or his/her designee concerning the disposition of the firearm.

5.5 When it has been determined that a non-resident owner is entitled to his firearm, the reviewing officer shall notify a law enforcement department within the jurisdiction where the owner resides. The reviewing officer will then forward the firearm to the local jurisdiction (via Commercial Carrier), for final disposition.

5.6 Final disposition will be accomplished after legal requirements have been satisfied.

6. Firearms Disposal - General

6.1 It is imperative that a disposition for all weapons be obtained from the Judge in all cases.

6.2 The disposition will be submitted in the form of a supplement in RMS. The Court Disposition is located as a form in the attachments section.

6.3 When it has been determined that the weapon(s) is/are no longer needed for prosecution, it/they will be disposed of according to the law and established procedures or returned to the owner if the court has so ordered.

6.4 At the time of disposal, the following personnel will be present:

- The Commander of the Property & Evidence Unit
- A member of the Property & Evidence Unit
- An independent person not directly associated with the P&E Unit.

6.5 At the completion of the destruction, the Commander of the Property and Evidence will submit a report stating what was destroyed to the MSP Firearms Section.

6.6 All seized firearms not claimed will have the final disposition made by the Commander of the Logistics Division.

6.7 Antiques, collector's items, rifles, shotguns, ammunition and all other firearms will also be handled according to the guidelines set forth in the Annotated Code of Maryland.

7. Procedures for Appeals

7.1 When the judge has determined the firearm should be forfeited to the State, the owner shall be notified as previously provided for and may apply within thirty days to the MDTA Police for a review to determine whether they knew or should have known the firearm was worn, carried, transported, or used in violation of the Criminal Procedure Article and whether he/she is qualified to possess it. Qualification for possession is the same as for sale or transfer under the Criminal Procedure Article. Knowingly giving false information or making a material misstatement in the application for review or any investigation pursuant there to subjects the appellant to the penalties set forth in Criminal Procedure Article of Maryland.

7.2 Upon timely receipt of an application, the Commander of the Logistics Division shall hold an informal review, not subject to the Administrative Procedures Act, concerning whether the owner knew or should have known of the use or intended use of the firearm in violation of the Criminal Procedure Article. If the reviewing officer rules in favor of the owner, the firearm shall be released to the owner if they are qualified to possess it, unless it is needed as evidence in a criminal case or investigation. In the latter case, it shall be disposed of by the court at the conclusion of the trial or returned to the owner upon conclusion of the investigation.

7.3 The review will be conducted at MDTA Police Headquarters by the Commander of the Logistics Division. If the decision is to release the weapon to the owner, standard agency procedures regarding the release of seized property will be followed.

7.4 If the judge determines that the firearm should be forfeited to the state, the owner shall be notified at his last known address by certified mail (Return Receipt Requested). The owner will then have thirty days to petition the appropriate District Court for release of his firearm. If the owner petitions the court, the reviewing officer shall forward a copy of the papers filed by the individual and a copy of the investigation to the Assistant Attorney General assigned to the Maryland Transportation Authority for review. The Assistant Attorney General may assist or provide guidance to the reviewing officer in presenting the MDTA Police position at any court proceedings.

7.5 In a criminal proceeding involving a seized firearm, a court may order forfeiture or release of the seized firearm in accordance with the criteria established for release in the Criminal Procedure Article. Persons who have made written claim of ownership of a firearm to the agency or the State's Attorney shall be notified of the judicial proceedings and of the claimant's right to present his claim at those proceedings. A claimant who has completed the review procedure provided by the Criminal Procedure Article does not have the right to a second review under this paragraph.

7.6 If no timely application for a review by the agency or the District Court is made or order for the release of the firearm by the Court is issued, it shall be forfeited to the State without further proceedings and destroyed by the seizing authority or disposed pursuant to the Criminal Procedure of Maryland.

Section VI - Other Weapons

1. Documentation

1.1 A Property Report will be accurately completed, listing any other items deemed to be weapons (i.e. knives, throwing stars, or nunchakus), by the investigating officer.

1.2 If a weapon is to be analyzed, a separate MSP 67 (Request for Laboratory Examination-Chain of Custody Log) will be completed.

1.3 If the weapon is not being submitted for analysis, the officer will list the weapon on an MDTA Police Property Report.

1.4 Prior to submitting any weapons for analysis to the Property & Evidence Unit, the following paperwork is required, and will be entered into RMS for review by the Property & Evidence Unit for review:

- Property Report
- MSP 67
- Upon completion, copy of the IR

2. Storage

2.1 Weapons that will not be analyzed will be fully documented and stored in the Detachment Property & Evidence Room until the initial trial date. Within thirty days of a case being adjudicated, the Commander of Property & Evidence Unit will be contacted for disposal. If the case is postponed, or the defendant fails to appear, the officer will, complete a supplement in RMS to the IR that describes the need to retain the weapon(s) as evidence.

Section VII - Conducted Electrical Weapon CEW

1. Documentation

1.1 A Property Report will be accurately completed, listing items deemed to be evidentiary (i.e. cartridge, wire leads, probes, CEW), by the reporting officer. An IR in RMS must also be completed for any case involving evidentiary property.

2. Packaging

2.1 Probes should be placed point down into the expended cartridge bores. The probes will be secured in the cartridge with tape, to ensure they are not exposed, prior to being placed into the Property and Evidence Room. Probes that have been deployed will be treated as biohazard sharps, regardless of whether they have penetrated the skin.

2.2 Cartridges (with secured probes), and wire leads, will be secured together**,** and placed in a secured envelope which will contain the Use of Force Incident Report number and date of incident. Additionally, the phrase “CEW-BIOHAZARD” should be prominently displayed on the envelope.

2.3 CEW’s determined to be evidentiary will be loosely placed in a gun box, with the CEW’s power switch turned off. Unused cartridges are also to be placed in the gun box.

3. Storage

3.1 CEW evidentiary items will be initially stored at the reporting officer’s Detachment Property & Evidence Room. The Property & Evidence Unit will be contacted by the detachment’s property coordinator to advise of the evidence. The Property & Evidence Unit will arrange to have the evidence picked up and stored at the Property and Evidence Unit.

3.2 CEW evidence will be stored at the Property and Evidence Unit until any and all cases associated with the CEW evidence are adjudicated and three (3) years has passed since the incident date. The Property and Evidence Unit will contact the Internal Affairs Unit (IAU) after the three (3) year period, before destroying the evidence, to ensure there is no pending litigation or other basis to retain the evidence.

Section VIII - Responsibilities

1. Responsibilities of Detachment Property & Evidence Coordinators

1.1 Each day, prior to beginning any other duties or assignments, the Detachment Property & Evidence Coordinator will check for any new entries into the Property Report Logbook.

1.2 Each Detachment Coordinator is responsible for reviewing the daily RMS email “Daily Property/Evidence Report” to review any new evidence entered by personnel at their Detachment/Unit.

1.3 If a new entry has been made, the Detachment Property & Evidence Coordinator will mail notification letters (certified mail return-receipt-requested) in all cases where an owner, or possible owner, is known. The letter shall include:

1.3.1 Location and description of the seized property;

1.3.2 Name and contact information of the Officer or office that can provide further information concerning the seized property to include information on how the property can be returned, and;

1.3.3 The following statement: “Seizure and Forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter.”

1.3.4 The letter will advise the owner they have thirty days to retrieve their property.

1.4 Once per month, the Detachment Property & Evidence Coordinator will arrange to have the Commander of the Property and Evidence Unit or his/her designee make disposition of all non-evidentiary items that have been in the custody of the MDTA Police, that have been stored at the detachment for sixty days.

1.5 Monthly, the Detachment Property & Evidence Coordinator, and another officer designated by the Detachment Commander, will conduct a full physical inventory of all property and evidence currently stored in the Detachment Property Room.

1.6 Any discrepancies will immediately be reported directly to the Detachment Commander who will then notify the Internal Affairs Unit as appropriate.

2. Responsibilities of the Agency Property & Evidence Unit

2.1 The Agency Property & Evidence Unit will coordinate with the Detachment Property & Evidence Coordinators, to ensure property from the Detachment Property Rooms is transferred to the Property & Evidence Unit as necessary. The Commander of the P&E Unit or his/her designee will verify the certified letter was sent return-receipt-requested to any owner(s), allowing for thirty days retrieval of the property.

2.2 Once a non-evidentiary item has been in the custody of the MDTA Police for a total of 90 days, and the owner has failed to claim the item(s); it will be disposed of by destruction, auction, forfeiture, or other legal means.

2.3 The Agency Property & Evidence Unit will have access to each Detachment's Property inventory via RMS to perform random inspections and ensure current policies are being followed.

2.4 Semi-annually, the Commander of the P&E Unit or his/her designee will conduct an inspection of all Property/Evidence Rooms, to determine adherence to procedures used for the control of property. These inspections will be documented in RMS.

2.5 Any discrepancies in the property/evidence system will immediately be brought to the attention of the Detachment Commander, the Internal Affairs Unit and the Commander of the P&E Unit.

2.6 The Detachment Commander will have three days to rectify the discrepancy. After three days, the Property /Evidence Room will again be audited.

2.7 The Agency Property and Evidence Unit will be responsible for submitting an annual evaluation of the entire property system. Copies of this report will be forwarded to the Commander of the Property & Evidence Unit, all Division Commanders, the Commander of the Budget & Planning Command, and the Chief of Police.

3. Responsibilities of the Director of the Property & Evidence Unit

3.1 The Commander of the Property & Evidence Unit, or his/her designee, will be responsible for assisting with and witnessing all destructions.

3.2 It is the responsibility of the Commander of the Property & Evidence Unit to assist with, or in his/her absence, assign someone to assist with, the destruction of all property/evidence. At least twice yearly the P&E Unit will conduct destruction operations on CDS, firearms, and weapons, after which a report will be submitted to the Commander of the Logistics Division.

3.3 The Commander of the Property & Evidence Unit will be responsible for maintaining a spare set of keys to Detachment Property/Evidence Rooms.

3.4 The Commander of the Property & Evidence Unit is responsible for ensuring that all members of the Property and Evidence Unit are provided sufficient time to properly perform and fulfill all of his/her duties and responsibilities.

3.5 The Commander of the Property & Evidence Unit is responsible for notifying the Internal Affairs Unit, when any discrepancies, revealed during an inspection of any of detachment or P&E Unit Property & Evidence Rooms, are not corrected

4. Responsibilities of Detachment Commanders

4.1 Upon receipt of information about discrepancies, the Detachment Commander will initiate a thorough investigation into the discrepancy. The Detachment Commander will have three days to rectify any discrepancies.

4.2 If the discrepancy cannot be rectified at the Detachment level, the Detachment Commander will notify the Commander of the P& E Unit and an audit will be completed by the P&E Unit.

4.3 Upon receipt of an audit report with negative findings, the Detachment Commander and the Commander of the P&E Unit will notify IAU and an investigation will be completed.

4.4 The Detachment Commander is responsible for ensuring the Detachment Property & Evidence Coordinator is provided adequate time to properly perform and fulfill all of his/her duties and responsibilities.

5. Audits/Inspections

5.1 Each time a person responsible for the property and evidence control function is assigned to, and/or transferred from the position, a full physical audit of property and evidence held will be conducted, jointly by the newly assigned Property & Evidence Coordinator and a designee of the Chief of Police. This will be done to ensure that records are correct and properly annotated. This audit will be documented on a Special Report and a copy will be forwarded to the Commander of the Budget and Planning Command.

5.2 An annual audit of all property and evidence held by the MDTA Police will be conducted by a supervisor not routinely or directly connected with the control of property and evidence. This person will be assigned by the Chief of Police or his/her designee. These audits will be documented on a Special Report and a copy will be forwarded to the Commander of the Budget and Planning Command.

5.3 Unannounced inspections of property storage areas will be conducted as directed by the Chief of Police, at least once a year. These inspections will be conducted by the Budget & Planning Command. Personnel conducting these inspections shall be given complete access to Detachment Property Room(s), and all corresponding files. These inspections will be documented on a Special Report.

Chapter 24
Search & Seizure
Directives Manual Revision Date: 07/26/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview.....01

This section describes the application of the 4th Amendment, the Carroll Doctrine, the Exclusionary Rule, probable cause, and the use of force during searches and seizures.

Section II – Application for a Search Warrant.....03

This section describes the issuing authority for search warrants, probable cause, disclosure of informants, information that must be included in the application, and exceptions.

Section III – Execution of a Search Warrant.....08

This section describes the procedures for executing a search warrant of person or property, actions that must be taken when executing a search warrant, and warrant requirements for body cavity searches.

Section IV – Warrantless Search.....14

This section describes situations in which warrantless searches are permitted, to include emergencies, hot pursuit, incidental to arrest, plain view, abandoned property, and open fields. This section also covers searches of premises incidental to arrest, crime scene searches, vehicles searches, vehicles search report, roadblocks, and GPS tracking equipment.

Section V – Search Incidental to an Arrest.....21

This section describes the right and purpose of a search incidental to arrest, what may be searched, and when the search should be conducted.

Section VI – Stop and Frisk/Pat Down.....24

This section describes the MDTA Police policy on stop and frisk and pat downs, procedures for conducting a stop and frisk/pat down, submitting reports, and civil actions.

Section VII – Consent to Search.....28

This section describes and individual's constitutional rights, provides procedures for obtaining consent, completing the Consent to Search form, distribution of the form, and revocation of consent.

Chapter 24
Search & Seizure
Directives Manual Revision Date: 07/26/2021

SECTION **PAGE**

Section VIII – Seizure……32

This section describes the directives for the seizure of abandoned property and the seizure and inventory of vehicles.

Section IX – Criminal Summons & Other Warrants……35

This section describes the procedures for issuing a criminal summons, describes various types of warrants to include: bench, retake, capias, and hospital warrants, and identifies documentation requirements.

Section X – Immigration Detainers and Criminal Warrants……37

This section describes the procedures for enforcing Immigrations and Customs Enforcement (I.C.E.) detainers and criminal warrants, and identifies documentation requirements.

Chapter 24
Search & Seizure
Directives Manual Revision Date: 07/26/2021

Section I - Overview

1. Constitutional Law

1.1 The Fourth Amendment to the United States Constitution applies to federal law enforcement matters. Its constitutional guarantees have been applied to all states through the due process clause of the 14th Amendment.

1.2 Although knowledge of the Constitutional provisions relating to search and seizure will not solve the everyday practical problems an Officer must face when he/she conducts a search or makes a seizure, it is the starting point with which he/she can determine the propriety of his/her search, the probable cause to support the search, and in seeking or executing a warrant, the particularity with which the persons, places and items are described. If he/she does this with care, he/she can help ensure that his/her actions will be lawful and that the validity of the search and seizure will stand in a court of law.

1.3 Under the Exclusionary Rule, if a search is conducted in violation of the Fourth Amendment the evidence obtained or confiscated during that search and seizure cannot be used in any court (state or federal) as evidence against the person from whom it was improperly obtained. Any search that violates the Fourth Amendment is per se unreasonable.

1.4 Searches may be conducted pursuant to the authority of a search warrant, upon receipt of proper consent, or in conjunction with the various exceptions to the warrant requirements, such as incident to arrest, vehicle searches, the scene of a crime, or abandoned property. The Supreme Court has ruled that, barring these specific exceptions, all searches without a warrant are unreasonable. Each exception to the warrant requirement imposes its own unique set of guidelines, which must be followed.

1.5 When conducting a lawful search, an officer may look for weapons, contraband, fruits of a crime, instrumentalities of a crime, and other evidence. The Supreme Court has held that there may be some evidentiary materials that are not seizable or admissible into evidence under the Fifth Amendment because they are testimonial or communicative in nature.

1.6 The Carroll Doctrine does not permit the warrantless search of any moveable container found in a public place, even if the searching officer has probable cause. Closed containers and packages may not be searched without a warrant or justification under some other exception to the requirement.

2. Processing Seized Property

2.1 All property or evidence seized or taken into custody by sworn personnel will be handled and processed in accordance with Chapter 23, Property & Evidence Control.

3. Probable Cause

3.1 Probable cause is an apparent state of facts found to exist upon reasonable inquiry, (that is, such inquiry as the given case renders convenient and proper) which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that a cause of action existed.

3.2 The true test of any search is that probable cause exists to justify the search. The basis for determining probable cause to search is essentially the same as that of probable cause for arrest. Probable cause to search is demonstrated by the existence of facts and surrounding circumstances which are sufficient to justify a person of reasonable caution to believe that an offense has been committed and that the particular property to be seized is related to evidence of the offense and is located at the particular place. Reduced to its essentials, probable cause means that the officer must have reasonable grounds to believe that things related to an offense are on the premises to be searched.

4. Use of Force

4.1 When making a reasonable search of the person (whether incidental to arrest or with a search warrant), an Officer may use only that degree of force necessary to protect himself/herself, prevent the escape of the searchee, and prevent the destruction of evidence. The test for determining if the use of force is proper is whether, in the Officer's judgment, he/she felt required to use such force to accomplish any of the previously mentioned ends.

4.2 If an arrestee is concealing something in his/her mouth, an officer may use reasonable force to prevent the person from swallowing the evidence and to remove the object.

Section II - Application for a Search Warrant

1. Definition

1.1 A search warrant requires the Officer to whom it is addressed to search a house, or other place, therein specified, for stolen, contraband, or illicit property, and if the same shall be found upon such search, to bring the goods so found, together with the body of the person occupying the same, who is named, before the justice or other officer granting the warrant, or some other justice of the peace, or other lawfully authorized officer.

2. Issuance

2.1 Search warrants are issued only by Judges of the Circuit Court and District Court of the State of Maryland. Once issued, a search warrant will:

2.1.1 Be directed to a law enforcement officer for service.

2.1.2 Authorize the search of the individual, item, vehicle, building, or thing specifically described in the warrant.

2.1.3 Authorize the seizure of the item(s) described in the warrant as well as any other property found liable to seizure under the criminal laws of this state.

2.1.4 Be valid for a period of 10 days from the date issued.

2.1.5 Be returned with a property inventory within five days of service to the issuing judge.

3. Commander’s Review

3.1 Before a member of the MDTA Police applies to the court for a search warrant, the completed application/affidavit will be presented to his/her Detachment/Unit Commander to ensure the application/affidavit is reviewed for substance and content to substantiate issuance of a search warrant. Assistance may be obtained from the Office of the State's Attorney or the MDTA Police Legal Advisor in making this determination and/or to assist in compiling the affidavit.

3.2 Any search and seizure warrant whose execution could potentially induce police/civilian contact will be presented by the affiant(s) to the Commander of the Criminal Investigations Unit and the Commander of the Tactical Section for a review of substance and content as well as a risk assessment based upon all related known or reasonably anticipated facts and circumstances.

4. Probable Cause

4.1 When applying to a Judge for the issuance of a search warrant, the applicant must present detailed information establishing probable cause to believe the item(s) sought are in the possession of an individual or being held at a specific location. This document is known as the affidavit and will become part of the warrant. The affidavit contains a detailed synopsis of the facts at hand, which establishes:

4.1.1 The commission of a specific offense.

4.1.2 That certain specifically identified contraband/evidence/property directly related to the offense is being sought.

4.1.3 That the contraband/evidence/property sought is in the possession of an individual or the item(s) sought are contained in a specific container or at a specific location.

5. Sources of Probable Cause

5.1 Facts which lead the Officer to believe that seizable goods are on certain premises can come from two sources: first, personal knowledge - what the officer has observed; and second - what others have observed and related to the officer.

5.2 When the Officer has personal knowledge, he/she need only set forth in the affidavit the facts he/she witnessed. The probable cause section should contain the following information:

5.2.1 The dates and times he/she observed the facts.

5.2.2 The place where he/she observed the facts.

5.2.3 Exactly what he/she observed (detail is most important here).

5.2.4 A brief synopsis of the Officer's experience and training.

5.3 When someone else tells the Officer the facts, it is necessary that he/she include in the affidavit the facts that caused the other person to believe that seizable goods are on the particular premises, and, in addition, why the officer believed what the other person told him. Since there are these two distinct types of information required when the affidavit is to be based on an informant's observations, such an affidavit will necessarily be lengthier than one based solely on the Officer's personal knowledge. The probable cause section should contain the following information:

5.3.1 The date the Officer was told the facts

5.3.2 The name and address of the person who told the Officer the facts, except in the case of a confidential informant.

5.3.3 The date the other person observed the facts.

5.3.4 That the other person personally observed the facts.

5.3.5 The place where the other person observed the facts.

5.3.6 Exactly what facts (in detail) the other person observed.

5.3.7 An explanation of why the officer believes that what the other person told him/her is true.

5.3.8 A brief synopsis of the Officer's experience and training.

6. Disclosure of Informants

6.1 Sworn personnel are under no obligation to disclose the identities of their confidential informants in a search warrant affidavit. However, when a confidential informant's identity is not disclosed, it is especially important that the Officer explain fully why he/she believes that the facts related to him/her by the informant are true. To substantiate the informant's reliability, the following should appear in the probable cause section:

- The informant's past record for accuracy.
- Whether valid arrests and convictions have been based on that information.
- What facts the officer has personally observed which corroborate the information provided by the informant.
- If appropriate, a statement by the informant indicating that he/she has committed or has participated in the commission of the crimes indicated.

6.2 Give as much detail as possible without revealing the informant's identity. Where it is important to protect the identity of an informant, it is not necessary to specify the exact date upon which the informant received his/her information or performed some act that assisted in establishing probable cause for the issuance of a warrant. Phrases such as "... during the week of..." may be used.

7. Completeness of the Application

7.1 It cannot be overemphasized that the Officer should include in the affidavit all information having any bearing on his/her conclusions. Nothing should be left to the imagination of the Judge. If space on the form is inadequate, use additional sheets. Each additional sheet should be numbered and signed. Time spent in attempting to list all of the relevant information is always time well spent. It not only ensures the validity of the warrant, but it also gives the Officer an opportunity to decide if he/she has amassed sufficient information to justify issuance of the warrant. Very often the State's case will be only as strong as the affidavit.

8. Exceptions

8.1 To avoid a possible loss of evidence, property that is under the temporary control of a Police Officer may be held while a warrant authorizing a further search is obtained. Moreover, in some instances where probable cause to obtain a warrant does not immediately exist, the property may be held pending a reasonably brief investigation to determine whether there is in fact probable cause for a search warrant.

8.2 The courts held that an affidavit is not limited to a writing prepared by the affiant. The requirement may be fulfilled by the affiant swearing to the truthfulness and accuracy of a written statement, regardless of who prepared the document.

9. Application for No-Knock Search Warrants

9.1 An application for a search and seizure warrant may contain a request that the search warrant authorize the executing law enforcement officer to enter the building, apartment, premises, place or thing to be searched without giving notice of the officer's authority or purpose. Upon approval these warrants are otherwise known as "No-Knock Search Warrants".

9.2 An application for a No-Knock Search Warrant shall include a written request therein that has been approved in writing by the State's Attorney for the jurisdiction in which the warrant is to be executed, the Commander of the Criminal Investigations Unit and the Commander of the Tactical Section.

9.3 The grounds on which a No-Knock Warrant may be issued will include reasonable suspicion to believe that without the authorization:

9.3.1 The property subject to seizure may be destroyed, disposed of, or secreted; or

9.3.2 The life or safety of the executing officer or another person may be endangered.

9.4 An application for a No-Knock Search Warrant will also include:

9.4.1 A description of the evidence in support of the application;

9.4.2 An explanation of the investigative activities that have been undertaken and the information that has been gathered to support the request for a No-Knock Search Warrant;

9.4.3 An explanation of why the affiant is unable to detain the suspect or search the premises using other, less invasive methods;

9.4.4 An acknowledgement that any police officers who will execute the search warrant have successfully completed the same training in breach and call-out procedures as SWAT Team members;

9.4.5 A statement as to whether the search warrant can effectively be executed during daylight hours and, if not, what facts or circumstances preclude effective execution in daylight hours and;

9.4.6 A list of any additional occupants of the premises by age and gender, as well as any indication as to whether any individuals with cognitive or physical disabilities or pets reside at the premises if known.

Section III - Execution of a Search Warrant

1. Officer Executing Warrant

1.1 Once issued, the search warrant will be executed by the sworn employee to whom it was issued, unless the warrant specifies it is to be served by the applicant or other individual. The person executing the warrant has the right to take necessary and appropriate actions to protect himself/herself, and others; assure that the item(s) sought will not be damaged, destroyed, or removed; the search will not be inhibited; safeguard the scene; collect and remove property; and make arrests. The individual executing the warrant shall use prudent judgment in developing the search procedures commensurate with the individual circumstances.

1.2 If the completed risk assessment dictates, the search warrant shall be executed by the MDTA Police Special Response Team.

1.2.1 If the MDTA Police SRT is unavailable, a comparable SWAT Team (i.e. the MDSP STATE Team, FBI or the local jurisdiction SWAT Team) shall be utilized.

1.3 When involving MDTA Police SRT or any other comparable SWAT Team, execution shall include:

1.3.1 The entry and securing of the premises and all persons found therein making the scene safe for investigators and other law enforcement entities as appropriate.

1.3.2 Documenting required information for the SWAT Team.

1.3.3 Transfer of the premises to the investigative group responsible for the search warrant/investigation via a walk through completed by the on-scene commander for both the tactical units and the investigative group.

1.3.4 The investigative group conducting the search for and seizing of evidence, interviewing subjects and suspects detained and the documenting of their findings.

1.3.5 Any other action up to and including the re-securing of the premises/returning of control of the premises to the occupants.

1.4 While executing a search warrant, at least one (1) police officer shall be clearly recognizable and identifiable as a police officer wearing a uniform, badge and tag bearing the name and identification number of the police officer.

1.5 Unless executing a No-Knock Warrant, a police officer shall allow a minimum of twenty (20) seconds for the occupants of the residence to respond and open the door before the police officer attempts to enter the residence, absent exigent circumstances.

1.6 A police officer may not use flashbang, stun, distraction, or other similar military-style devices while executing a search warrant, absent exigent circumstances.

1.7 MDTA Police Officers/Detectives assigned to State and Federal Task Forces as Task Force Officers shall follow the policy and procedures of that Task Force and/ or the Host Agency.

2. Procedures

2.1 The use of good judgment in executing a warrant is as important as that used in obtaining one. An otherwise valid search can become unlawful if the warrant is not properly executed. The following procedures will be utilized when executing a warrant:

2.1.1 Serve the warrant within 10 days of its issuance.

2.1.2 The search warrant will be read to the person in charge of the premises being searched, if such a person is present at the time of service.

2.1.3 The search will include the place specified in the warrant, including all places reasonably and logically a part of that building, and everything therein where the lawfully sought articles might be concealed.

2.1.4 Only the time necessary under the circumstances may be used to conduct the search.

2.1.5 The Officer may seize only those items particularly described in the warrant and any other instrumentalities or fruits of crimes, or contraband while properly searching for the things particularly described.

3. Arrests

3.1 A search warrant alone does not constitute authority for an arrest, but an arrest may be made on probable cause developed during execution of the search warrant.

4. Searching Premises Occupants

4.1 A search warrant for a residence or other premises does not permit a search of all the persons present during the search; but, if there is probable cause to believe persons on the premises possess items which reasonably could be the objects of the search, they may be detained and searched to the extent necessary. Regardless of the circumstances of the search, reasonable suspicion may justify the frisk of all persons for weapons.

5. Inventory

5.1 An inventory shall be completed containing an accurate description of all property removed. All copies of inventory sheets shall be signed by the Officer executing the search warrant, in the presence of the person from whom property was taken.

6. Documentation

6.1 A copy of the warrant, affidavit, property inventory and return form will be left with the person in charge of the location searched. If no one is present to accept the paperwork, it will be left in a conspicuous location where it is reasonably protected from loss or damage.

6.2 All items taken into custody will be handled and processed as provided for elsewhere in the manual.

7. Returning the Warrant

7.1 Return the executed warrant and property inventory to the issuing Judge within five days of execution.

8. Obtaining Exemplars from Persons

8.1 Search warrants may be necessary to obtain evidence from a person, i.e., clothing worn, fingernail clippings, hair, body fluids, or body cavity searches. With this in mind, the following guidelines will be followed:

8.1.1 If an Officer has adequate advance information that a person has or will have on his/her person items subject to lawful seizure, and then he/she should get a search warrant. A Police Officer should not rely upon the person's consent as the authorization for the search.

8.1.2 If a suspect or witness is asked to provide exemplars for comparison and he/she refuses, application may be made to the State's Attorney for a search warrant requiring the production of the desired evidence.

8.1.3 If a person refuses to permit an authorized search or if there is good reason not to search in public, an officer may use reasonable force to detain him/her, or to take him/her to a place where the search can be appropriately conducted.

8.1.4 To execute a search warrant for the search of a person, premises may be entered under the same circumstances and in the same manner as allowed in the execution of an arrest warrant, and reasonable force may be used to make the search.

8.1.5 While a search may be made only for those things described in the warrant, if, while making such a search, an Officer comes upon some other evidence of this or any other crime, it may be seized.

8.1.6 If a weapon is carried in violation of the law, the officer may take it.

8.1.7 If a weapon is carried legally, an Officer may still take it to protect himself, but the person searched must be told where he can get it back.

9. Body Cavity Searches

9.1 Members of the Maryland Transportation Authority Police shall obtain their Commander's approval and a signed search warrant before taking a suspect to a medical facility for a body cavity search, unless immediate medical attention is required. In this case, emergency medical personnel will be summoned and an Officer will remain with the suspect until he/she is released, or the Officer is relieved. Time permitting, a State's Attorney should be consulted before such a search when made incidental to an arrest. The following conditions must be met before a search of a body cavity is permitted:

9.1.1 There must be probable cause to believe that the person has within his body evidence that should be removed.

9.1.2 The search must be made by a licensed doctor, physician assistant, or nurse working under sanitary conditions and in a medically approved way.

9.1.3 Force may be used only to the extent necessary to effect submission to the examination.

10. No-Knock Search Warrant Execution

10.1 No-Knock Warrants issued by the MDTA Police shall be executed by the Special Response Team (SRT).

10.2 If the MDTA Police SRT is not available, a comparable SWAT Team (i.e. MDSP STATE Team, FBI or SWAT Team from the local jurisdiction) shall be used.

10.3 When involving MDTA Police SRT or any other comparable SWAT Team, execution shall include:

10.3.1 The entry and securing of the premises and all persons found therein making the scene safe for investigators and other law enforcement entities as appropriate.

10.3.2 Documenting required information for the SWAT Team.

10.3.3 Transfer of the premises to the investigative group responsible for the search warrant/investigation via a walk through completed by the on-scene commander for both the tactical units and the investigative group.

10.3.4 The investigative group conducting the search for and seizing of evidence, interviewing subjects and suspects detained and the documenting of their findings.

10.3.5 Any other action up to and including the re-securing of the premises/returning of control of the premises to the occupants.

10.4 MDTA Police Officers/Detectives assigned to State and Federal Task Forces as Task Force Officers shall follow the policy and procedures of that Task Force and/ or the Host Agency.

10.5 No-Knock Search Warrants shall be executed within ten (10) calendar days after issuance. After the expiration of the ten (10) day period, the search warrant is void.

10.6 No-Knock Warrants shall be executed between 8:00 AM and 7:00PM absent exigent circumstances.

11. Required Reporting

11.1 The MDTA Police shall collect and report the following information relating to search warrants executed by the MDTA Police during the prior calendar year:

11.1.1 The number of times a No-knock Warrant was executed;

11.1.2 The name of the county and municipal corporation and the zip code of the location where each No-knock Warrant was executed;

11.1.3 For each search warrant executed, the number of days from the issuance until the execution of the search warrant, disaggregated by whether the search warrant was a No-Knock Search Warrant;

11.1.4 The legal basis for each No-knock Search Warrant issued;

11.1.5 The number of times a search warrant was executed under circumstances in which a police officer made forcible entry into the building, apartment, premises, place or thing to be searched specified in the warrant;

11.1.6 The number of times a SWAT Team was deployed to execute a search warrant;

11.1.7 The number of arrests made, if any during the execution of a search warrant;

11.1.8 The number of times property was seized during the execution of the search warrant;

11.1.9 The number of times a weapon was discharged by a police officer during the execution of a search warrant;

11.1.10 The number of times a person or domestic animal was injured or killed during the execution of a search warrant, disaggregated by whether the person or animal was killed by a police officer.

11.2 The Report shall be in the format established by the Maryland Police Training and Standards Commission.

11.3 The MDTA Police shall compile data for this report for each calendar year period and submit it no later than January 15 of each year to The Governor's Office of Crime Prevention, Youth and Victim Services;

Section IV - Warrantless Search

1. Permitted Warrantless Searches

1.1 An Officer may search without a warrant in the following situations:

1.1.1 Emergencies: An Officer may search if there is no time to get a warrant and the situation requires immediate action, e.g., when he hears a scream from inside a house followed by a gunshot.

1.1.2 Hot Pursuit: An officer may search if he/she is chasing an escaping suspect or is about to catch up with one who is ready to flee.

1.1.3 Contraband: An officer may search if he/she knows that contraband is threatened with immediate removal or destruction.

1.1.4 Incidental to a Valid Arrest: An Officer may search in the course of a valid arrest if necessary to protect himself/herself, prevent the escape of the arrestee, or to seize evidence relating to the reason from which the arrest is made that is within the actual or constructive possession of the arrestee.

1.1.5 Plain View Doctrine: When contraband and/or evidence is observed by an Officer who is legally present at a location.

1.1.6 Consent Search: (discussed later in this Chapter).

1.1.7 Abandoned property: A dwelling that has been permanently vacated may be searched without a warrant and without the permission of the previous tenant. The consent of the property owner or agent should be obtained.

1.1.8 Open fields: Under certain conditions "open fields", even though privately owned, may be searched without a warrant. In Oliver vs. U.S., the Supreme Court held that owners of "open fields" do not enjoy the same expectation of privacy as does a home, office, or commercial structure.

1.2 The above situations are the exceptions to the rule and searches made under such circumstances will be closely reviewed by the Court, as to their propriety. Generally, in situations other than those indicated, a search warrant should be obtained to conduct a search of a dwelling and/or its curtilage.

2. Curtilage

2.1 Curtilage is the open space associated with the dwelling. Whether an area is within the curtilage depends principally on its closeness to the dwelling, its being within any general enclosure which may surround the dwelling, and its use by the occupants of the dwelling. If there is doubt as to whether the place to be searched is within the curtilage, a warrant should be obtained.

3. Dwelling

3.1 A dwelling includes any place intended to be occupied by people to include: private residences, apartments, hotel/motel rooms, places of business, and offices.

4. Observation

4.1 Observation of a dwelling or its curtilage may be made without a warrant from any place outside the curtilage. A telescope, binoculars, flashlight, and similar devices may be used in such surveillance as long as there is no physical trespass onto the curtilage.

5. Listening

5.1 Listening to conversations or other sounds occurring in a dwelling or its curtilage may be accomplished without a warrant if there is no physical trespass onto the curtilage and if no electronic or mechanical device is used to hear the conversation or sounds. If a physical trespass is necessary or if an electronic or mechanical device is necessary, a warrant must be obtained.

6. Search of Premises Incidental to Arrest

6.1 In the course of a lawful arrest, an Officer may search not only the arrestee's person, but also a limited portion of the premises, which is within the arrestee's immediate control and from which he/she might be able to reach a weapon or destroy evidence. The area to be searched may be expanded if there is cause to believe there may be other persons on the premises who may be reasonably expected to interfere with the arrest or attempt to destroy evidence. The justification for such a search is:

6.1.1 To find and seize any weapons the arrestee may use to resist the arrest or to affect an escape.

6.1.2 To find and seize any evidence the arrestee might try to conceal or destroy.

6.1.3 To protect the Officer and others present.

6.2 If, while making a lawful arrest or making a protective search for other persons on the premises, evidence of any crime is seen lying in plain view, it may be seized even though it is beyond the arrestee's immediate control.

6.3 Since a search incidental to an arrest is very limited in scope, it is better to secure a search warrant at the same time that the arrest warrant is issued if a detailed search is to be conducted. When this is not possible or when a warrantless arrest is made, a search warrant should be applied for immediately after the arrest. It is proper to allow an Officer to guard the premises to prevent the destruction of evidence while the warrant is being secured.

7. Crime Scene Searches

7.1 Entry and subsequent warrantless search of premises is permitted in emergency situations when reasonable belief exists that there is a need for immediate attention (USSC-Thompson v. Louisiana 1984). Further, law enforcement personnel at the scene of a homicide or similar serious offense may conduct a warrantless search to locate victims and/or suspects (USSC-Mincey v. Arizona 1978).

7.2 The scope of the search is strictly limited by the existence of exigent circumstances. Evidence and/or contraband observed in plain view during this restricted search may be properly seized.

7.3 The fact that a crime has occurred at a specific location does not automatically authorize an unlimited search of the premises. Unless the situation meets the existing exceptions to warrant requirements, including the emergency situation, a warrantless search of a crime scene will be unreasonable and any evidence discovered during the search will be inadmissible at trial.

8. Vehicle Searches

8.1 Generally, the search of a motor vehicle is permissible even though there is no danger that the vehicle may be taken or the evidence destroyed.

8.2 If an Officer has probable cause to search an entire vehicle for a particular object, under the Carroll doctrine the officer may look anywhere in the vehicle in which there is probable cause to believe the object may be found, including containers that could contain the object.

8.3 The reasonable expectation of privacy in a motor vehicle is less than that in a home or office because it travels public thoroughfares where its occupants and contents are open to view, it seldom serves as a residence or permanent place for personal effects, and it is subject to pervasive and continuing governmental regulation and controls.

8.4 If probable cause is not obtained until after the vehicle has lost its mobility or until it was taken into custody, a warrantless search would be proper. (USSC-Chambers v. Maroney 1970)

8.5 Whenever possible, a vehicle to be retained as evidence or for further processing should be removed from its place of recovery to an MDTA Police installation by the investigating Officer to provide for the proper safeguarding and chain of custody of evidence. Depending on the evidence to be safeguarded, the vehicle can be driven or towed at the discretion of the investigating Officer.

8.6 When it is not possible to drive the vehicle from its place of recovery to an MDTA Police detachment, the investigating Officer shall arrange for such removal by an MDTA Police dispatched tow vehicle. The Officer should secure the vehicle prior to towing and follow the vehicle as it is being towed to its destination to provide for the proper safeguarding and chain of custody of evidence.

8.7 The laws governing searches of vehicles provide expanded latitudes to sworn personnel. These considerations are based on the need to protect the Law Enforcement Officer, mobility of the vehicle, increased opportunity for contraband/evidence to be lost/destroyed and probable cause. The Carroll Doctrine established the parameters of vehicle searches and has been reinforced by two U.S. Supreme Court rulings: U.S. v. Ross and New York v. Belton. Generally, vehicles may be searched without a warrant:

- Incidental to an arrest of one or more of the occupants
- When seized as evidence
- When probable cause exists that it contains sizeable items
- When it has been abandoned
- Under the Plain View Doctrine

8.8 A search of a vehicle incidental to a lawful custodial arrest of one or more of its occupants is predicated on the Officer's right to protect himself and others, seize evidence, and prevent the destruction of evidence. The search may include the person(s) arrested, the interior (passenger compartment) of the vehicle, and any packages, containers, or property, either opened or closed, contained therein. Locked containers should not be searched as this has been interpreted to preclude the arrestee's ability to reach the contents. In order for the search to be valid, it must:

- Be incidental to a lawful custodial arrest and
- Must be contemporaneous (close in time and place) to the arrest.

8.9 A warrantless search of vehicles based on probable cause that seizable property is contained therein is validated by a separate set of circumstances.

8.10 The Carroll Doctrine established that a Police Officer having probable cause to believe that a vehicle contains seizable items may search a mobile vehicle, which could conceivably leave the jurisdiction, before a warrant is obtained.

8.11 The scope of the probable cause will always determine the scope of the search (U.S. v. Ross).

8.12 If an officer has probable cause to believe that the vehicle contains an illegal item(s), then the reasonableness and scope of the search will be determined by the nature of the item(s) sought and the probability of it being located in the areas searched. Examples:

8.12.1 If probable cause establishes that the vehicle contains stolen weapons (unknown quantity), then the search of a matchbox found in the vehicle may be held unreasonable, while searching a trunk found in the luggage compartment would be reasonable. The search may continue until all areas that could conceal weapons have been searched.

8.12.2 If probable cause establishes that the vehicle is used to conceal a specifically identified container, then the search is limited to those locations where the container may be hidden and continued only until the container is located. The container would be searched following the acquisition of a warrant.

8.12.3 If probable cause indicates that the vehicle contains contraband, the search may continue until all areas of the vehicle, which could contain contraband, have been explored.

8.12.4 If a lawful arrest is made; the search may be expanded based on the search incidental to arrest principle.

8.13 When a vehicle is to be searched without a warrant based on probable cause, it may:

- Be searched at the location it was first stopped or taken into custody; or
- Searched after being removed to another location for reasons of safety, custody, or convenience.

8.14 The time factor is not as critical in probable cause situations especially when the vehicle is in the custody of the MDTA Police. However, if an unusually long delay occurs, the officer may be questioned as to why a warrant was not obtained.

9. Vehicle Search Report

9.1 The Vehicle Search Report (VSR) on Delta Plus will be used to ensure detailed documentation of vehicle searches.

9.2 This report does not have to be completed for vehicle searches that will be documented in detail in another report (traffic arrests, criminal arrests, warrant arrests, contraband seizures, and search warrants). It must be completed for all other vehicle searches. The officer that initiated the stop will complete the Vehicle Search Report.

9.2.1 In cases where the Vehicle Search Report is not completed because the search was documented in another report, the sworn person must ensure that all of the information that would have been captured on the Vehicle Search Report is captured within the other report.

9.3 If a vehicle search is conducted for any reason that requires the completion of a Vehicle Search Report, and after the search one of the parties is arrested for a reason not related to the search, the Vehicle Search Report must be completed. For example, a consent search is conducted on a vehicle and nothing is found. There is no probable cause to arrest any of the suspects. One of the suspects then strikes one of the sworn personnel and is arrested for assault. The details of the search would not be captured in the IR so the Vehicle Search Report still must be completed.

9.4 Consent Searches

9.4.1 The Delta Plus Vehicle Search Report does not replace Form 55, Consent to Search. Both forms will be completed for consent searches. The same incident number shall be used for both reports.

9.4.2 Officers shall obtain an incident number from Communications only after consent has been granted.

9.4.3 Only one incident number will be opened for each vehicle search.

9.5 Using the Vehicle Search Report

9.5.1 All fields of the Vehicle Search Report must have an entry, even if it’s N/A.

9.5.2 The “Ending Time of Stop” is the end of the police/citizen encounter or the time of arrest.

9.5.3 The “Specific Grounds for Conducting Search” block must contain applicable details of the stop. These details include reasonable articulable suspicion.

9.5.4 A Supplement/Continuation Report will be used to document information that does not fit on vehicle search report.

9.6 Review

9.6.1 The completed Vehicle Search Report will be reviewed by a supervisor and Commander.

9.6.2 Periodically, not to exceed 90 days, Division Commanders, or a designee, will conduct a review of a sample of the Vehicle Search Report.

10. Roadblocks

10.1 A roadblock may not be established for the purpose of arbitrarily stopping all traffic so that searches may be conducted. However, courts have upheld the use of a roadblock to stop vehicles in order to permit the search of a particularly described automobile or a car containing particularly described occupants.

11. GPS Tracking Equipment

11.1 Warrant issued monitoring with GPS tracking equipment in a motor vehicle to trace the movement of the vehicle over public thoroughfares does not violate the reasonable expectation of privacy of the occupant of the vehicle.

Section V - Search Incident to an Arrest

1. Obtaining a Warrant

1.1 Generally, when there is sufficient time and no opportunity to tamper with, remove, destroy, or conceal property or evidence, a search warrant should be obtained.

2. Right to Search

2.1 Until an arrest is made, there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the incident-to-arrest rule. But, if an Officer has the right to arrest on a warrant or probable cause and he/she intends to arrest, but because of a sudden emergency or dangerous situation (e.g. possible escape of the person to be arrested or destruction of evidence), he/she first grabs the weapon, narcotics, or other item and then arrests, the seizure is lawful. This is an exception, however, and the courts will apply it strictly.

2.2 A search incidental to a lawful arrest is permitted to:

- Protect the arresting officer and others.
- Prevent escape or suicide.
- Seize fruits, instrumentalities, and contraband relating to the crime.
- Prevent the destruction of evidence.

2.3 An arrest may not be used simply as an excuse to conduct a general search for evidence.

2.4 The arrest must be lawful. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court.

3. Conducting the Search

3.1 Once the arrestee is restrained with handcuffs, arresting officers shall, absent exigent circumstances, perform a thorough and systematic search of the person under arrest at the earliest possible time. Personnel shall make every possible attempt to effect this search prior to transporting an arrested person. The following property shall be taken from the arrestee:

3.1.1 Property carried unlawfully;

3.1.2 Property lawfully carried, but dangerous to life or would facilitate escape;

3.1.3 Evidence.

3.2 Notwithstanding the fact that an arrestee has been previously searched when he/she is transferred from the custody of an officer, a subsequent search shall be made for the protection of the receiving officer.

3.3 The arresting Officer will exercise the same diligence in searching female arrestees for concealed weapons or other dangerous instrumentalities as exercised with male arrestees. The scope of searches, however, must be consistent with the crime supporting the arrest, the circumstances surrounding the arrest and the character of the arrestee. After the female is in custody and properly restrained, all subsequent searches shall be conducted in conformance with the following procedures:

3.3.1 As a general rule, a female arrestee will be searched by a female officer. Every reasonable effort will be made to anticipate the arrest of females and to arrange for the presence of a female officer.

3.3.2 If reasonable attempts to have a female officer conduct the search are unsuccessful, the arresting officer may conduct the search. Absent exigent circumstances, male officers conducting a search of a female shall do so in the presence of a witness, and if possible, in front of the in-car video system.

3.4 When officers must conduct a search of an arrestee of the opposite sex, gender or gender identity they shall use the back of the hand when searching genitals, buttocks and female breasts.

4. Items Subject to Search

4.1 As a general rule, a Police Officer may search the arrested person, everything in his possession, and everything that, in the course of the arrest, is within his/her immediate reach. Examples:

4.1.1 Anything in the actual possession of the person arrested may be searched (for example: a carton, suitcase, or purse being carried by the arrestee).

4.1.2 The things within the reach of the person or within his/her immediate physical surroundings may be searched. In an emergency situation posting a danger to human life, the scope of the permissible search may extend beyond the person's immediate surroundings.

4.2 When an arrestee has on his/ her person some article showing ownership of or right to control personal property from which he/she is temporarily separated, the officer generally may not search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained. Similarly, if in the course of an arrest an Officer observes a suitcase or other closed item in plain view but not in the arrested person's actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

4.3 Generally, anything in the possession of the person being searched may be subject to seizure. Additionally, an Officer lawfully on the premises, when legally effecting an arrest, observing contraband, fruits, weapons, instrumentalities or evidence of that immediate investigation and/or of an unrelated incident in "plain view", may seize these items even though they may not be considered to be in the immediate possession of the person being arrested, and there is no search warrant available. It must be understood that the "plain view" doctrine is a seizing doctrine and does not in itself automatically constitute the authority for an additional search beyond the seizure of an item in plain sight.

Section VI - Stop and Frisk/Pat Downs

1. Policy

1.1 An Officer has the right to perform a stop and frisk/pat down of the outer garments of a suspect for weapons if he/she has been legitimately stopped and with reasonable articulable suspicion that the individual is presently armed and dangerous. The following are some criteria that may form the basis for establishing justification for performing a stop and frisk/pat down. These factors are not all inclusive as there are other factors that could or should be considered. The existence of more than one of these factors may be required in order to support reasonable suspicion for the stop and frisk/pat down.

1.1.1 Type of crime suspected, such as one involving a crime of violence or possession of a weapon.

1.1.2 The hour of day and the location or neighborhood where stop takes place.

1.1.3 Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.

1.1.4 Appearance and demeanor of the suspect.

1.1.5 Visual observations of a bulge, which suggests that the suspect might be carrying a weapon.

1.2 When reasonable articulable suspicion exists to perform a stop and frisk/pat down, it shall be performed with due caution, restraint and sensitivity. Stop and frisks/pat downs are only justifiable and may be only performed to protect the safety of Officers and others and shall never be used to "shakedown" individuals or groups of individuals or as a pretext for obtaining evidence.

1.3 A stop and frisk/pat down shall be conducted in the following manner:

1.3.1 Whenever possible, it should be conducted by at least two Officers using the contact/cover method.

1.3.2 Whenever possible, frisk/pat down should be conducted by an Officer of the same sex or gender.

1.3.3 In a frisk/pat down, Officers are permitted to only externally feel the outer clothing of the suspect. Officers shall not place their hands in pockets unless they feel an object that could reasonably be a weapon, such as a firearm, knife, club or other item.

1.3.4 If the suspect is carrying an object such as a handbag, suitcase, briefcase, sack or other item that may conceal a weapon, the Officer should not open the item, but instead place it out of the suspect's reach. This does not preclude the Officer from asking for a consent search of the item.

1.3.5 If the external feeling of the suspect's clothing fails to disclose evidence of a weapon, no further search may be made. If evidence of a weapon is present, the officer may only retrieve that item. If the item is a weapon, the possession of which is a crime, the Officer may make an arrest of the suspect and complete a full search incident to arrest.

2. Plain Feel Doctrine

2.1 When an Officer is conducting a frisk/pat down and detects an object on the suspect that he/she immediately recognizes and can articulate as contraband, an arrest must be made prior to recovering the contraband.

3. Reporting

3.1 Every time an officer conducts a stop and frisk/pat down pursuant to this directive, the member must complete an MSP 97, "Stop and Frisk Report", within 24 hours of the stop and frisk/pat down. (If no weapon was seized or no arrest was made, no other reports are required)

3.2 On the MSP 97, the MDTA Police Call for Service number should be recorded on line #9, Related Report Numbers. Lines 6 and 7 do not have to be completed on the MSP 97 if no firearm was recovered.

3.3 The original MSP 97 will be mailed to:

Maryland State Police
Licensing Division
1111 Reisterstown Rd.
Pikesville, Md., 21208

3.4 Detachment/Unit Commanders will maintain an electronic file for storage of all MSP 97s. A photocopy of an MSP 97 that has an associated report will be kept with the report.

4. Stop and Frisk/Pat Down Law (CR 4-206)

§ 4-206. Limited search, seizure, and arrest
(a) Limited search. --
(1) A law enforcement officer may make an inquiry and conduct a limited search of a person under paragraph (2) of this subsection if the officer, in light of the officer's observations, information, and experience, reasonably believes that:

(i) the person may be wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle;

(ii) because the person possesses a handgun, the person is or presently may be dangerous to the officer or to others;

(iii) under the circumstances, it is impracticable to obtain a search warrant; and

(iv) to protect the officer or others, swift measures are necessary to discover whether the person is wearing, carrying, or transporting a handgun.

(2) If the circumstances specified under paragraph (1) of this subsection exist, a law enforcement officer:

(i) may approach the person and announce the officer's status as a law enforcement officer;

(ii) may request the name and address of the person;

(iii) if the person is in a vehicle, may request the person's license to operate the vehicle and the registration of the vehicle;

(iv) may ask any question and request any explanation that may be reasonably calculated to determine whether the person is unlawfully wearing, carrying, or transporting a handgun in violation of § 4-203 of this subtitle; and

(v) if the person does not offer an explanation that dispels the officer's reasonable beliefs described in paragraph (1) of this subsection, may conduct a search of the person limited to a patting or frisking of the person's clothing in search of a handgun.

(3) A law enforcement officer acting under this subsection shall take into account all circumstances of the occasion, including the age, appearance, physical condition, manner sex, gender and gender identity of the person approached.

(b) Seizure of handgun and arrest. --

(1) If the officer discovers that the person is wearing, carrying, or transporting a handgun, the officer may demand evidence from the person of the person's authority to wear, carry, or transport the handgun in accordance with § 4-203(b) of this subtitle.

(2) If the person does not produce the evidence specified in paragraph (1) of this subsection, the officer may seize the handgun and arrest the person.

(c) Written report. --

(1) A law enforcement officer who conducts a search or seizure in accordance with this section shall file a written report with the law enforcement officer's employer unit within 24 hours after the search or seizure.

5. Civil Actions

5.1 Civil actions. On request of a law enforcement officer, the Attorney General shall defend the Officer in a civil action, including any appeal, in which the officer is sued for conducting a search or seizure under this section that is alleged to be unreasonable and unlawful.

Section VII - Consent to Search

1. Constitutional Rights

1.1 A person's consent to search his/her person, or property under his/her control, acts as a waiver of his/her Fourth Amendment right to be free from a search without a warrant. Therefore, a search based on consent is lawful, even where there is no other justification for the search, if:

1.1.1 The consent is made with the knowledge that he/she need not consent to a search;

1.1.2 The consent is voluntary, i.e., freely given without duress or coercion; and

1.1.3 The consent is clear and explicit.

1.2 Any waiver of a constitutional right will be examined carefully by the courts. Therefore, before evidence discovered as a result of a consent search will be admitted at a trial, the State will have to show by "clear and convincing" evidence that the consent was, in fact, freely and voluntarily given by a person who was aware of his/her right not to consent.

2. Obtaining Consent

2.1 The person must be aware of his/her rights.

2.2 An Officer should explain to the person that he/she has a right to refuse to consent to a search without a warrant. If the person indicates that he/she would like to consult with an attorney or anyone else before deciding whether to consent, he/she should be given an opportunity to do so.

2.3 Consent must be voluntary. Consent to a search must be given freely and voluntarily if the consent is to be valid. Any coercion or intimidation, actual or implied, will invalidate the consent. Courts have carefully examined many cases and, in a high percentage of these, found that submission to an officer's authority was not true consent because it is not voluntary. Examples include:

2.3.1 An Officer pounds on a door and announces either he/she has come to make a search or that he/she wants to talk or look around the premises. If he/she is given permission to enter, courts have often found that there is no valid consent because such a situation creates a coercive atmosphere.

2.3.2 What seems to be voluntary consent by a person under arrest may be found to have been induced by his/her inherently coercive environment.

2.4 Consent that is not the product of coercion, but which is obtained through the use of fraud or misrepresentation, is not voluntary. For example: consent is not valid if an Officer tells the occupant of a house that he/she has a search warrant when in fact he/she does not, and subsequently consent is given.

2.5 A voluntary confession of guilt, which precedes a consent to search, has been found to indicate that the consent was voluntary.

2.6 Consent must be clear and explicit

2.7 Before an Officer relies upon consent to justify a search, he/she should be certain not only that the person is aware of his/her rights and is under no coercion, but that a clear and explicit consent to search has in fact been given. Examples:

- Consent to enter is not a consent to search;
- A statement that an Officer is welcome to search may not imply that he/she is welcome to search without a warrant.

2.8 Written consent should be obtained where practicable. A signed and witnessed waiver provides the best proof of clear, voluntary consent. A Consent to Search form should be used.

2.9 A valid consent to a search may be given only by the person with a right to occupy the premises. Examples include:

2.9.1 A landlord cannot consent to a search of a tenant's premises unless the tenant has abandoned the premises or has been evicted.

2.9.2 A host can give consent to a search of premises occupied by a guest; but, if a particular area of the premises to be searched has been set aside for a long-term guest's exclusive use or, if the search is of an object which is exclusively the guest's, the host's consent may not authorize a search.

2.9.3 A parent can give consent to a search of premises occupied by a dependent child.

2.9.4 An employee cannot consent to the search of an employer's premises unless he/she has been delegated general authority to act as the agent of the employer. An employer may generally consent to a search of premises used by an employee in his/her work unless it is a particular area set-aside for the employee's exclusive use.

2.9.5 A person with custody of personal property belonging to another may consent to its search only if he/she has been given full control over the property, or if the property has been left on his/her premises without his/her authorization. Consent by a person having only conditional custody, such as that given for storage or shipment, is not valid.

2.10 If two or more persons have equal rights to the occupation of the premises, consent to search may be given by any one of them, but only for the common areas. It must be understood that refusal to grant consent by one occupant may override the consent given by the other. A legal consent search shall be valid against all occupants. Examples include:

2.10.1 Generally, one spouse can consent to a search of a residence shared with the other spouse.

2.10.2 One joint tenant can consent to a search of jointly held premises.

2.10.3 A partner can consent to a search of partnership premises.

3. Consent to Search Form Procedure

3.1 The Consent to Search form will be completed by the Officer who is requesting the consent to search.

3.2 The Consent to Search request should be done after the initial contact has been completed with the individual still present. It shall be done without coercion, threats, or promises.

3.3 If the individual cannot understand English, the Officer will obtain an interpreter to ensure the rights of the individual are not violated.

4. Revocation of Consent

4.1 Valid consent to search may be presumed to continue until all areas specified in the consent have been searched. However, consent may be revoked at any time before the search is completed. If consent is revoked prior to completion of the search, all evidence found prior to the revocation may be retained. This evidence may be used as probable cause for a subsequent warrant or for an immediate arrest and incidental search.

5. Consent to Search Form Distribution

5.1 The original Consent to Search form will be forwarded to the Director of Central Records Unit via inter-departmental mail, prior to the end of the requesting officer's shift, unless an electronic storage means is available in RMS. This shall be done every time a Consent to Search form is completed.

5.2 If no contraband is discovered during the search, no additional report is needed.

5.3 If a report is initiated, a copy of the Consent to Search will be placed with the report.

5.4 If an arrest results from the search, a copy of the Consent to Search will be attached to the Statement of Probable Cause for the State's Attorney's Office. The individual in question will be given a copy of the consent to search form.

5.5 If the individual requests a copy of the Consent to Search, a copy will be given.

6. Consent to Search Procedure

6.1 A consent search shall be conducted in the following manner:

6.1.1 Whenever possible it should be conducted by at least two Officers using the contact/cover method.

6.1.2 Whenever possible, consent to search should be conducted by an Officer of the same sex, gender or gender identity.

Section VIII - Seizure

1. Seizure of Abandoned Property

1.1 If in the course of a lawful arrest (or other lawful action by an Officer such as a surveillance or questioning of a person), a person discards personal property at some place outside his dwelling or curtilage, an Officer may seize such property (even though it is then beyond the person's physical control) on the grounds where it has been abandoned.

1.2 To constitute abandonment for this purpose, there is no requirement that the person intended to get rid of the property permanently.

1.3 If the property is discarded in response to an unlawful arrest or unlawful entry by an Officer, a seizure of the property is also unlawful.

1.4 If the property is discarded in the person's dwelling or its curtilage (or in his/her hotel room, automobile, or any other area he/she controls), it cannot be considered abandoned and cannot be seized. However, if the property thus discarded can be identified on sight as evidence of a crime, it can be seized just as any other evidence in plain view can be seized.

1.5 Examples of Legally Seized Abandoned Property:

- A package of heroin picked up from the street after a scuffle during an arrest
- A package of narcotics that landed in a public courtyard after being thrown out of the window of an apartment by a woman under surveillance
- An envelope dropped to the floor of the police station by a man under arrest
- Two small packages dropped to the sidewalk by a narcotics suspect under surveillance
- An object dropped on the street by a man stepping out of his car for questioning

2. Vehicle Seizures/Vehicles as Evidence

2.1 A vehicle used to violate laws concerning the transportation of liquor, cigarettes, or narcotics can be seized without a warrant and is subject to forfeiture. The seizure need not be incidental to an arrest as long as there is probable cause to believe that the vehicle was used in the conduct of the criminal activity. The search of a seized vehicle may be made at the place where custody was first obtained or at another place and another time.

2.2 If the vehicle is taken as evidence of a crime, either as an instrument by which the crime was committed (e.g. a hit-and-run homicide) or as fruit of a crime (a stolen car), it may be subject to a later more careful examination just as is any other lawfully seized item.

2.3 The inventory of vehicles and other objects under police control, where they have lawful custody, is proper when done to protect the owner against property loss, to avoid a claim of destruction, and to protect the police against any hidden danger. Police cannot assume custody as a pretext for inventory where such an inventory is not reasonably necessary. The inventory must be carried out as part of established MDTA Police procedure. An abandoned vehicle may be seized and searched without a warrant and without probable cause.

2.4 The plain view doctrine applies to all vehicles. Any contraband or evidence of a criminal offense seen while the Officer is in the proper conduct of an investigation or while interviewing an occupant of the vehicle may be seized, and will justify probable cause for a subsequent arrest and a more detailed search.

2.5 If an Officer has a legal right to search a vehicle, and if the occupant refuses to allow him/her to proceed, he/she may use whatever force is reasonable and necessary to affect the search.

2.6 Using unreasonable force to stop a vehicle may make the subsequent search of that vehicle illegal even though it was based on probable cause.

2.7 All vehicles held for possible processing under State or federal asset forfeiture laws will be stored at the arresting detachment pending disposition by the Criminal Investigations Unit. Vehicles subject to seizure will be removed from the arresting Detachment and taken to the MDTA Police impound/storage facility, located at the Port Detachment. Vehicles held pending investigation for seizure will not be removed or stored by any MdTA permit towing service, unless authorized by a representative of the Criminal Investigations Unit.

3. Inventory of Seized and/or Stored Vehicles & Other Property

3.1 Disposing of vehicles abandoned, involved in accidents, or otherwise part of the many situations that may be brought to the attention of an Officer is recognized as a routine function. It is, nevertheless, one which must be approached with a great deal of discretion, for the result of misguided authority may be civil liability, or in the case of an investigation, inadmissible evidence and the resultant embarrassment of an acquittal. It is the purpose of this Section to offer direction, in a general way; to the Officer so that he/she may operate on a sound, legal basis when disposing of vehicles that must be towed or stored. It must be understood that these guidelines, where they are not governed by statute, are intended to be flexible and allow for wide discretion by the Officer in those situations where a clear-cut procedure is not prescribed.

3.2 Except where specifically noted otherwise in this Chapter, whenever any vehicle is towed by an MDTA Police dispatched towing service or taken into custody at the discretion of an Officer, a Vehicle Storage/Impound Report will be completed in accordance with the Computerized Report Management Manual.

3.3 All property in the vehicle must be inventoried, including items in unlocked baggage and unsealed cartons. Items in the trunk and glove compartment should be inventoried as should items in locked suitcases or containers, but only if a key is available. Forced entry to a trunk, glove box, suitcase or other item is not permitted to complete an inventory unless the owner has granted express permission and the Consent to Search form has been signed by the owner. Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but can, for example, be described on the inventory simply as "women's clothing or auto mechanic tools". Sometimes items, by their very nature, require extra protection, security, and handling precautions. Items such as money, precious metals, jewelry, firearms, or other items of value will be taken into custody by the investigating Officer and recorded on a Property Report.

3.4 Certain limitations are imposed on the scope of an inventory and each inventory must be justified by its own circumstances. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept; looking elsewhere will call into question the officer's motives. Unlocked packages may be opened for the mutual protection of the officer and the owner. Evidence or contraband discovered in the conduct of a bona fide inventory may be seized and used to prosecute. The burden is on the officer, however, to show that the inventory was reasonable and pursuant to MDTA Police policy.

Section IX – Criminal Summons & Other Warrants

1. Criminal Summons

1.1 The difference between a warrant and a criminal summons is that a warrant is for the physical arrest of the accused, while the summons merely orders the accused to appear in court on a specific date and time to answer the charges stated in the summons. The basis for this determination of warrant or summons is the presence of probable cause.

1.2 In any criminal case within the jurisdiction of the District Court, the Court Commissioner may issue a criminal summons in lieu of a warrant of arrest.

1.3 Summonses are issued instead of warrants when the Court Commissioner, at his/her discretion, feels that the public interest and the safety of any prosecution witness, does not require the physical arrest of the accused.

1.4 A Police Officer will then serve (deliver) the summons on the accused named and request same to sign for receipt of the summons. If the accused declines to sign for receipt of the summons, the officer should note that refusal on the summons.

1.5 After delivering a copy of the summons to the accused, the Officer will sign and date the back of the summons to reflect service, and return the papers to the court, via his/her Agency.

1.6 Court Commissioners will require that an offense or incident report be completed bearing an MDTA Police complaint number, before they will issue a warrant or summons.

1.7 Based on the information contained in the application, the Court Commissioner may either issue a warrant of arrest or a criminal summons. If probable cause is sufficient, the judicial officer signs the warrant.

2. Other Warrants

2.1 Bench Warrants: A warrant issued directly by a Judge from the bench. Bench warrants are generally used for failure to appear in court, violation of probation, contempt of court, or fail to obey court order.

2.2 Retake Warrant: A warrant obtained by penal institutions for escaped prisoners and by State parole authorities for parole violators.

2.3 Capias: A writ issued from a court-ordering police to take a defendant into custody. A capias is used when the person charged is not in custody following an indictment.

2.4 Hospital Warrant: A legal document issued by the court, authorizing any Law Enforcement Officer in the state to apprehend an individual who is alleged to have violated an order for conditional release and transport the individual to a facility designated by the department; and ensures that the issuance of warrant is entered in the individual's criminal history record information of the criminal justice system.

3. Documentation

3.1 Promptly after his/her arrest and prior to release or incarceration, the defendant shall be given a copy of the warrant.

Section X - Immigration and Customs Enforcement (I.C.E.) Detainers, Administrative Warrants, and Criminal Warrants

1. Traffic Stops and Citizen Contacts

1.1 The indiscriminate questioning of individuals about their citizenship status without a reasonable basis for suspicion of a criminal charge is unconstitutional.

1.2 A traffic stop may not be prolonged and an individual will not be detained solely for questioning related to a person's immigration status.

1.3 When witnesses or victims are being interviewed, questions about their immigration status will not be part of the routine questioning.

1.4 When the driver of a vehicle presents an International Driver's Permit, the officer will request the driver's foreign driver's license. An International Driver's Permit is not a government-issued identification and does not authorize the person to drive a vehicle in the State of Maryland.

2. Administrative (Civil) Immigration Warrants

2.1 Warrants for deportation are civil in nature, not criminal.

2.2 Officers will not stop, detain, search or arrest an individual based solely on an administrative (civil) immigration warrant; if an administrative (civil) immigration warrant is discovered, no enforcement action will be taken regarding the warrant.

2.3 Should it be determined a person has an administrative (civil) immigration warrant, ICE will be notified regarding the circumstances surrounding the incident using the contact information provided by the NCIC response; however, the MDTA Police will not detain the individual for the purpose of ICE responding to take custody of the person.

3. Criminal Immigration Warrants

3.1 When criminal immigration warrants are located in NCIC during traffic stops and investigations, the individual will be detained and confirmation with ICE will be made.

3.2 Before any further detention, search or arrest is made, it must be confirmed that the warrant is both active and is for a criminal offense.

3.3 Upon confirmation from ICE, the person will be arrested and turned over to the custody of ICE for further processing; MDTA Police policy regarding the completion of an Incident Report and Field Arrest Report will be followed.

3.4 Officers are obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States; all questions and notifications will be in accordance with MDTA Police policy.

4. Assisting Federal Authorities

4.1 The MDTA Police will provide assistance to State and federal law enforcement agencies consistent with the statutory authority of the MDTA Police.

4.2 Officers may be permitted to assist ICE agents when the primary focus of the investigation is not immigration violations. Examples include, but are not limited to: customs violations, money laundering, narcotics cases, hate crimes, human trafficking and terrorist activities.

4.3 All operational requests for assistance from ICE will be case specific and will require the approval of the Chief of Police.

4.4 Nothing in this order prohibits Officers from responding to or being on the scene of any federal enforcement initiative in order to maintain safety in exigent circumstances.

5. Contact Information

5.1 ICE - Law Enforcement Support Center 802-872-6020 or Baltimore Field Office 410-637-4000.

5.2 U.S. Department of State - 24 Hour Operations Center 202-647-1512.

Chapter 25
Asset Forfeiture
Directives Manual Revision Date: 04/12/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview.....**01**

This section describes the legal basis for asset forfeitures, items subject to forfeiture, probable cause factors, and the use of K-9.

Section II – Seeking Forfeiture.....**04**

This section describes the general procedures for seeking forfeiture, vehicle and currency forfeiture, processing, and Chief of Police approval.

Section III – Use of Forfeited Assets.....**07**

This section describes the Directives for permissible and prohibited uses of forfeited assets and the procedures for requesting the purchase of equipment or training.

Chapter 25
Asset Forfeiture
Directives Manual Revision Date: 04/12/2021

Section I - Overview

1. Legal Requirements

1.1 The aggressive enforcement of State and Federal Controlled Dangerous Substance (CDS) laws includes the seizure and forfeiture to the government of property used in connection with violations of these laws. The Annotated Code of Maryland, Criminal Procedure Article, Title 12 and Title 21 U.S.C. Sect. 881 and related sections set forth the criteria to be met and the procedures to be followed when seeking forfeiture of property.

1.2 Search and seizure shall be conducted in accordance with the Fourth Amendment. Evidence and property obtained or confiscated during an unreasonable or unconstitutional search and seizure cannot be used in a related criminal case and may be inadmissible in civil forfeiture cases as well.

2. Intent

2.1 The primary intent of the seizure and forfeiture of property is law enforcement. This type of law enforcement deters crime by depriving criminals of the profit and proceeds of their illegal activities and by removing the instrumentality of the crime.

3. Selective Enforcement

3.1 Under no circumstances will Maryland Transportation Authority Police (MDTA Police) Officers select enforcement targets because of expected financial gain to themselves or to the MDTA Police.

4. Guides

4.1 All personnel must be familiar with and comply with the National Code of Professional Conduct for Asset Forfeiture. Additionally, the MDTA Police will abide by the Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, as applicable.

5. Items Subject to Forfeiture

5.1 Under State and Federal Laws, certain property described by statute is subject to forfeiture to a governing body or law enforcement agency when no other property rights exist in the property. Among the property subject to forfeiture are:

5.1.1 All conveyances, to include vehicles that are used or intended for use, to transport or in any manner facilitate the transportation, sale, receipt, possession or concealment of a controlled dangerous substance(s).

5.1.2 Any currency or weapons may be seized where there is probable cause to believe it has been used or intended for use in connection with the illegal manufacturing, distribution, dispensing or possession of CDS paraphernalia or found in close proximity to CDS or paraphernalia. CDS paraphernalia that is directly related to the use or possession of Marijuana, is not a civil or criminal offense, and should not be seized. Marijuana is a Schedule I controlled dangerous substance and subject to seizure.

5.1.3 Officers will not seize currency in the amount of less than $1,000 in cases of misdemeanor possession of CDS or when a civil citation is issued for possession of marijuana less than 10 grams.

6. Forfeiture Exceptions

6.1 Certain property may not be subject to forfeiture, such as:

6.1.1 Any property lawfully in the possession of a person other than the owner, when used in connection with a CDS offense.

6.1.2 Any lessor's interest (e.g. rental vehicle) unless the seizing authority (i.e. MDTA Police) can show the lessor participated in the offense or that the property was the proceeds of a CDS offense.

6.1.3 Innocent owner: for example, an owner who allows his/her vehicle to be used by another who causes CDS or paraphernalia to be brought into the vehicle without the knowledge of the owner.

6.1.4 The MDTA Police may not directly or indirectly transfer seized property to a Federal Law Enforcement Authority or Agency unless;

6.1.4.1 A criminal case related to the seizure is prosecuted in the Federal Court System under Federal Law or;

6.1.4.2 The owner of the property consents to the forfeiture.

7. Probable Cause Factors

7.1 The following is a list of probable cause factors that should be considered when determining whether to seize property with the intent to seek forfeiture. This list is not intended to be all-inclusive.

7.2 Primary Factors

- Presence of controlled dangerous substance
- Admission of CDS possession/distribution by violator
- Direct observation by law enforcement personnel of CDS law violations
- Possession of an unusually large amount of currency

7.3 Secondary Factors

- Vehicle outfitted with hidden compartments
- Cutting agents, packaging or other paraphernalia consistent with drug trafficking
- Currency of $1,000 or more
- Currency denomination and packaging
- Drug related criminal history (possession, distribution, etc.)
- Associates with drug related criminal history
- Drug dog alerts to property or containers
- Attempt to mask narcotic odors
- Attempt to conceal property from investigator
- No or inadequate legitimate income or employment history
- Suspicious or evasive behavior
- False, conflicting or incredible statements

8. Use of Police K-9

8.1 All vehicles and currency obtained as a result of the existence of probable cause or a violation of CDS or related laws will be scanned by a member of the K-9 unit, unless the currency is located in close proximity to CDS and therefore it need not be scanned. Results will be documented and incorporated into the officers Call for Service/Incident/Field Arrest Report, as well as into the investigating Detective's Investigative report. A positive K-9 result should not be relied upon as the only probable cause factor.

Section II - Seeking Forfeiture

1. General Procedures for Seeking Forfeiture

1.1 Shift Supervisors shall ensure property or evidence seized or taken into custody by police personnel for the purpose of seeking forfeiture will be handled and processed in accordance with the following procedures:

1.1.1 The On-Call Detective will be contacted for all felony CDS arrests and misdemeanor CDS cases with $1,000 or more in U.S. Currency. The Criminal Investigations Unit will make the determination on any forfeitures and whether to contact a Task Force Officer.

1.1.2 The Duty Officer will notify the Criminal Investigations Unit On-Call Detective via telephone of all traffic stops that do not result in an arrest, but reveal sufficient probable cause to support asset forfeiture.

1.1.3 The Duty Officer shall provide the Criminal Investigations Unit with the following information:

- Name and age of suspect(s) arrested
- Criminal history of: suspect(s) arrested, occupants of vehicle and owner(s) of vehicle
- Type and quantity of contraband seized (CDS, currency, property, etc.) if any
- Type of vehicle (if applicable)
- Vehicle history
- Year, make, model, mileage and condition
- Lien information supplied by the suspect
- Criteria relied on for support of seizure of property or currency/coin

1.2 Within 45 days of seizing property that may be considered for forfeiture, the Commander of the Criminal Investigations Unit or the seizing Detective will ensure written information is sent to the owner, if known, via first-class mail, providing:

1.2.1 Location and description of the seized property;

1.2.2 Name and contact information of the Officer or office that can provide further information concerning the seized property to include information on how the property can be returned, and:

1.2.3 The following statement “Seizure and Forfeiture of property is a legal matter. Nothing in this document may be construed as legal advice. You may wish to consult an attorney concerning this matter.”

1.3 Once a decision is made that the MDTA Police will seek some type of asset forfeiture from a particular case, the Criminal Investigations Unit will forward a copy of the information to the MDTA Assistant Attorney General so that an asset forfeiture file may be started. This may include a copy of the DAG for federal cases or a copy of the report and related paperwork for State level forfeiture cases.

2. Forfeiture of Vehicles

2.1 Vehicles may be subject to asset forfeiture when:

2.1.1 A subject is lawfully arrested for violation of Maryland CDS laws.

2.1.2 A traffic stop is made which does not result in arrest, but reveals sufficient probable cause to support forfeiture.

2.2 The following procedures shall be followed when processing a vehicle meeting the aforementioned forfeiture criteria:

2.2.1 Appropriate photographs will be taken, documenting the contraband and its exact location in the vehicle prior to removal.

2.2.2 Photographs will be taken of all hidden compartments and mechanical mechanisms observed during a search of the vehicle.

2.2.3 Obtain a complete criminal history of suspect(s) arrested, occupants of the vehicle and the registered owner of the vehicle.

2.2.4 Complete a Vehicle Tow/Impound Report.

2.2.5 Complete a Property Report(s).

2.3 All property of value will be recorded on a Property Report. Separate Property Reports will be used for the following:

2.3.1 Personal property available for release to the owner to be maintained at the Detachment up to 30 days.

2.3.2 Property seized as evidence. Evidence to be submitted to MSP Crime Lab will also be recorded on a MSP 67 form as appropriate.

2.4 All vehicles held for possible processing under State or Federal asset forfeiture law will be stored at the arresting Detachment pending disposition by the Criminal Investigations Unit. Vehicles subject to seizure will be removed from the arresting Detachment and taken to a

secure storage location in coordination with the Criminal Investigations Unit. Vehicles held pending investigation for seizure will not be removed or stored by any MDTA permit towing service, unless authorized by a representative of the Criminal Investigations Unit.

3. Forfeiture of Currency

3.1 Currency/coin of $1,000 or more which is found in close proximity to contraband, is subject to forfeiture. If the currency/coin, not found in close proximity and/or accompanied by CDS/CDS arrest will be considered for confiscation if one or more of the following criteria exist:

3.1.1 Segmentation of currency into denominations

3.1.2 Packaging of currency in specific quantities

3.1.3 Currency accompanied by or in close proximity to documentation indicating names, addresses, telephone numbers, pager numbers or codes for distribution

3.1.4 Currency accompanied by CDS paraphernalia (packaging material, scales, etc.)

3.1.5 Currency present in a vehicle containing hidden compartments

3.1.6 Unusually large amount of currency

3.2 Upon the seizure of contraband coin or currency pursuant to the Annotated Code of Maryland, the seizing authority (MDTA Police) will photograph and record the quantity of each denomination of coin or currency seized. The photographs may be substituted for actual evidence in criminal or forfeiture proceedings.

4. Processing of Asset Forfeiture

4.1 A Criminal Investigations Unit representative along with the Assistant Attorney General will process all property held for asset forfeiture within the time frame specified by law.

5. Approval of the Chief of Police

5.1 The prepared asset forfeiture case will be approved for Legal Sufficiency by the Assistant Attorney General prior to being submitted to the Chief of the MDTA Police for his/her approval and signature.

5.2 Once forfeiture has been recommended in writing by the Chief of MDTA Police, his/her office shall forward the entire case file back to the Commander of Special Operations Division.

Section III - Use of Forfeited Assets

1. Forfeited Property/Currency

1.1 All monies received, as part of the Federal Equitable Sharing Agreement shall be maintained in a separate account, which may only be accessed by the Chief of Police.

1.2 As prescribed by the U.S. Department of Justice's Guide to Equitable Sharing of Federally Forfeited Property for State & Local Law Enforcement Agencies or its amendments, all federal audit reports or other federally required reports will be prepared by the Commander of the Budget & Planning Command (who is responsible for tracking all seized/forfeited property and currency) in consultation with the MDTA Division of Finance.

1.3 All reports shall be forwarded to the Chief of Police for his/her signature and subsequent submission to the appropriate federal agencies.

2. Permissible Uses of Forfeited Property/Currency

2.1 Activities determined to enhance future investigations and the support of investigation operations that may result in further seizures and forfeitures (e.g., payments to informants, "buy", "flash" or reward money, the purchase of evidence).

2.2 Law Enforcement Training: The training of investigators and law enforcement support personnel in any area that is necessary to perform official law enforcement duties. Priority consideration should be given to training in:

2.2.1 Asset forfeiture in general (statutory requirements, policies, procedures, case law, etc.)

2.2.2 The Fourth Amendment (search and seizure, probable cause, drafting affidavits, confidential informant reliability, etc.)

2.2.3 Ethics and the National Code of Professional Conduct for Asset Forfeiture

2.2.4 Due Process rights

2.2.5 The U.S. DOJ Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies

2.3 Law Enforcement Equipment and Operations (i.e. purchase of body armor, firearms, radios, cellular phones, computer equipment, patrol vehicles, electronic surveillance equipment, etc.).

2.4 Law Enforcement Facilities and Equipment (i.e. the cost associated with basic and necessary facilities, government furniture, safes, filing cabinets, etc.) that are necessary to perform official law enforcement duties.

3. Prohibited Uses of Forfeited Property/Currency

3.1 Forfeited funds may not be used for any purpose that would constitute an improper use of state law enforcement funds under the laws, rules, regulations and orders of the State of Maryland and Federal Government.

3.2 Federal asset forfeiture funds cannot be used to purchase equipment off of the U.S. Department of Justice's Prohibited Equipment List. To see the current list of prohibited equipment, visit the Department of Justice website at http://www.justice.gov/criminal-afmls/equitable-sharing-program.

4. Requests to Use Asset Forfeiture Funds

4.1 The procurement procedures of the State of Maryland and the Maryland Transportation Authority must be followed for all purchases from the forfeited funds.

4.2 All requests to use asset forfeiture funds must be made through the chain of command.

4.3 Requests to use asset forfeiture funds must include the purpose of the request, description of exactly what the funds will be used for (i.e. type of equipment or training), projected duration of the need for funding, estimated costs, and a Project Manager.

4.4 Requests shall indicate whether or not the funds will be used to obtain Controlled Equipment as specified by the U.S. Department of Justice. To see the current list of Controlled Equipment, visit the Department of Justice website at http://www.justice.gov/criminal-afmls/equitable-sharing-program.

4.4.1 Items listed as "Controlled Equipment" by the Department of Justice require additional documentation and must also be approved by the Department of Justice.

4.5 All requests to use asset forfeiture funds will be forwarded to the Commander of Support Services Division. The Commander of Support Services Division will review the requests for completeness and forward them to the Commander of the Budget & Planning Command for guideline compliance.

4.5.1 If the request does not include necessary information, the request will be returned to the submitting Division Commander with comments addressing the reason(s) for the return.

4.6 The Commander of the Budget & Planning Command will review all submitted requests for guideline compliance with federal and State requirements.

4.7 If the request is in compliance with requirements, the Commander of the Budget & Planning command will forward to the MDTA Division of Finance for review and fund certification.

4.8 After review and fund certification by the MDTA Division of Finance, the request will be reviewed by the MDTA Office of Attorney General for form and legal sufficiency.

4.9 Requests will then be returned to the Commander of Support Services Division with comments regarding compliance and fund availability.

4.10 The Commander of Support Services Division will forward requests to the Chief of Police for consideration.

4.11 All requests shall be approved or disapproved in writing by the Chief of Police.

4.12 All requests will be returned to the Commander of Support Services Division for processing.

4.13 If the request is not approved by the Chief of Police, the request and related reports will be filed by the Budget & Planning Command.

4.14. If the request is approved by the Chief of Police, a Special Order will be issued by the Commander of Support Services Division, assigning the Project Manager to oversee the allocated asset forfeiture funds. A copy of the approved request and Special Order will be sent to the commander of the Budget & Planning Command who will ensure they are properly filed.

4.15 The Project Manager will be responsible for ensuring all asset forfeiture funds are used within State and Federal guidelines, as well as within the scope of the approved project. The Project Manager will send invoices to the Quartermaster Unit as soon as received so that they can be processed and paid.

4.16 The Project Manager will forward copies of supporting documentation (i.e. purchase orders, receipts, invoices, etc.) for all purchases to the Budget & Planning Command.

4.17 The Project Manager will submit quarterly status reports through their chain of command, to the Budget & Planning Command. Reports are due by the 3rd day of the month following the close of each quarter.

4.17.1 The initial report will outline the total amount of asset forfeiture funds allocated to the project, the amount spent during the quarter, and the current balance.

4.17.2 After the initial quarter, each successive quarterly report shall include the total amount of asset forfeiture funds allocated to the project, the balance at the beginning of the quarter, the amount spent during the quarter, and the balance at the end of the quarter.

4.18 The MDTA Police Budget & Grants Manager will ensure that all income coming in to or expenditures from asset forfeiture accounts is recorded on the appropriate ledger.

4.19 The Budget & Grants Manager will prepare a quarterly report for all projects, due to the Chief of Police by the 8th day of the month following the close of each quarter.

4.20 Upon the specified deadline or completion of the project, the Project Manager shall submit a final report through the chain of command to the Budget & Planning Command.

4.20.1 The final report shall include the total amount of asset forfeiture funds allocated to the project and the remaining balance at the end of the project.

4.20.2 The report shall include a synopsis of any issues that arose as well as the results of the project.

4.21 If the project will be delayed beyond the deadline, the Project Manager shall submit a request for an extension to the Budget & Planning Command through the Chain of Command.

4.21.1 A request for an extension shall include the reason for the delay and amount of time needed to complete the project.

4.21.2 If approved, an amended Special Order will be issued indicating the new project deadline.

Chapter 29
Inspectional Services
Directives Manual Revision Date: 02/26/2021

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview.....01

This section describes the purpose, policy, access requirements, definitions, and the Chief's Inspection.

Section II – Line Inspections.....04

This section describes the responsibilities of first-line supervisors and Commanders.

Section III – Staff Inspection Overview.....07

This section describes Staff Inspection and the general requirements for staff inspections.

Section IV – Staff Inspection Process.....08

This section describes the four phases of the staff inspection process.

Chapter 29
Inspectional Services
Directives Manual Revision Date: 02/26/2021

Section I - Overview

1. Purpose

1.1 The purpose of the Maryland Transportation Authority Police Inspection Program is to ensure compliance, conformity and uniformity in the conduct of operations of the Agency, while simultaneously increasing the effectiveness and efficiency with which we manage our resources. It is intended to support the principles of problem-oriented policing by ensuring that proper management controls are in place and working to support the operations of personnel in the field who are in direct contact with the community.

1.2 Inspections are conducted with clear objectives and a positive approach, which provides a means of communication throughout the organization.

2. Policy

2.1 It is the policy of the MDTA Police to maintain an ongoing inspection program of its day-to-day operations to ensure compliance with executive direction as provided by the MDTA Police Chief. Inspections in this regard apply to every level of supervision and management and include line inspections as well as staff inspections.

3. Access

3.1 In order to carry out the mandated responsibility for inspections, all commanders and all supervisors shall provide the Staff Inspection personnel access to all MDTA Police facilities, equipment and records for inspectional purposes.

3.2 All Commanders and all supervisors shall ensure all personnel under their command cooperate with Staff Inspection personnel during the inspection and provide assistance when requested.

4. Definitions

4.1 Informal Inspection - An inspection that is considered routine and should be practiced at every level of command. Informal inspections are most often conducted by the first-line supervisor, to ensure compliance by subordinates with established policies and procedures. Informal inspections, if documented, are done so at the shift level. (Examples of informal inspections include the day to day inspections of personnel, patrol vehicles, and equipment).

4.2 Formal Inspection - An inspection of an organizational component to ascertain compliance with Agency policies and procedures resulting in the submission of a written report to the Chief of Police. An example of formal inspections includes staff inspections conducted by Staff Inspection personnel.

4.3 Line Inspection - Inspections, which seek to exercise control through the processes of observation and review by those directly responsible for a particular function and activity. Line inspections are conducted by those who have the authority to require immediate corrective actions. Line Inspections will, at a minimum, be conducted semi-annually by the Detachment or Unit Commander and retained at the Detachment or Unit level for at least three years for future review by Staff Inspection personnel.

4.4 Staff Inspections - A detailed observation and analysis of Agency components, procedures, and practices designed to inform the Chief of Police about their performance and effectiveness. After the Staff Inspection is complete, the Staff Inspection personnel will submit a written report to the Chief of Police, through channels, following a prescribed format. Staff Inspections are considered to be formal inspections and will always result in a written report to the Chief of Police.

5. Major Organizational Components

5.1 Office of the Chief - to include the following; Public Information Officer and the Security & Emergency Management Unit.

5.2 Administrative Bureau-Internal Affairs Unit

5.3 Patrol Division - to include the following; Central Command Detachment, CVSU (JFK & METRO), Hatem Detachment, Lane Detachment, ICC Detachment, Nice Detachment and Operations Support.

5.4 Special Operations Division - to include the following; BWI/TM Airport Detachment, Port of Baltimore Detachment, and Tactical & Investigations Command.

5.5 Support Services Division - to include the following; Budget and Planning Command (Training Unit, Human Resources Unit and Accreditation).

5.6 Logistics Division - to include the following; Communications Unit, Quartermaster Unit, Central Records Unit and Property & Evidence Unit.

6. Chief's Inspection

6.1 The basis of the Chief's Inspection is to determine whether there are deficiencies at the Detachment or Unit level that may require attention by the Commander and/or his/her staff.

6.2 The Chief has the responsibility and authority to determine the scope of the inspection and when the inspection is completed satisfactorily. This may include the inspection of detachment or unit personnel and vehicles.

6.3 Notification of the inspection time and place along with a list of the affected personnel will be issued by the Office of the Chief, via memorandum to the Detachment or Unit Commander.

6.4 The appropriate Division Commander will be informed of the results of the inspection and whether there are any deficiencies that may require corrective action.

6.5 These inspections will serve as a forum for the Chief of Police to meet with Agency personnel and formally visit each detachment and unit.

Section II - Line Inspections

1. First-Line Supervisor Responsibilities

1.1 Line Inspections should be an ongoing process conducted by those in direct command who have the authority to act or require immediate action of subordinates.

1.2 It is the responsibility of all Commanders, Directors, and supervisors, both sworn and non-sworn, to conduct line inspections. First-line supervisors will perform most line inspections. Supervisors will inspect the physical condition, appearance and grooming of their subordinates and will verify the condition and the accountability of all issued equipment. Supervisors will conduct informal personnel and equipment inspections on a daily basis.

1.3 Formal, documented inspections of personnel and equipment are required at least quarterly. Formal line inspections shall be conducted for the purpose of accountability/correction.

1.4 Results of these inspections will be documented using the Ordnance Inventory Report and Personnel Inspection Report and retained at the Division, Detachment, or Unit level. (Refer to Chapter 11, Uniforms, Equipment & Grooming Standards and the Uniform Regulations Guide)

1.5 Examples of line inspections are:

1.5.1 Uniform, appearance, and equipment inspections will be conducted at least quarterly on a Personnel Inspection Report and vehicles will be inspected monthly on a Vehicle Inspection Report. More frequent inspections will be at the discretion of the supervisor.

1.5.2 Specialized equipment inspections, such as protective body armor and issued handguns will be documented semi-annually on an Ordnance Inventory Report.

1.5.3 Inspection of manuals (including Detachment/Unit SOP’s, Commissioners Manual, etc.).

1.5.4 Other inspections deemed necessary by shift supervisors to support their operations.

1.6 Supervisors are responsible for all corrective action necessary to eliminate deficiencies discovered during line inspections. Counseling, corrective, or disciplinary action should be utilized when appropriate.

2. Commander Responsibilities

2.1 Commanders will conduct semi-annual Formal Line Inspections of their Detachments/Units due during the months of March and September of each year. Using copies of the current Staff Inspection Manual, a commander will perform a self-assessment of his/her facility. Deficiencies noted at the time of the line inspection may be corrected, to eliminate similar findings by the Staff Inspection personnel.

2.2 Semi-annual reports will be written and maintained at the Detachment/Unit for a period of three (3) years and the information used to compile the Annual Report. Commanders will submit an Annual Report, which summarizes the semi-annual reports, to the Budget & Planning Command. All annual reports shall be written on a special report and are due by October 15th.

2.3 Detachment Commanders will conduct a quarterly maintenance/security inspection of their detachment. This inspection will be documented on a Form 152- Maintenance/Security Report. These inspections will focus on evidence/property control, holding facilities, officer safety issues, the identification of maintenance and/or existing security problems, etc. The Commander's primary objective will be the detection of any deficiencies existing at the detachment. If a deficiency is discovered, the Commander must identify the corrective action(s) taken or determine the steps necessary to rectify the situation.

2.4 A copy of this report shall be forwarded to the Budget and Planning Command or saved in RMS. This file will be retained by each Detachment/Unit Commander for three years and will contain all pertinent forms regarding such inspections.

2.5 To ensure uniform reporting and submission procedures by Division, Detachment, or Unit Commanders, the following resources and reports will be used by commanders when documenting formal line inspections:

- MDTA Police Staff Inspection Manual
- Staff Inspection On-Site Summary Report: This report will be used to document the findings from each semi-annual line inspection. The report must include the date of the inspection, the personnel conducting the inspection, which semi-annual line inspection was conducted, the areas inspected (as listed in the Staff Inspection Manual), and the specific question(s) in the MDTA Police Staff Inspection Manual found to be non-compliant.

- Special Report: Used to summarize the semi-annual line inspections into one consolidated annual report. This report must include areas of non-compliance and the corrective action(s) taken throughout the year to maintain compliance. The original copy of the Annual Report will be submitted, through the chain of command, to the Budget & Planning Command according to the reporting schedule presented in sub-section 2.1.

2.6 A copy of the Semi-annual and Annual Formal Line Inspection Reports will be maintained at the Division/ Detachment/Unit level for a period of three (3) years. These reports will be subject to periodic review by the Staff Inspection personnel of the Budget & Planning Command. Only the Special Report explained above must be sent annually to the Budget and Planning Command.

Section III - Staff Inspection Overview

1. Staff Inspection Section

1.1 Staff Inspection is a component of the Budget and Planning Command. The Commander of Budget & Planning Command reports to the Commander of the Support Services Division. Staff Inspection is responsible for providing the Chief of Police information concerning the efficiency and effectiveness of all Agency components.

2. Staff Inspections

2.1 Staff inspections are performed at the direction of the Chief of Police; however, no direct command authority over Agency components being inspected or studied is vested in Staff Inspection personnel. Staff Inspection personnel are authorized complete access to all Agency facilities and records. Sensitive records access will be on a need-to-know basis in connection with assigned inspections and/or special audits directed by the Chief of Police. Questions concerning access requests by Staff Inspection personnel may be directed to the Commander of the Budget and Planning Command.

2.2 All major organizational components, as listed in Section I, Sub-section 5 of this chapter, will be inspected by Staff Inspection personnel at least once every three years.

2.3 Staff Inspection personnel are authorized to direct questions, written or oral, to any employee of an inspected component.

2.4 Staff Inspections will be accomplished through the following:

2.4.1 Scheduled and unscheduled inspections of personnel, facilities, and equipment to determine adherence to care and maintenance standards as described in Agency policies and procedures.

2.4.2 Random review of operations to verify compliance with Agency policies, procedures, and regulations.

2.4.3 Random review of activity reports to ensure reporting is being accomplished in conformance with MDTA Police policies and procedures.

2.4.4 Random observations of files and written reports required by MDTA Police policies and procedures.

2.5 All staff inspections will result in a written report being presented to the Chief of Police. Copies of written reports may be provided to affected Division and Detachment Commanders.

Section IV - Staff Inspection Process

1. Pre-Inspection Phase

1.1 A master inspection schedule for Divisions, Detachments, and Units will be prepared by Staff Inspection and posted on the police intranet page.

2. Inspection Phase

2.1 The inspection phase may incorporate any of the following areas (list of subjects not all-inclusive):

2.1.1 Administration: organization, discipline, commendations, awards, training, work scheduling, payroll records, overtime records, safety records, and other areas determined to be within the scope of inspection.

2.1.2 Facilities: structures, grounds, parking lots, and storage areas.

2.1.3 Files/Systems: files, logs, daily records, computer access, and cash accounts will be inspected for condition, accuracy, and compliance.

2.1.4 Personnel: staffing, position assignments, rotation policies, appearance, motivation, morale, outside employment, work productivity, and quality.

2.1.5 Equipment: vehicles and agency issued equipment will be inspected for care and condition.

2.1.6 Operations: adequacy of staffing, workload, supervision, field reporting, job performance and compliance with established policies and procedures.

2.2 Staff Inspection may work flexible schedules in order to observe all operating units of the division being inspected.

2.3 Upon conclusion of the inspection, the Division, Detachment, or Unit Commander will be provided with a copy of the On-Site Summary Report by the Budget & Planning Command. This will provide the Division, Detachment, or Unit Commander with sufficient information to begin corrective actions if needed, prior to receipt of the formal report through command channels. Staff Inspection personnel will prepare a formal report summarizing both the positive and negative results of the inspection.

3. Post-Inspection Phase

3.1 The original report will be forwarded to the Commander of the Budget and Planning Command. This report will include consolidated comments, tabulated data, and recommendations for improvement. It will also include a copy of the On-Site Summary Report that was previously provided to the Division, Detachment, or Unit Commander.

3.2 The Commander of the Budget and Planning Command will discuss any issues found during the inspection with the Commander of the assessed Division, Detachment, or Unit. Discussion may be done by telephone, e-mail, or meeting.

3.3 During this discussion, the parties will review and discuss the inspection report and the conclusions and recommendations of the inspection team. They will attempt to reach an agreement on the issues needing attention or correction, as well as the most appropriate means of corrective action. The Division, Detachment, or Unit Commander will have no more than thirty days to respond to the Commander of the Budget and Planning Command with documentation on all corrective action taken to remedy any noted deficiencies.

3.4 If agreement cannot be reached on significant or material matters, the Commander of the Budget and Planning Command will arrange a meeting between the parties and the Commander of the Budget and Planning Command. This official will attempt to resolve any remaining disagreements and differences. This review process will continue as needed, to include the Chief of Police, if necessary.

3.5 If, at the conclusion of the review process, agreement has been reached on all points, the Commander of the Budget and Planning Command will summarize the major findings, conclusions, and recommendations of the inspection and post-inspection review on a Special Report. The summary and a copy of the inspection report will be forwarded to the appropriate Division Commander and the Chief of Police.

4. Follow-up Phase

4.1 The Commander of the Budget & Planning Command will present the completed report to the Chief of Police for review and comment. Suggested changes and/or modifications to existing policies and procedures will be evaluated for staffing and finalization.

4.2 Staff Inspection will conduct appropriate unannounced inspections to ensure that corrective action has been completed and agency components remain in compliance.

Chapter 30
Specialized Units
Directives Manual Revision Date: 07/27/2026

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Overview.....01

This section describes the Purpose, Specialized Units/Functions Selection Process, and the Documented Annual Review.

Section II – Office of the Chief.....05

This section describes the Purpose and Activation Criteria for the Media Relations & Community Outreach.

Section III – Special Operations Division.....06

This section describes the Purpose, Activation Criteria, and Minimum Qualifications (if applicable) for the various specialized assignments/units within the Special Operations Division.

Section IV – Patrol Division.....14

This section describes the Purpose, Activation Criteria, and Minimum Qualifications (if applicable) for the various specialized assignments/units within the Patrol Division.

Section V – Administrative Bureau.....21

This section describes the purpose, and activation criteria within the Internal Affairs Unit.

Section VI – Support Services Division.....22

This section describes the Purpose, Activation Criteria, and Minimum Qualifications (if applicable) for the various specialized assignments/units within the Support Services Division.

Section VII – Logistics Division.....30

This section describes the Purpose, Activation Criteria, and Minimum Qualifications (if applicable) for the various specialized assignments/units within the Logistics Division.

Chapter 30
Specialized Units
Directives Manual Revision Date: 07/27/2026

Section I - Overview

1. Purpose

1.1 Specialized assignments and units are created and used to meet specific needs more effectively and efficiently.

1.2 This chapter provides an overview of all specialized units in the MDTA Police. These are not complete operating procedures for the units, but simply the purpose, qualifications, call-in procedures, and selection criteria. More detailed information is available in the Standard Operating Procedure manual for each of these units.

2. Specialized Unit/Function Selection Process

2.1 Documented selection process - Each Unit/Function will enumerate what that Unit/Function selection process is in their Standard Operating Procedure. The process may be “as enumerated in Chapter 30” only, or each unit may add additional requirements and criteria based upon identified operational needs for the position to be filled based upon the training, knowledge, and experience of the Unit/Function.

2.2 Minimum selection process - the minimum selection process for any specialized Unit/Function identified in Chapter 30 will include the following:

2.2.1 Identification of need - The vacancy and the need to staff that position is identified and approved by the affected Division Commander (the home Division of the Unit/Function with the vacancy), or member of Senior Staff as appropriate.

2.2.2 Advertisement - An interest file will be published which will enumerate:

- The title of the position
- Where the position is located within the organizational structure (i.e., Special Operations Division/Tactical Section, Support Services Division/Training Unit).
- Full or Part-time status
- Rank or ranges of ranks eligible for the position.
- Probationary status, time in grade required.
- On-call status.
- Need for flexibility of schedule, if any.
- Documents required to be submitted (i.e., Digital Signature Transfer-Reassignment
- Request Packet, Resumes, Operational Reports, Employee Performance Evaluation).
- The full selection process for that specialized unit to include any steps in addition to an oral board i.e., physical agility tests, home visits, and/or practical scenarios.

- Out-of-state training required pre-or post-selection.
- Post selection probationary period and other similar requirements.
- Due date for all applications.
- Routing for all applications.
- Duration of eligibility list generated.
- Issuance by Division Commander.

2.2.3 Minimum eligibility for Specialized Units/Functions will be:

- Off entry level field training and probation with exception of the Honor Guard Unit.
- Officer II in rank for Officer rank positions.
- Overall satisfactory on last annual Employee Performance Evaluation (EPE).
- No Attendance issues
- Not currently on a performance improvement plan.

2.2.4 Applicants' submissions will be routed via the Chain of Command, through their Division Commander, to the affected Unit/Function Division Commander. The applicant's Chain of Command will provide an endorsement of that applicant to include:

- Does the applicant satisfy the minimum requirements set forth in section 2.2.3 and any additional requirements set forth in the interest file?
- A positive or negative endorsement as to how the candidate's past work history relates to the specialized position.

2.2.5 The selecting Unit/Function Commander will assess each application packet to determine initial eligibility to continue. Any issues with the candidate's initial eligibility will be discussed with the affected Division Commander. The decision to proceed or remove the candidate from the application process will be made by the affected Division Commander. Ineligible candidates will be notified by their Division Commander or designee.

2.2.6 A selection process will be conducted for all positions required to have a selection process regardless of the number of applicants.

2.2.7 At a minimum, an Oral Board will be used to assess applicants. The composition, execution, and grading of performance via an Oral Board will require at a minimum:

- Boards will have a minimum of three members.
- Board membership will include the affected Unit/Function Commander as the board chair whenever possible.
- Preferably, Board members should currently work in the Unit/Function or be former members with experience in that function.
- Board composition will be reviewed and approved by the MDTA Equal Employment Opportunity Office.

- Questions will be the same for all candidates.
- Questions will be relevant to the position.
- Questions will be reviewed and approved by the MDTA Equal Employment Opportunity Office.
- There will be no follow-up questions or coaching of candidates.
- Minimum passing scores and the scoring process will be established prior to the selection process commencing in the Standard Operating Procedure of the Unit/Function.
- The date of the interview will be set by the Unit/Function Commander.
- There will be a Personnel Order issued for the Oral Board.

2.2.8 An Internal Affairs vetting will be conducted by the Unit/Function Commander for the candidates that are eligible for selection. Any issues of concern will be included in a report to the affected Division Commander for their consideration.

2.2.9 Summary report of selection process - Upon completion of the selection process, a Summary Report will be written by the affected Unit/Function Commander to the affected Division Commander via the Chain of Command. This report will provide an overview to include but not limited to:

- A chronological overview of the selection process.
- The performance of the candidates (scores).
- An endorsement of each of the candidates that are eligible for selection.
- A recommended eligibility list ranked by preference of the Unit/Function Commander based upon the totality of the selection process.

2.2.10 Division Commander review - The affected Division Commander will review the Summary Report and:

- Decide if the selection process was conducted within policy.
- Order the process to be redone if the selection process was not conducted within policy.
- Provide a written endorsement of the selection process approving or disapproving of the process and the eligibility list to the affected Unit/Function Commander.
- Publish the eligibility list in a Special Order. (To the affected personnel)

2.2.11 Participant review - Prior to the final eligibility list being published the affected Unit/Function Commander will correspond with the participants and provide opportunity for a review of the process to include:

- The candidate’s scores for all of the parts of the selection process.
- Any feedback from the Oral Board or other assessors if any.

- Participants will not be allowed to review how other candidates performed.
- Participants will not be able to take copies of the selection process with them.

2.3 Transfer of selected personnel to the specialized Unit/Function shall be documented on a Personnel Order in accordance with established Directives.

2.4 Failure of the candidate to successfully complete any post selection requirements established in a Unit/Function SOP may result in the candidate being transferred out of the Unit/Function. Whenever possible, the rejected candidate will be sent back to their detachment of origination. If no vacancy exists at their original detachment, the candidate will be conferred with and an attempt to have them transferred to an agreed detachment with a vacancy will be made. If no such vacancy exists, and no agreement can be made, the candidate may be transferred to a detachment where a vacancy exists based on the needs of the agency as determined by the Chief of Police.

3. Documented Annual Review

3.1 Each Division Commander will review all specialized assignments and units under their commands to determine whether such assignments should be continued. Discretion is to be employed to prevent overspecialization.

3.2 This review will be documented and will be an agenda item at a staff meeting once a year. The review is to provide a listing of the specialized assignments contained within the division and evaluate the initial condition that caused the special assignment to be implemented, the purpose of the assignment, and where necessary or requested a cost analysis of continuing the specialized assignment in question.

Section II - Office of the Chief

1. Media Relations & Community Outreach

1.1 Purpose

1.1.1 The Public Information Officer (PIO) coordinates with the Director of Communications for the Maryland Transportation Authority to distribute authorized information to the media and the public.

1.1.2 The PIO is responsible for the public-information function on behalf of the MDTA Police and serves as the agency contact for information dissemination to the media and the community.

1.1.3 The PIO assists news-media personnel in covering routine agency-police-related news stories, as well as at the scene of serious incidents/collisions.

1.1.4 The PIO is also the agency Community Outreach Coordinator.

1.2 Activation

1.2.1 The Public Information Unit provides coverage on a 24-hour, seven day a week basis. The Public Information Unit provides an on-call schedule to all police personnel identifying the PIO on call.

1.2.2 Detachment Commanders and/or Duty Officers are to inform the PIO on call of any potential newsworthy event or incident.

Section III - Special Operations Division

Tactical & Investigations Command

Tactical Section (1.-6.)

The Tactical Section is comprised of the Special Response Team (SRT), the K-9 Unit, the Marine Unit, the Civil Disturbance Unit (CDU), and the Emergency Operation Services (EOS), which report to the Commander of the Tactical Section. These units provide an enhanced tactical response through highly specialized training.

1. Special Response Team

1.1 Purpose

1.1.1 The Special Response Team (SRT) is comprised of officers that are trained in special weapons and tactics who provide, when requested, support and response to any of, but not limited to, the following situations:

- Active Shooter
- Aircraft Hijackings
- Barricaded Subject
- Dignitary Protection
- Felony Takedown
- High Risk Warrant Service
- Hostage Rescue
- Tactical Perimeter
- Terrorist Threats
- Special Events

1.2 Activation/Call-in Procedures

1.2.1 The Special Response Team is an on-call unit. The Commander of the Tactical Section will be called to deploy the team. The SRT is comprised of full and part time members.

1.3 Certification/Selection Criteria

1.3.1 All applicants must score a 90% or better during annual firearms qualification and on the tactical firearms course, must pass a physical examination, and successfully complete the SRT physical fitness assessment. Applicants must also pass a psychological examination and, within one year of application, successfully complete a Basic SWAT training school recognized by the MPTSC.

1.3.2 All members of the SRT must qualify to MPTSC standards for individually assigned firearms and less lethal weapons systems and re-certify bi-annually on the SRT physical fitness assessment.

2. K-9 Unit

2.1 Purpose

2.1.1 The K-9 Unit is a full-time unit which provides support services to the patrol force. Each K-9 team provides unique and valuable skills in detecting, pursuing and holding a suspect and locating contraband. These teams are available to locate narcotics, persons or explosive devices.

2.2 Activation/Call-in Procedures

2.2.1 If a K-9 Unit is not available through Dispatch, the on-call team and/or supervisor will be notified.

2.3 Certification/Selection Criteria

2.3.1 State Teams (all State-Side narcotics, patrol and explosive ordnance detection teams) require the applicant attend and pass a minimum six-week handler course and be certified with the canine. Once certified, handlers are required to attend and pass one re-certification per year, as well as remain up to date with Caselaw relating to K-9 scans/interdiction.

2.3.2 TSA Teams (explosive ordnance detection teams) require the applicant attend and pass a ten-week handler course given by TSA. Once certified, handlers are required to attend and pass a yearly re-certification through TSA.

3. Marine Unit

3.1 Purpose

3.1.1 The MDTA Police Marine Unit patrols the waterside perimeters of properties that are owned operated, leased or controlled by the Maryland Transportation Authority and the Maryland Port Administration to deter criminal and terrorist activity. The Marine Unit will assist and participate in investigations, events, and operations involving the waterways which are intertwined with the MDTA Police jurisdiction. The Marine Unit will also participate in joint operations with allied law enforcement agencies and other partners in the maritime law enforcement community as directed.

3.2 Activation/Call-in Procedures

3.2.1 The Marine Unit is comprised of both full and part-time members. It is an on-call unit. The on-call operator will be announced by the Commander of the Unit via email. Any request for activation will be made directly to the on-call operator.

3.3 Certification/Selection Criteria

3.3.1 All Boat Operators must complete an entry level training program, an annual in-service program, and satisfy all other laws related to the operation of a marine vessel.

4. Civil Disturbance Unit

4.1 Purpose

4.1.1 The Civil Disturbance Unit (CDU) is comprised of specially trained sworn personnel who are trained, equipped, and available to respond to civil disturbances and mass gatherings in a manner which considers the safety and security of the property impacted, the officers involved, and those that are gathering.

4.2 Activation/Call-in Procedures

4.2.1 The CDU may be comprised of a full-time commander and part-time members. It is not on-call, but will be deployed for unannounced events using a call down list. Any request for a CDU deployment will be made by calling the Commander of the Tactical Section or their designee.

4.3 Certification/Selection Criteria

4.3.1 Applicants must be actively enrolled in the MDTA Police Respiratory Protection Program. They must be able to wear all of the related equipment. They also must be able to march for long periods and be able to perform ordinary job tasks while wearing all CDU equipment.

4.3.2 Members are to successfully complete Level 1 Public Order entry level training as well as annual in-service. Members are to successfully complete CDU annual in-service. Any specialist training must be completed before that member can act in that capacity.

5. Emergency Operation Services

5.1 Purpose

5.1.1 The Emergency Operation Services (EOS) is to coordinate command and control of the agency resources during the critical or complex incidents that require the activations of the Incident Command System (ICS) within the guidelines of Homeland Security Presidential Directives, HSPD-5 (Management of Domestic Incidents) and HSPD-8 (National Preparedness). Additionally, the EOS provides daily support through the unitization and coordination of the mobile communications of localized special events and enforcement initiatives.

5.1.2 Management of specific agency functions within the ICS includes training, staffing, and exercising of the following resources:

- Mobile Command Vehicle (MCV)
- Armored Rescue Vehicle (ARV)
- State Emergency Operations Center (SEOC) at MDEM

5.2 Activation/Call-in Procedures

5.2.1 The EOS is comprised of full and part time members. It is on-call and any requests for the MCV or EOS to deploy are to be made to the Commander of the Tactical Section or their designee via telephone.

5.3 Certification/Selection Criteria

5.3.1 Operators of the MCV/ARV must be able to obtain and retain a Class B Commercial Driver License as well as attend annual in-service training covering set-up/break-down procedures, driving exercises, and the operation of the MCV's/ARV's equipment.

6. Tactical Medical Unit

6.1 Purpose

6.1.1 The Tactical Medical Unit (TMU) through utilization of training, tactics, and discipline, provides appropriate, high quality medical support in accordance with Maryland Tactical Emergency Care Guidelines as set forth in Maryland Medical Protocols.

6.2 Activation/Call-in Procedures

6.2.1 TMU is a part time unit and is on-call. It is activated via notification of the TMU Commander or designee.

6.3 Selection Criteria/ Certification

6.3.1 Members are selected via a competitive selection process. Pre-selection, candidates must hold a current Maryland Emergency Medical Technician or Paramedic Certification. Upon selection, they must successfully complete a nationally recognized Tactical Emergency Medical Services program, and annual training requirements set forth in unit SOP with the goal of progressing through the various levels of care provider. Those interested will be given guidance in obtaining their certification to become eligible to participate in the selection process.

Investigations & Intelligence Section (7.-8.)

7. Criminal Investigations Unit

7.1 Purpose

7.1.1 The Criminal Investigations Unit (CIU) conducts criminal investigations of a certain severity and types, requiring specialized training, knowledge and skills. They do this collaboratively with other elements of the MDTA Police as well as federal, state, and local partners. They also provide training and support to Officers in the field to further the quality of investigations conducted by the whole of the MDTA Police. It is a full-time unit.

7.2 Organization

7.2.1 Major Crimes Squad- Are notified and takes the lead on all serious criminal investigations enumerated in Directives. Additionally, they conduct special investigations as assigned. This squad is on-call.

7.2.2 Narcotics Squad- Interdicts and investigates narcotics activity originating in or affecting MDTA Police jurisdiction. This squad is on-call.

7.2.3 Task Force Officer Squad- Task Force Officers (TFO's) are assigned to various federal, state, and local task forces where a benefit exists for public safety and the agencies involved. TFO's are cross designated with the jurisdiction of the host agency/ agencies as enumerated in memoranda of agreement. They are on-call for the task force they are assigned to. Examples of task forces the MDTA Police has traditionally participated in include but are not limited to:

- Federal Bureau of Investigation- Joint Terrorism Task Force
- High Intensity Drug Trafficking Area Task Force
- Drug Enforcement Administration
- Homeland Security Investigations
- Governor's Strike Force
- Regional Auto Theft Task Force

7.3 Activation/ Call-in Procedures

7.3.1 CIU is a full-time and on-call unit. The on-call investigator is assigned and disseminated to the agency through established procedures.

7.4 Certification/ Selection Criteria

7.4.1 Candidates for CIU must have strong investigative, writing, and verbal communication skills. They must be able to work in a team setting. Candidates will be expected to have demonstrated proficiency as a police officer.

7.4.2 Post selection, candidates must successfully complete both the CIU Field Training Program as well as a 90-day probationary period to be fully selected and earn the title of Detective.

8. Maryland Coordination and Analysis Center Analyst

8.1 Purpose

8.1.1 The MCAC Analyst position functions in support of investigations and intelligence gathering being conducted by the MDTA Police and other agencies. It looks to identify trends, patterns, or any other research requested by the participating agencies.

8.2 Activation/Call-in Procedures

8.2.1 The MCAC Analyst is a full time civilian and is not on-call. Any request for the MCAC analyst is to be made through the Commander of the Criminal Investigations Unit. Requests for assistance from MCAC can be made by any officer through the established process.

Other Specialized Units (9.-11.)

9. Crisis Negotiation Team

9.1 Purpose

9.1.1 The Crisis Negotiation Team (CNT) is to provide specially trained and equipped crisis negotiators to diffuse critical life-threatening situations.

9.2 Activation/Call-in Procedures

9.2.1 The Crisis Negotiation Team is a part time unit and is on-call. If an incident in a detachment's area of responsibility requires the response of the CNT, the Duty Officer will notify the on-call negotiator. Examples of incidents that are appropriate for CNT response include but are not limited to:

- Hostage situation
- Barricaded subject
- Suicide threats
- Aircraft hijackings

9.3 Certification/Selection Criteria

9.3.1 Applicants must pass a competitive selection process to include a psychological evaluation. Additionally, and within one year of acceptance onto the team, they must attend and successfully complete a minimum of forty-hours of crisis negotiations training in a qualified course.

9.3.2 All team members will be required to attend quarterly in-service training.

10. Honor Guard Unit

10.1 Purpose

10.1.1 The Honor Guard Unit represents the MDTA Police at special events and funerals.

10.2 Activation/Call-in Procedures

10.2.1 The Honor Guard is a part time unit and is not on-call. Requests for the Honor Guard are to be forwarded to the Commander of Special Operations Division.

10.3 Certification/Selection Criteria

10.3.1 Applicants must be physically able to execute the maneuvers required by the unit. They may also have to stand for long periods of time.

11. Bicycle Patrol

11.1 Purpose

11.1.1 The purpose of the Bicycle Patrol is to patrol areas that normal foot patrol or patrol vehicles are not able to patrol. This includes bike paths and crowded areas/special events. Their duties also include responsibilities that of the normal patrol function with an emphasis on rapid deployment, high visibility, or low visibility to find criminal activity in areas such as the BWI parking garages, crime prevention, public events (Tunnel Run, Bay Bridge Run), recruitment activities and customer relations.

11.1.2 The agency will utilize the Bicycle Patrol members at Baltimore/Washington International Thurgood Marshall Airport (BWI/TM Airport), the Inner-County Connector and other locations as needed to supplement the fleet of patrol vehicles in conducting routine and directed patrol activities, and to participate in special events.

11.2 Activation/Call-in Procedures

11.2.1 The Bicycle Patrol is not staffed 24/7. Sworn personnel are, however, subject to being detailed out and/or called in as needed to meet the overall needs of the agency.

11.3 Certification/Selection Criteria

11.3.1 Bicycle operators must be in excellent physical condition with a high level of stamina and endurance.

11.3.2 Bicycle operators must successfully pass initial basic bicycle training given by the Bike Patrol Coordinator and/or Assistant Coordinator.

11.3.3 Bicycle operators must also attend and successfully pass a basic police cyclist course sanctioned by a nationally recognized police cyclist organization, such as the International Police Mountain Biking Association (IPMBA) and/or the Law Enforcement Bicycle Association, Inc (LEBA).

11.3.4 Bicycle operators will be required to attend a one-day refresher course semi-annually, emphasizing MDTA Police procedures and practical aspects of police cyclist operations.

Section IV - Patrol Division

Patrol Services Command

1. Traffic Safety Section

1.1 Purpose

1.1.1 The Traffic Safety Section is comprised of the Visibility Integrity Prevention Education Recovery Team (VIPER), Collision Reconstruction Unit, Alcohol Chemical Enforcement Team (ACE), Motors Unit, DRE/CTAU, Electronic Enforcement Unit, and sUAS Team. This section concentrates on traffic enforcement efforts with a goal of making MDTA roadways safer.

2. Visibility Integrity Prevention Education Recovery (VIPER) Team

2.1 Purpose

2.1.1 The purpose of the VIPER Team is to enforce Maryland's criminal and traffic laws targeting the most serious of offenders. It is a dual-purpose unit concentrating on the smuggling of all illicit contraband, currency and weapons, as well as proactive traffic enforcement on the properties owned and operated by the Maryland Transportation Authority.

2.2 Activation

2.2.1 The Viper Team is a full-time unit. Additional Selection Criteria/Certification Requirements are listed below.

2.2.2 The Unit will be staffed by uniformed officers who have previously distinguished themselves in their enforcement activities. In addition, the officers must be certified in the following areas:

- Preliminary Breath Testing
- Standardized Field Sobriety Testing
- Speed Detection Device Enforcement
- Traffic Safety Specialist - Designation I

3. Collision Reconstruction Unit (CRU)

3.1 Purpose

3.1.1 To provide a thorough examination of all elements contributing to a collision, which results in a well-founded explanation of the series of events that occurred, based upon the factual data. The CRU may be utilized to assist other agencies after the request is processed through the Commander of the Patrol Division. The CRU can also be utilized in mapping or drawing a crime scene for other types of investigations.

3.2 Activation/Call-in Procedures

3.2.1 The CRU is comprised of a full-time commander and part time members. CRU members rotate being on-call on a monthly basis. When assigned to be on-call, CRU members are to be available 24 hours a day to respond to any incident that requires further investigation into a collision and as deemed necessary by the CRU Commander.

3.2.2 The Commander of the Traffic Safety Section will be notified, will respond, and will coordinate CRU response to (but not limited to) the following collisions:

- Fatality.
- Serious personal injuries.
- Circumstances warranting a more in-depth investigation, as determined by the shift supervisor or on-scene commander, i.e., a collision that results in a hazardous material spill and results in an evacuation.
- State vehicles involved in serious collisions.
- Assist other agencies.

3.2.3 The Commander of Traffic Safety Section must be notified and will determine the necessity of a CRU response for the following types of collisions:

- MEDEVAC fly outs
- Departmental collisions
- Bus or motor coach (government or privately owned)
- When the vehicle operator claims a vehicle malfunction (i.e., brakes, steering, tire problems).

3.2.4 Once the need for a Reconstructionist has been established, vehicles and evidence shall not be moved until after consultation with and approval from the on-call Reconstructionist. Exceptions: When injuries require the vehicle(s) to be moved to remove and/or care for the injured.

3.2.5 Additional Selection Criteria/Certification Requirements

3.2.5.1 Applicants for CRU must possess excellent math, science, and investigative skills. New members of CRU will be required to attend and successfully complete specialized training.

1. Level 1 Collision Investigation School (Advanced Collision Investigation). Two weeks (80 hours) of specialized training in the areas of photography, marking scenes, field sketches, scale diagrams, and the collection / preservation of evidence, in the connection with motor vehicle collision.

2. To become a certified Reconstructionist, members will have to attend additional technical training.

4. Alcohol Chemical Enforcement Team (ACE)

4.1 Purpose

4.1.1 The ACE Team is responsible for aggressive enforcement related to impaired drivers and providing resources to detachments when needed.

4.2 Activation Procedures

4.2.1 The ACE Team is a full-time unit.

4.2.2 The Unit will be staffed by uniformed officers who have previously distinguished themselves in their enforcement activities. In addition, the officers must be certified in the following areas:

- Preliminary Breath Testing
- Standardized Field Sobriety Testing
- Speed Detection Device Enforcement
- Advanced Roadside Impaired Driving Enforcement
- Traffic Safety Specialist - Designation I

5. Motors Unit

5.1 Purpose

5.1.1 The Motors Unit, also known as the Traffic Team, is responsible for aggressive enforcement of motor vehicle violations, providing escorts for special events, and assisting with traffic management incidents.

5.2 Activation/Call-in Procedures

5.2.1 The Motors Unit is a full-time unit and is on call. Additional Selection Criteria/Certification Requirements:

- Motorcycle Operators must attend and successfully pass an eighty-hour Basic Police Motorcycle Operator Course.
- Once certified, members must attend and successfully complete an annual in-service program.
- Preliminary Breath Testing
- Standardized Field Sobriety Testing
- Speed Detection Device Enforcement

6. DRE/CTAU

The DRE/CTAU assist operations with drug evaluations and chemical test for alcohol.

6.1 DRE Purpose

6.1.1 A DRE is able to perform an evaluation on a suspect arrested for driving while under the influence of drugs and can determine, with a high degree of accuracy, the category of drug(s) causing the impairment. The DRE is then able to provide expert testimony in court, supporting the prosecution of the suspect. A DRE also has the authority to order the suspect to submit to a blood test to determine the drug or controlled dangerous substance content of their blood.

6.2 DRE - Activation/Call-in Procedures

6.2.1 The DRE Unit has a full-time commander and part-time members. When there is probable cause to believe that a person has been operating a vehicle while under the influence of drug(s) a DRE should be contacted. Although not all inclusive, the following are examples of incidents in which a DRE could be utilized:

- A person arrested for driving while intoxicated with a breath alcohol content below .07 BrAC whose impairment is inconsistent with the breath test results.
- Any collision in which an operator is also arrested for CDS possession.
- When a CDS arrest is made and an officer has reason to believe that the operator of the vehicle has been using the substance found.

6.2.2 The arresting officer should obtain an Intoximeter breath sample prior to the drug evaluation. However, in very rare instances a preliminary breath test is adequate when an Intoximeter is not available, or circumstances will not allow the administration of an Intoximeter test. The arresting officer should be cognizant of the fact that there is a four-hour time limit in which the DRE must conduct the evaluation and obtain a blood sample.

6.2.3 The DRE Unit is an on-call unit. When the Officer or Shift Supervisor has determined a DRE is needed, the Shift Supervisor shall notify the on-call DRE. In the event the on-call DRE cannot respond or there is no response, they will contact the Commander of DRE Unit.

6.3 DRE - Qualification/Certification Requirements:

6.3.1 Personnel must have successfully completed the course on Standardized Field Sobriety Tests prior to application into the DRE Program.

6.3.2 Once accepted into the DRE Program applicant must attend and successfully complete an 80-hour DRE school.

6.4 CTAU Purpose

6.4.1 The MDTA Police participates in the chemical test program administered by the Maryland State Police (MSP) in order to expedite the processing of drunk and drugged driving arrests. Participation in this program and maintaining chemical test equipment requires numerous administrative duties and frequent reporting to the State Toxicologist of the Chief Medical Examiner's Office and the MSP.

6.5 CTAU - Activation Procedures

6.5.1 The CTAU has a full-time commander and part time members. Personnel in the CTAU are available at various times according to their assigned detachment schedule.

6.6 CTAU - Qualification/Certification Requirements:

6.6.1 Members of CTAU must attend and successfully pass a five-day Basic Intoximeter Operator Course through the Maryland State Police (MSP) upon initial acceptance into the unit and successfully complete annual re-certification.

7. Electronic Enforcement Unit (EEU)

7.1 Purpose

7.1.1 The Electronic Enforcement Unit utilizes cutting edge technology to accomplish the agency's mission. It is deployed to assist in criminal and traffic law enforcement to various detachments and where directed. This unit also coordinates speed camera enforcement, toll violation certification process, and leads in assisting the MDTA with the investigation of fraud related to toll violations.

7.2 Activation/Call-in Procedures

7.2.1 The EEU is a full-time unit. The EEU is not an on-call unit. Any need for their assistance is to be made by calling the unit commander.

7.3 Certification/Selection Criteria

7.3.1 Candidates for the EEU must be comfortable using new technologies in addition to being proactive in their efforts prior to applying.

8. sUAS Team (Drone)

8.1 Purpose

8.1.1 Certified pilots assist CRU members on collision scenes. Any other request within the agency will be processed through the Commander of the team. The sUAS Team can be utilized to assist allied agencies after the request is processed through the Commander of Patrol Division.

8.2 Activation/Call-in Procedures

8.2.1 The sUAS Team is a part-time unit and is on call.

8.2.2 The team will be currently staffed with members from CRU. In addition, the officers must be certified by:

- Obtaining a pilot certification through Federal Aviation Administration
- Recertify every two years
- Attend Monthly In-Service training

9. Commercial Vehicle Safety Unit

9.1 Purpose

9.1.1 The objective of the MDTA Police Commercial Vehicle Safety Unit (CVSU) is to reduce the number and severity of collisions and hazardous materials incidents caused by and/or involving commercial motor vehicles. This objective is accomplished by actively performing commercial motor vehicle (CMV) inspections and weighing to identify those vehicles and drivers not in compliance with Federal Motor Carrier Safety regulations, Hazardous Material (HAZMAT) regulations as well as State laws and regulations. When vehicles and/or drivers are found to be in violation of these standards, appropriate enforcement action is taken to ensure that deficiencies are corrected and the vehicle and/or driver is brought into compliance with those regulatory standards.

9.2 Activation/Call-In Procedures

9.2.1 Positions within CVSU are full-time. CVSU shall be called for:

- Fatal or serious injury collisions involving commercial motor vehicles
- Multiple vehicle collisions involving commercial motor vehicles
- Collisions involving a commercial motor vehicle(s) transporting hazardous material
- Overturned commercial motor vehicles
- Collisions involving commercial motor vehicles that claim a vehicle malfunction (i.e., brakes failed, load shift)

9.3 Certification/Selection Criteria

9.3.1 To become certified, CVSU personnel must complete the North American Standard Level One Inspection Course.

9.3.2 After certification in the Level One Inspection Course personnel may also complete certification in one or more of the following courses:

- General roadside HAZMAT inspection
- Motor coach inspection
- Bulk Cargo inspection
- Cargo tank inspection

Section V - Administrative Bureau

1. Internal Affairs Unit (IAU)

1.1 Purpose

1.1.1 The IAU reviews all complaints and disciplinary action against agency personnel.

1.2 Activation

1.2.1 The IAU will be contacted for the incidents involving sworn personnel as listed in Chapter 10, Section II, Sub-Section 4.

1.2.2 If there is any doubt, the Duty Officer may contact the Commander of the IAU for clarification or advice. The Commander of the IAU will assign personnel to respond if the incident warrants this action.

Section VI - Support Services Division

1. Personnel Command

1.1 Purpose

1.1.1 Personnel Command is responsible for overseeing the agency training, promotional testing, and conducts planning and research for special projects as directed by the Chief of Police. The Command is comprised of Personnel and Recruitment Services and the Training Unit, in addition to other sub-units that fall under them.

2. Training Unit

2.1 Purpose

2.1.1 The Training Unit provides entrance level training as required by the Maryland Police Training & Standards Commission (MPTSC) as well as annual in-service training and various specialized training to incumbent personnel.

2.1.2 In addition, the Training Unit identifies training opportunities consistent with the development of MDTA Police personnel and manages all training and travel requests,.

2.1.3 The Training Unit is comprised of both full time and part time positions.

2.2 Activation

2.2.1 The Training Unit is not staffed 24/7. Sworn personnel within the Unit are, however, subject to being detailed out and called in as needed to meet the overall needs of the agency.

2.3 Qualification/Certification Requirements

2.3.1 Specialized positions within the Training Unit require additional certification after receiving MPTSC Instructor Certification (i.e., Range Instructor, First Aid Instructor).

3. Personnel and Recruitment Services

3.1 Purpose

3.1.1 Personnel and Recruitment Services is responsible for overseeing the promotional testing, managing personnel, assisting with benefit coordination with the MDTA Office of Human Resources and Workforce Development, and conducting planning and research for

special projects as directed by the Administrative Bureau Chief. The Command is comprised of the Recruitment Section, Health and Wellness Unit, in addition to other sub-units that fall under them.

4. Recruitment Section

4.1 Purpose

4.1.1 The Recruitment Section facilitates a program that attracts and selects qualified applicants to be employed with the MDTA Police. The sworn ranks should be similar in demographic composition to the State of Maryland.

4.2 Activation

4.2.1 The Recruitment Section is not staffed 24/7. Sworn personnel within the Section are, however, subject to being detailed out and called in as needed to meet the overall needs of the agency.

4.3 Qualification/Certification Requirements:

4.3.1 Candidates for the Recruitment Section are to be knowledgeable in personnel matters, especially equal employment opportunity issues as it affects the management and operations of the MDTA Police.

4.3.2 Newly assigned recruiters shall undergo a training program that provides knowledge and skills in the following areas:

- The MDTA Police recruitment needs and commitments
- MDTA Police career opportunities, salaries, benefits, and training
- Federal and State compliance guidelines
- The community and its needs (including demographics, community organizations, and educational institutions)
- Cultural awareness, or an understanding of different ethnic groups and subcultures
- Techniques of informal record keeping systems for candidate tracking
- The selection process used by the MDTA Police in conjunction with the Office of Human Resources and Workforce Development (including procedures involved in conducting background investigations and written, oral, or physical agility examinations)
- Recruitment programs of other jurisdictions
- Characteristics that disqualify candidates
- Medical requirements, to include the provisions of the Americans with Disabilities Act

4.3.3 Part-time recruiters will be coordinated by the Recruitment Commander in regard to training and details.

5. Polygraph Team

5.1 Purpose

5.1.1 Polygraph Examiners provide polygraph examinations for all Divisions within the MDTA Police and other agencies as needed in an effort to develop and verify information and establish the facts in a given case.

5.2 Activation:

5.2.1 Personnel are available at various times according to their assigned detachment schedule.

5.3 Qualification/Certifications:

5.3.1 Has demonstrated proficiency in interviewing and interrogation techniques.

5.3.2 Has previously demonstrated a high degree of integrity and the ability to maintain confidentiality.

6. Health and Wellness Unit

6.1 Purpose

6.1.1 The Health and Wellness Unit provides an opportunity for properly trained peers to help their fellow employees by providing emotional and moral support and counseling following incidents or situations, in which the employee was involved, on-duty or off-duty and either directly or indirectly. The Health and Wellness Unit provides resources and assistance to any employee dealing with mental, financial, family matters and any other situations. The Health and Wellness Unit also has the responsibility of the Chaplain Program and the Peer Support Team.

6.2 Activation

6.2.1 The Health and Wellness Unit is a full-time unit, and its members are subject to 24-hour call out. The unit consists of sworn officers, chaplains, licensed clinician and the CISM Team. The Health and Wellness Unit is responsible upon request to dispatch those specific team members when needed.

6.2.2 Below is a listing of incidents, not all inclusive, which could require any member of the Health and Wellness Unit to be called out (i.e. Chaplains, Peer Support members):

- Serious injury/death of co-worker,
- Suicide of co-worker,
- Mass casualty events,
- Incidents in which victim(s) is seriously injured or killed, catastrophic events
- An event that may adversely affect a member's employment.

6.2.3 The Health and Wellness Unit will offer officer safety, wellness, and resiliency programs for all members via multiple platforms such as videos, roll call training, specialized training, informers, and after-hours programs.

6.2.4 The Health and Wellness Unit maintains confidentiality, including the identity of the member seeking assistance. Unit members are only required to report criminal activity and to take appropriate action in response to suspected danger to self or others, including when appropriate to seek an emergency petition for medical services.

6.3 Unit Selection

6.3.1 The Unit shall be composed of trustworthy sworn personnel.

6.3.2 Members must be in non-probationary status and in good standing with MDTA.

6.3.3 All members meeting the requirements must appear before and receive a favorable rating from an Oral Board composed of members from the Health and Wellness Unit.

6.3.4 Individuals selected through this process shall be offered training after they have agreed to and signed a confidentiality agreement.

6.3.5 Individuals selected must complete all sanctioned training courses offered through the agency for the unit.

6.3.6 The agency and unit members must agree to actively protect confidentiality in order to sustain program viability.

6.3.7 Members shall ensure agency members understand all conversations and sessions are strictly confidential.

6.3.8 Allegations of unit member confidentiality violations, to include the divulgence of sensitive information, during/after the member's tenure with the unit, shall result in the immediate suspension of the member's operational status as a unit member until the issue has been resolved and/or potential administrative action taken.

6.4 Training

6.4.1 All training shall be provided by recognized professional organizations and individuals working in the appropriate field of study.

6.4.2 All training shall consist of a basic course conducted by recognized instructors and approved by the MDTA Police.

6.4.3 Unit meetings and training updates shall be conducted on a quarterly basis.

7. Chaplain Program

7.1 Purpose

7.1.1 Police officers need, at times, to express their issues and concerns with someone who understands the circumstances surrounding their duties. Police Chaplains can listen to these problems with empathy, advise calmly, and offer assistance when appropriate, while remaining detached enough to remain emotionally neutral. The police officer is confronted with situations that may demoralize and/or create emotional, mental, and spiritual burdens.

7.1.2 All members of the MDTA Police Chaplain program, although they may be of different faiths, shall be non-denominational whenever they serve members of the police agency. Police Chaplains are available to minister to people regardless of their spiritual beliefs.

7.1.3 The MDTA Police recognizes that society in general often acts in accordance with spiritual beliefs and previous religious training. Therefore, the agency will solicit the service of local clergy members or other specifically trained individuals, from various faiths, who wish to volunteer their time to the agency in forming and maintaining a Police Chaplain Program.

7.1.4 The Chaplain Program shall provide the services of a Chaplain on a 24-hour, seven-day a week basis. At the request of an agency member, a Chaplain shall be called out to bring comfort and consolation to persons involved in collisions, natural catastrophes, or confronted with death and all other situations where the services of a Chaplain may be necessary.

7.2 Activation/Call-in Procedures

7.2.1 Shift/Incident Supervisors are encouraged to request a Police Chaplain at critical incident scenes when assessing manpower and support needs. Critical incidents include, but are not limited to:

- Suicides/Attempted Suicides
- Police Shootings
- Disasters, i.e., airplane crashes, explosions
- Mass casualty incidents critical or fatal injuries
- Serious automobile collisions involving critical or fatal injuries

7.2.2 Shift/Incident Supervisors should also consider the use of Police Chaplains in post-incident situations to assist officers in dealing with stress and emotional reactions.

7.2.3 Shift/Incident Supervisors may request Police Chaplains to respond to an incident scene, command post, or Detachment by contacting the Chaplain assigned to their detachment.

7.2.4 Supervisors are encouraged to request a Police Chaplain to assist with notifications to next of kin. Police Chaplains are available to assist in making notifications in regard to death and seriously injured or ill persons whose death may be imminent.

7.2.5 Supervisors are encouraged to notify the detachment assigned Chaplain whenever an officer receives any type of significant injury (shootings, assaults, etc.).

7.2.6 There will be times when the detachment assigned Chaplain will be unable to respond immediately when called. In such a situation, the next closest Chaplain to the detachment is to be contacted (see the Chaplain Roster on the MDTA Police Intranet page for a listing of available Chaplains)

7.3 Qualifications

7.3.1 A candidate must be ecclesiastically certified, in good standing, and endorsed for the Police Chaplaincy by the candidate's appropriate ecclesiastical body.

7.3.2 An Auxiliary Chaplain may serve without ecclesiastical certification provided they have received and passed a certified Police Chaplaincy Training Program.

7.3.3 A candidate must function effectively within a pluralistic religious setting, providing and coordinating provisions for meeting the spiritual and personal needs of all personnel.

7.3.4 A candidate must be a citizen of the United States of America and is subject to a background investigation. Any information developed that could bring the MDTA Police or Chaplain Program into disrepute will be grounds for rejection of application.

7.3.5 It is desirable that a candidate resides within close proximity of the Detachment/Division to which they are assigned, in order to be able to properly carry out the duties of a Chaplain.

7.3.6 A candidate must meet physical, emotional, and mental demands necessary to function as an effective police Chaplain.

7.3.7 All candidates will be asked to make a full commitment to the MDTA Police Chaplain Program and may be asked to give up any other commitments they may already have with other police agencies.

8. Peer Support Team

8.1 Purpose

8.1.1 The Peer Support team provides specially trained employees of the MDTA Police to be available to respond to the scene of a critical incident or other situations involving employees who may be experiencing severe stress, to evaluate the needs of the affected employees, to provide personal peer support and assistance when requested, and to facilitate critical incident debriefings.

8.2 Activation

8.2.1 The Peer Support team is not a full-time unit, and its members are subject to 24-hour call out. If an incident requires the use of the Peer Support Team, a request must be made to the Peer Support Team Coordinator or their designee.

8.3 Qualification

8.3.1 All applicants must have completed probation and have a minimum of three years of experience in their perspective field (sworn and civilian). Candidates should be well adjusted in both their personal and professional environments. They should have a sincere desire to assist their fellow employees and be willing to respect and maintain confidentiality.

8.3.2 The Peer Support coordinator will coordinate with therapists (licensed clinicians) when requested matters are warranted.

9. Administrative & Financial Services Command

9.1 Purpose

9.1.1 Administrative & Financial Services Command is responsible for overseeing the agency's budget, accreditation, human resources and payroll, and updating policies and agency forms. The Command is comprised of Policy Development & Accreditation, and other administrative functions.

10. Accreditation & Policy Development Section

10.1 Purpose

10.1.1 The Accreditation & Policy Development Section is responsible for the Agency's CALEA Accreditation and Staff Inspections, maintaining the Directives Manual, MPTSC Manual, Uniform Regulations Guide, PowerDMS, Seniority Roster, Intranet page and forms management.

10.2 Activation

10.2.1 The Accreditation & Policy Development Section is not staffed 24/7. Sworn personnel within the Section are, however, subject to being detailed out and called in as needed to meet the overall needs of the agency.

10.3 Qualification/Certification Requirements

10.3.1 Specialized positions within the Section require accreditation training within one year of assignment.

Section VII - Logistics Division

The Logistics Division is comprised of Management Services Command, Technical Services Command, and Communications Command.

1. Management Services Command (1.-4.)

1.1 Purpose

1.1.1 Management Services Command is responsible to oversee the Property and Evidence Unit, Quartermaster Unit, Security and Emergency Management Unit, and the Facilities Section.

2. Property and Evidence Unit

2.1 Purpose

2.1.1 The Property and Evidence Unit (P&E) provides administrative and logistical support to the agency through the accepting, managing, and disposing of all property and evidence which comes into the possession of the MDTA Police with a goal of satisfying all related laws and successfully supporting all investigations through successful prosecution and any potential appeal.

2.2 Activation/Call-in Procedures

2.2.1 The Property and Evidence Unitwill respond for a significant incident which requires the processing of difficult or inordinate amounts of evidence or property. Activation after normal business hours will be done via the on-call roster.

2.3 Certification/Selection Criteria

2.3.1 Applicants for this position must have a strong background in proficient handling of property and evidence and must have strong writing skills.

3.Quartermaster Unit

3.1 Purpose

3.1.1 The Quartermaster Unit’s mission is to research, identify, and provide the finest equipment, supplies, reference materials, and uniforms to ensure that police personnel possess the tools needed to effectively, safely, and professionally perform their law enforcement functions. The Unit is responsible for inventory control, accounts payable, and purchasing.

3.2 Activation/Call-in Procedures

3.2.1 The Quartermaster Unit is comprised of both sworn and civilian personnel. The unit is not staffed 24/7, however sworn personnel are subject to being detailed out and/or called in as needed to meet the overall needs of the agency.

4. Technical Services Command (5.-6.)

4.1 Purpose

4.1.1 Technical Services Command is comprised of the Warrant Control Section, Information Technology Law Enforcement Unit, Central Records Unit, the Electronics Section, and the Fleet Coordinator.

5. Information Technology Law Enforcement (ITLE) Unit

5.1 Purpose

5.1.1 The Information Technology Law Enforcement Unit works in cooperation with the MDTA Division of Information Technology to maintain programs involving computers and other police technology.

5.2 Activation/Call-in Procedures

5.2.1 The ITLE Unit is staffed by sworn personnel. The positions are not a 24/7 position; however, sworn personnel are subject to being detailed out and/or called in as needed to meet the overall needs of the agency.

6. Fleet Coordinator

6.1 Purpose

6.1.1 The Fleet Coordinator manages, assigns, and coordinates maintenance for MDTA Police vehicles.

6.2 Activation/Call-in Procedures

6.2.1 The Fleet Unit Coordinator is staffed by one sworn person who works in coordination with MDTA Fleet. The position is not a 24/7 position however sworn personnel are subject to being detailed out and/or called in as needed to meet the overall needs of the agency.

7. Communications Command

7.1 Purpose

7.1.1 The Communications Command is comprised of the BWI Communications Commander, the Metro Communications Commander, and the Quality Assurance Section.

7.1.2 The Communication Centers manage radio (mobile and portable) and telephone communications, providing 24-hour coverage for police services and MDTA Operations personnel when necessary.

7.2 Activation/Call-in Procedures

7.2.1 Led by a Director, Communications Command is staffed by sworn, and civilian personnel. Personnel are subject to being detailed out and/or called in as needed to meet the overall needs of the agency.

7.3 Qualification

7.3.1 Applicants must have some understanding of dispatch (police and fire) and successfully complete the Emergency Dispatch through Priority Dispatch upon selection. If selected for the Quality Assurance officer, the EMD-Q class must also be successfully completed through Priority Dispatch.

Chapter 31
Employee Awards & Promotions
Directives Manual Revision Date: 11/01/2024

TABLE OF CONTENTS

SECTION **PAGE**

Section I – Promotions Overview.....01

This section describes the promotions policy and the MDTA Police and MDTA Human Resources responsibilities in the promotions process.

Section II – Promotional Process.....03

This section describes the eligibility requirements, seniority, application for testing, required testing, the scoring procedure, the final selection process, appointments, examination review, the appeal process, and lateral entry.

Section III – Employee Awards Overview.....09

This section describes the policy, eligibility requirements, the criteria, and the presentation of awards.

Section IV – Nominations for Awards.....12

This section describes the time limitations, eligibility, and nomination procedures.

Section V – Awards Committee.....13

This section describes the composition of and procedures for the Awards Committee.

Section VI – Awards.....16

This section describes the available awards, their appearance, and the criteria for awarding them.

Section VII – Display of Awards.....29

This section describes the uniforms that awards can be displayed on, how to display them on the commendation bar, the order of precedence, and the policy for wearing awards from other agencies.

Section VIII – Order of Precedence.....31

This section shows award images and the order of precedence examples.

Chapter 31
Employee Awards & Promotions
Directives Manual Revision Date: 11/01/2024

Section I - Promotions Overview

1. Policy

1.1 Promotion selection begins with the identification of personnel who have demonstrated the potential for assuming greater responsibility and who have the skills, knowledge and abilities to perform at a higher level. The selection procedures used in the promotional process are based upon the written job analysis of all sworn positions, which are on file in the MDTA Human Resources Recruitment and Examinations Unit. The selection process may include annual evaluations, written testing, structured resume for the rating of training and experience, oral interviews, and assessment centers.

1.2 The MDTA Police provides an equal opportunity for all sworn members to be considered for promotion based upon components and procedures tailored to meet the needs of the MDTA Police and which are job related and non-discriminatory. Annually, the Commander of Personnel & Recruitment Services will review the promotional process.

1.3 The Commander of Personnel Command is responsible for the promotional process. The Commander of Personnel & Recruitment Services, has the responsibility and authority for preparing, scheduling, and monitoring the promotional process and examinations. To maintain the integrity of the promotional process, the responsibility for each component of the process must be clearly delineated.

2. MDTA Police Responsibilities

2.1 Selection of promotional testing dates and location sites.

2.2 Publishing promotional testing announcements and distributing to all eligible personnel.

2.3 Creating a diverse Subject Matter Expert (SME) Committee to ensure the promotional process is fair and accurately reflects the position for which the candidate is being tested.

2.4 Reviewing promotional test questions for applicability to the promotional position for which the candidate is being tested.

2.5 Scheduling assessors to serve on oral interview boards, resume boards, and assessment centers, as well as scheduling promotional oral interview boards and assessment centers.

2.6 Disseminating testing instructions to candidates.

2.7 Receiving completed resumes. (1st Sergeant/Lt)

2.8 Providing notification of individual promotional test scores to all participants stating:

- Raw score for each phase
- Promotional Score
- Ranking

3. MDTA Police Personnel & Recruitment Services Responsibilities

3.1 Selecting the promotional test questions and preparing the test.

3.2 Administration of the promotional test.

3.3 Grading of the promotional tests and verifying test scores.

3.4 Compiling promotional eligibility lists.

3.5 Maintaining test material and all other material relating to promotions in a confidential manner and for maintaining such material in a locked file when not in use.

Section II - Promotional Process

1. Eligibility

1.1 Eligibility for the promotional process for each rank is as follows:

1.1.1 Corporal - must have completed at least 12 months in grade as an Officer II at the time of the written test.

1.1.2 Sergeant - must have completed at least 12 months in grade as a Corporal at the time of the written test.

1.1.3 1st Sergeant - must have completed at least 6 months in their current rank at the close of the filing date. However, personnel will not be eligible for promotion until they have completed 12 months in their current rank.

1.1.4 Lieutenant - there is no time in grade requirement for 1st Sergeants to participate in the testing process. However, personnel will not be eligible for promotion until they have successfully completed their 6-month probationary period in their current rank.

1.2 A current overall “Satisfactory” on their Employee Performance Evaluation is required for an employee to be eligible to participate in the promotional process. Anyone not receiving a “Satisfactory” will not be eligible to participate in the promotional process. Supervisor’s must ensure a “Satisfactory” score was received before forwarding a Special Report indicating a desire to participate in the promotional process.

1.3 Lateral entrants must meet the requirements in TSHRS policy, successfully complete probationary period, and complete a minimum of two (2) years as an MDTA Police Officer II at the time of the written test to be eligible for participation in the promotional process.

2. Application for Testing

2.1 A Special Order will be published no later than sixty days prior to the scheduled written examination announcing the test date, time and location. The steps involved in the testing process will also be listed. The order will list the study materials from which questions may be taken for the written test. This order will be distributed via Power DMS.

2.2 A Special Order will be published providing instructions for the completion of a structured resume (1st Sergeant/Lt) and the dates by which the structured resume must be submitted.

2.3 A Special Order will be published listing the dates, time frames and study materials for oral interviews. The order will be distributed via Power DMS. No alternative testing dates will be available.

2.4 No later than thirty days prior to the test, all eligible personnel will complete the promotional process interest survey distributed via PoliceOne. Anyone who applies for testing after the specified time frame will not be considered. If an officer was on annual or sick leave during the deadline process, the Commander of Personnel Command may make an exception, upon review of the documentation and with the concurrence of the Chief of Police.

2.5 Qualified personnel choosing not to take a scheduled examination will not appear on the eligibility list for promotion to the next rank and will forfeit such eligibility until they take the required examination.

3. Required Testing

3.1 A written exam and oral interview will be administered for the ranks of Corporal and Sergeant. Candidates must pass the written exam before being permitted to move forward. They must then complete the oral interview to be ranked for promotion. Each stage of the promotional process will be announced by Special Order.

3.2 A structured resume, oral interview and assessment center will be administered for the ranks of 1st Sergeant and Lieutenant. Candidates must submit a Structured Resume, complete the Oral Interview and complete the Assessment Testing. Each stage of the promotional process will be announced by Special Order.

3.3 The ranks of Captain, Major, and Lieutenant Colonel are Executive Service positions, appointed by the Chief of Police.

4. Written Examination

4.1 The written examination (Cpl/Sgt) will consist of no more than 100 multiple-choice questions that directly relate to the job.

4.2 There will be a time limit of two hours for the written examination.

4.3 No computers, cell phones, PDA’s or other similar devices may be brought into the testing area.

5. Oral Interview

5.1 A three-member board will conduct an oral interview.

5.2 The members of the board will consist of sworn personnel from outside the MDTA Police, approved by the Chief of Police and MDTA Police Personnel & Recruitment Services.

5.3 All questions will be the same for all sworn personnel being interviewed for each rank.

5.4 Sworn personnel will have the option to have a video recording of their interview.

6. Structured Resume

6.1 1st Sergeant and Lieutenant candidates will submit a structured resume as instructed by the Special Order referenced in Section II of this chapter.

6.2 The relative weights for each section of the structured resume will be established by the Subject Matter Expert Committee (SME) and the Command Staff prior to the start of each promotional cycle.

6.3 Structured resumes will be scored by a three-person board.

6.4 The members of the board will consist of sworn personnel from outside the MDTA Police, approved by the Chief of Police and MDTA Police Personnel & Recruitment Services.

7. Assessment Centers

7.1 Assessment Centers (1st Sergeant/Lt) will consist of various job-related activities and scored by assessors who have been trained to evaluate candidates.

7.2 The assessors will consist of sworn personnel from outside the MDTA Police, approved by the Chief of Police and MDTA Police Personnel & Recruitment Services.

8. Scoring Procedure

8.1 MDTA Police Personnel & Recruitment Services will maintain all scores from each phase. Once all participants have successfully completed all phases of the promotional process by meeting the minimum overall required score, MDTA Police Personnel & Recruitment Services will compute a final promotional score and forward the information to the Chief of Police. The final promotional score will be computed as follows:

Scoring (Minimum) Corporal/Sergeant

Written Exam 70% - Oral Interview No Minimum
Assessment Center N/A - Structured Resume N/A
Overall Score 65%

Values Corporal/Sergeant

Oral Interview 40% Written Exam 60%
Assessment Center N/A Structured Resume N/A

Scoring (Minimum) 1st Sergeant/Lieutenant

Written Exam N/A - Oral Interview No Minimum
Assessment Center No Minimum - Structured Resume No Minimum
Overall Score 65%

Values 1st Sergeant/Lieutenant

Oral Interview 40% Written Exam N/A
Assessment Center 40% Structured Resume 20%

8.2 Seniority will be used to break a tie if two or more individuals achieve the same final promotional score.

9. Seniority

9.1 The MDTA Police will use the following criteria, listed in order of the first considered to the last, when determining seniority:

9.1.1 Time in rank

9.1.2 Tenure with MDTA Police from the date of appointment as a Police Officer

9.1.3 Police Academy class rankings

10. Promotional Eligibility Lists

10.1 Once all eligible personnel have successfully completed all phases of testing, a list with the personnel scores will be submitted to the Chief of Police. This list will be in rank order with those candidates having the highest rating at the top and descending in order by rating.

10.1.1 The promotional eligibility lists for the ranks of Corporal and Sergeant will remain active for a period of at least one year and may not be reduced or modified after publication.

10.1.2 The promotional eligibility list for the ranks of 1st Sergeant and Lieutenant will remain active for a period of at least two years. These lists may not be reduced or modified after publication.

10.2 In unusual circumstances, the Chief of Police and MDTA Police Personnel & Recruitment Services reserve the right to extend, reduce, or modify any of the promotional eligibility lists based on business/operational needs.

10.3 The Chief of Police and MDTA Police Personnel & Recruitment Services reserve the right to conduct promotional testing more frequently based on business/operational needs and only if the current eligibility list has been exhausted.

11. Final Selection Process

11.1 The Chief of Police, with the approval of the Executive Director of the MDTA, will select sworn personnel for promotion from the eligibility list. Personnel to be promoted will be selected from the top five candidates for each rank. Promotions shall be announced in an MDTA Police Personnel Order, stating the effective date for the promotion.

12. Promotional Process

12.1 Written Exams: Sworn personnel will be given an opportunity to review their written exam after the conclusion of the written examination. At the conclusion of the exam, sworn personnel will enter the “Review Test”. The testing application will then display the test questions, the sworn personnel’s response and the correct response. At this point, personnel will be able to use any reference material to look up and/or challenge any questions they have answered incorrectly. To challenge a question, one must fill out a challenge form and submit it to a test proctor. Only challenges with references cited will be considered. These challenges will be reviewed at a later date by the Commander of Personnel Command and a representative of the MDTA Police Personnel & Recruitment Services. If the challenges are found to have merit, the point(s) for each challenge awarded will be given to all personnel regardless of their original answer. This review/challenge process is the only opportunity to review the written exam.

12.2 No computers, cell phones, PDAs, cameras, or similar devices may be brought into the test or test review area.

12.3 Oral Interview, Structured Resumes, and Assessments: Sworn personnel will be given an opportunity to review the results from the oral interview board, structured resume, and assessment center, to include the assessors’ notes and write-up. Personnel will be given an opportunity to sign up to review their test results prior to leaving the oral interview/assessment center. A date, time, and location will be provided for the review. All reviews will be completed prior the publishing of an eligibility list. If available, personnel will also be given an opportunity to view their own video file of their oral interview as scheduled by the agency.

13. Appeal Process

13.1 The right of employees to challenge any aspect of the promotional process is an integral part of the process itself. At a minimum, the following may be part of an appeal:

- Adverse decisions concerning eligibility

- Review of answer key if any written examination is used
- Review of written test results of scored elements of the selection decision
- Performance evaluations are contested and appealed during annual Employee Performance Evaluation periods

13.2 Oral interview, Structured Resume, and Assessment Center scoring is not eligible for challenge or appeal.

13.3 Employees who wish to appeal will submit a Special Report through the Chain of Command to the Commander of Personnel Command detailing the reason for the appeal, no later than five calendar days after their scheduled test results review.

13.4 The Commander of Personnel Command will review and rule on the appeal within ten calendar days of its receipt.

14. Promotional Probation

14.1 The MDTA Police will abide by the Transportation Services Human Resources Policies and Procedures Manual, Promotional Probationary Period.

15. Promotion to Captain, Major, and Lt. Colonel

15.1 Definitions

15.1.1 Commissioned Rank - The ranks of Lieutenant, Captain, Major, and Lieutenant Colonel.

15.1.2 Command Staff - Includes all members holding the rank of Lieutenant, Captain, Major, Lieutenant Colonel, Executive Officer and Civilian Directors, as designated by the Chief of Police.

15.2 The Chief of Police appoints Captains, Majors, and Lieutenant Colonels without examination in accordance with COMAR 11.02.01.02B (16) - Executive Service.

15.3 Captains, Majors, and Lieutenant Colonels serve in these ranks at the pleasure of the Chief of Police and either staff a significant policy role or a staff position that requires expert, unique, or specialized training.

15.4 Notwithstanding any provision of law, on termination of an appointment as a Captain, Major or Lieutenant Colonel, the police employee shall be afforded the option to be administratively reduced to the rank of Lieutenant. To be afforded this option, the employee must not be eligible for a service retirement and the employee must have previously held the rank of Lieutenant, earned through the MDTA Police competitive examination process.

Section III - Employee Awards Overview

1. Policy

1.1 The MDTA Police will give official recognition to those employees who demonstrate performance above the normal expectation of their duties. The Awards Committee will meet periodically to determine if such awards are merited. The main objectives of the Awards Committee are:

1.1.1 To provide special recognition of sworn and civilian employees.

1.1.2 To provide special recognition of citizens.

1.1.3 To establish procedures to properly display awards on the uniform.

1.1.4 To give incentives to personnel who exceed the normal standards when performing their duties.

2. Officer Criteria

2.1 Awards may be presented to any sworn officer of the MDTA Police for superior performance, achievements exceeding normal demands, and exemplary dedication and devotion to duty, as demonstrated by the following:

2.1.1 Exemplary dedication and devotion to duty, officer may serve as a role model to new recruits, other officers, and the public.

2.1.2 Excellent judgment, initiative, and competence in the performance of duties and responsibilities.

2.1.3 Development of programs, procedures or accepted suggestions that provide improved officer safety, a noteworthy increase in operational or administrative efficiency, or significant cost reduction.

2.1.4 Any deeds or acts that were separate and distinct from basic duties and responsibilities and are deserving of recognition.

2.1.5 Any letters of commendation received for assistance, service, public relations, exceptional acts or achievements.

2.1.6 Any nomination for MDTA Police awards or commendations, or any award received from public safety organizations or departments.

2.1.7 Acts characterized by ingenuity, creativity, courage, boldness or outstanding professional conduct during periods of emergency/disaster.

2.1.8 Continuing education toward a degree in law enforcement or criminal justice associated with significant academic achievement or

2.1.9 Involvement in community endeavors related or unrelated to the law enforcement role, good work publicly recognized by at least one respected community organization.

2.2 Risk of life or bodily injury is not a primary factor, but actions involving such risk would be a consideration along with deeds or achievements.

3. Civilian Criteria

3.1 Awards may be presented to citizens and civilian employees of the MDTA Police for sustained excellence or exceptional service in the performance of duties that assisted the MDTA Police mission, as follows:

3.1.1 Demonstrated outstanding performance and job knowledge in the execution of assigned duties.

3.1.2 Development of programs, procedures or accepted suggestions which provide a noteworthy increase in efficiency, effectiveness, or significant cost reduction.

3.1.3 Measurable outstanding performance in quality and quantity of work performed.

3.1.4 Possesses exemplary work habits in use and application of time.

3.1.5 Cooperation and tact in the ability to work with other employees.

3.1.6 Exceptional degree of good judgment, initiative and competence distinct from basic duties and responsibilities.

3.1.7 Adaptability towards instruction and direction.

3.1.8 Exceptional acts or deeds above and beyond the standards of job assignment.

3.1.9 Letters of commendations received for assistance, service, public relations, or exceptional acts or achievements.

3.1.10 Involvement in community endeavors, related or unrelated to MDTA Police service and publicly recognized by at least one respected community organization; or

3.1.11 Any nomination for agency awards or commendation or any award received from a public safety organization or department.

4. Police Awards Ceremony

4.1 The Police Awards Ceremony will be held annually. The Chief of Police presents the awards for those sworn and/or civilian deserving special recognition, as detailed in this Chapter.

4.2 Posthumous awards will be presented to the recipient's next of kin.

Section IV - Nominations for Awards

1. Time Limitations

1.1 Nominations for all awards shall be submitted no later than January 15 to the Office of the Chief. Nominations shall be for the previous calendar year.

1.2 Regardless of the cut-off dates, all nominations are to be submitted via the mdtapoliceawards@mdta.state.md.us e-mail group, as soon after the occurrence as feasible. The Awards Committee will immediately review the nomination so an accurate representation of the facts can be confirmed in a timely manner.

1.3 When a noteworthy act occurs, nominators shall submit their nomination as soon as possible.

2. Eligibility

2.1 Nominations for all persons, sworn and non-sworn may be submitted.

3. Nomination Procedure

3.1 Any employee of the agency may submit nominations for any award with the exception of the following award:

- Law Enforcement Officer of the Year

This award will be submitted by the Detachment/Unit Commander with input from Detachment/Unit personnel. It is the responsibility of the nominator to accurately complete the nomination form. Disciplinary actions may be taken into consideration by Division Commanders for the category mentioned above.

3.2 Once the Nomination Form is completed for any award, it will be printed, signed and scanned to the mdtapoliceawards@mdta.state.md.us e-mail group. Once received, the nominator and the Detachment/Unit Commander will receive a response that the nomination form has been received.

Section V - Awards Committee

1. Awards Committee Composition

1.1 The Awards Committee may be composed of sworn and civilian members that have been appointed by the Awards Committee Chairperson, approved by the Chief of Police.

1.2 This Committee should be a diverse cross-section of the agency representing various units, detachments, and locations.

2. Awards Committee Procedures

2.1 The Awards Committee shall meet at least quarterly, or as the Chairperson deems necessary, to review and evaluate nominations. The Chairperson will designate the time and location of the meeting. The majority of the Committee members must be present for the Committee to conduct business.

2.2 The Awards Committee shall have the power to investigate cited activities and to contact witnesses. Communication with any witnesses is the responsibility of the Chairperson.

2.3 It shall be the responsibility of the Chairperson or their designee to present the selection for Law Enforcement Officer of the Year, Law Enforcement Supervisor of the Year, Emergency Dispatcher of the Year, Emergency Dispatch Supervisor of the Year, Motor Carrier Inspector of the Year and Administrative Support Person of the Year to the Chief of Police as soon as possible after January 30th of each year.

2.4 The Chairperson shall maintain all records of nominations, provide copies of nominations to Committee members, and verify that nominations are complete.

2.5 Each member shall evaluate all nominations from written material submitted, and conduct any interviews deemed necessary for evaluation or clarification. If a member of the Committee is nominated or personally involved in a nomination under consideration, the member shall disqualify him/herself from participating in the decisions of that matter.

2.6 The Committee will recommend what award(s), if any, should be awarded. After the Committee has concluded its review of all nominations, the Chairperson or their designee will meet with the Chief of Police to provide an overview of all awards recommended by the Committee.

2.6.1 The recommendations or decisions reached by the Committee will consist of a majority vote. All findings, to include minority opinions when the Committee’s action was not unanimous, will also be recorded.

2.7 The current Chairperson will maintain all records summarizing the actions of the Committee. This documentation will be passed to each succeeding Chairperson.

2.8 After completion of the Awards Ceremony, a personnel order will be prepared and sent out agency-wide outlining all awards that were presented.

2.9 If a citizen or first responder from another agency is to receive an award, the Chairperson will make appropriate notification of the time and place of the presentation to the recipient. If applicable, the Chief of the recipient's agency shall also be notified and invited.

2.10 The Chairperson or their designee will send an e-mail to the nominator and will carbon copy the Detachment/Unit Commander if no award was recommended.

2.11 The Chairperson or their designee shall furnish a complete list of intended award recipients to the Chief of Police. The list shall include the name and type of award for each recipient.

2.12 The Committee shall submit a request to the quartermaster in advance of the ceremony to provide all ribbons, plaques/frames, and any other applicable items for the awards ceremony.

2.13 The Chairperson will send a copy of the Awards Ceremony Overview Personnel Order to the MDTA Police Certification Coordinator for documentation in Skills Manager and a list to the MDTA Police Human Resources Coordinator following the ceremony.

3. Awards Committee Responsibilities for the Awards Ceremony

3.1 The Awards Committee will coordinate a date, time, and location of the Awards Ceremony.

3.2 The Awards Committee will:

3.2.1 Send out letters to dignitaries, invitations to awards recipients, and personnel orders for those who will be attending the ceremony.

3.2.2 Order frames, plaques, statues, ribbons, and medals.

3.2.3 Print certificates and coordinate the program's printing process.

3.2.4 Coordinate any special displays, transportation, or parking.

3.2.5 Prepare and present the Awards at an Annual Awards Ceremony.

3.2.6 Coordinate any proclamations or resolutions as needed with the MDTA Division of Communications.

3.2.7 Coordinate with MDTA Police Human Resources to obtain years of service list.

3.2.8 As a member of the Awards Committee, the PIO will coordinate event coverage with the media and the MDTA Division of Communications.

Section VI - Awards

1. Medal of Honor

1.1 Awarded by the Chief of Police to officers who prominently distinguish themselves by bravery and heroism at the risk of their own lives or personal safety in an act of extraordinary valor, without endangering the lives of others, and without detriment to their sworn oath. This act must clearly distinguish superlative gallantry and courage beyond the call of duty from lesser forms of bravery.

1.2 The Medal of Honor, when awarded posthumously, shall be affixed to a plaque with a replica of the officer's badge and an appropriate inscription. The Chief of Police or his/her designee shall present this to the deceased officer's next of kin. A replica of this plaque shall be displayed in an area of prominence located at Police Headquarters.

1.3 The Medal of Honor shall consist of a red, white and blue medallion with a full-color State of Maryland Seal in the center. The words "MEDAL OF HONOR" will appear under the State Seal with a single white star above the State Seal. The reverse side of the medallion has the words "Presented To", "By" and "Date". The medallion will be attached to a light blue neck ribbon. The uniform commendation cloth bar is 1¼ inches long by ¼ inch wide, light blue in color, with a single white star, point up, centrally mounted.

1.4 In addition to the medallion and the commendation bar, the recipient of the award will also receive a certificate bearing the signatures of the Executive Director of the MDTA and the Chief of Police.

2. Medal of Valor

2.1 Awarded by the Chief of Police to officers for an exceptional act or execution of duty performed at personal risk or great danger without endangering or jeopardizing the lives of others. The act must be performed in such a manner as to clearly indicate that the officer displayed outstanding ability and judgment in the performance of duty. Situations in which the award may be given include, but are not limited to, the arrest of a dangerous felon where armed confrontation results, the prevention or solution of a serious crime that results in the arrest of those responsible and thereby sets apart and distinguishes the officer from others. To merit this award, the act must be heroic, but not to the degree justifying the award of the Medal of Honor.

2.2 The Medal of Valor may be awarded posthumously in the same manner as described for posthumous awarding the Medal of Honor.

2.3 The Medal of Valor shall consist of a gold medallion in the form of a cross with eagles, with a full-color State of Maryland Seal in the center. The words “MEDAL OF VALOR” will appear under the State Seal. The reverse side of the medallion will be left blank. The medallion will be attached to a Windsor-fold ribbon in black and gold. The uniform commendation cloth bar is 1¼ inches long by ¼ inch wide and is black on the right and dark orange on the left when worn.

2.4 In addition to the medallion and the commendation bar, the recipient of the award will also receive a certificate bearing the signatures of the Executive Director of the MDTA and the Chief of Police.

3. Purple Heart

3.1 Awarded by the Chief of Police to any sworn member of the MDTA Police who has sustained fatal or non-fatal injuries as a result of the performance of their official duties. The injuries must have been sustained while the officer acted in a manner that displayed gallantry, courage, fidelity, and essential service to the State of Maryland and its citizens. This award may be presented to any sworn member who in the necessary performance of law enforcement functions, on or off-duty, receives serious bodily injury. An injury for which the award is made must have required treatment by medical personnel.

3.2 The award for the Purple Heart shall consist of a round medallion, gold in color, with a purple five-pointed star in the center. In the center of the star is a full-color State of Maryland Seal. The words “PURPLE HEART” appears under the State Seal and the reverse side of the medallion will be left blank. The medallion will be attached to a drape-style ribbon of purple. The uniform commendation cloth bar is 1¼ inches long by ¼ inch wide and is purple in color.

3.3 In addition to the medal and commendation bar, the recipient of the award will receive a certificate bearing the signature of the Chief of Police.

4. Silver Star

4.1 Awarded by the Chief of Police to officers whose actions were performed in a manner exceptionally exceeding that which is normally expected. The officer’s actions must be sufficient to distinguish the member above those of comparable position and responsibility and reflect a highly credible achievement, initiative, or self-sacrifice while faced with adversity or hazardous conditions. To merit this award, the officer’s actions, considering the conditions present, must be courageous and above and beyond that of ordinary duty, but not to the degree justifying the award of the Medal of Valor. Situations in which the award may be given include, but are not limited to, direct armed encounters, criminal apprehensions, maintaining public order, or protecting life or property.

4.2 The Silver Star Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide, which is comprised of the colors of the Maryland Flag (white in center with red, then yellow and then black on edges) with a silver star in the center, point up.

4.3 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

5. Life Saving Award

5.1 Awarded by the Chief of Police to any sworn officer or civilian whose valuable or courageous act results in the saving of a human life. This award distinguishes the individual's performance, which is identifiable in achievement, effect or consequence.

5.2 The Life Saving Commendation Bar shall consist of a cloth bar, 1¼ inches long by ¼ inch wide, solid red in color.

5.3 The recipient of this award will receive a certificate bearing the signatures of the Executive Director of the MDTA and the Chief of Police.

6. Law Enforcement Supervisor of the Year

6.1 Awarded by the Chief of Police to a Corporal, Sergeant, or 1st Sergeant that displays outstanding leadership and dedication.

6.2 This supervisor's previous yearly Employee Performance Evaluation must have been rated Satisfactory.

6.3 Supervisor's sick leave usage must not exceed five undocumented occasions during the calendar year.

6.4 Anyone may nominate any supervisor(s) for this award. The Awards Committee will review all nominations and select the best qualified candidate as the Supervisor of the Year. There may be some years where there are more than one Supervisor of the Year due to the nature of the work and the actions of the supervisor.

6.5 Supervisor exemplifies dedication and devotion to duty, serves as a role model to officers, subordinates, peers, and the public. Involved in the mentorship of other officers and or supervisors.

6.6 Supervisor demonstrates excellent judgment, initiative, and competence in the performance of duties and responsibilities; maintains and projects a positive attitude and personal integrity; routinely volunteers for additional responsibility; participates in MDTA Police events and programs.

6.7 The Supervisor of the Year Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide, gold in color on the left half of the ribbon and the right half of the ribbon is blue.

6.8 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

6A. Emergency Dispatch Supervisor of the Year

6A.1 Awarded by the Chief of Police to a civilian Emergency Dispatch Supervisor that displays outstanding leadership and dedication.

6A.2 Supervisor's previous yearly Employee Performance Evaluation must have been rated Satisfactory or greater.

6A.3 Supervisor's sick leave usage must not exceed five undocumented occasions during the calendar year.

6A.4 Anyone may nominate any Emergency Dispatch Supervisor(s) for this award. The Awards Committee will review all nominations and select the best qualified candidate as the Supervisor of the Year. There may be some years where there are more than one Emergency Dispatch Supervisor of the Year due to the nature of the work and their actions.

6A.5 Supervisor demonstrates excellent judgment, initiative and competence in the performance of duties and responsibilities; maintains and projects a positive attitude and personal integrity.

6A.6 Routinely volunteers for additional duties and responsibility. Volunteering for community outreach programs such as Toys for Tots, Special Olympics, and other events that promote the positive image of the agency.

6A.7 Supervisor exemplifies dedication and devotion to duty, serves as a role model to others and the public.

6A.8 The recipient of the award will receive a certificate bearing the signature of the Chief of Police.

7. Law Enforcement Officer of the Year

7.1 Awarded by the Chief of Police to an Officer that displays outstanding performance and dedication.

7.2 An Officer's previous yearly Employee Performance Evaluation must have been rated Satisfactory.

7.3 Officer's sick leave usage must not exceed five undocumented occasions during the calendar year.

7.4 The officer exemplifies dedication and devotion to duty; serves as a role model to new recruits, other officers, and the public.

7.5 Officer demonstrates excellent judgment, initiative and competence in the performance of duties and responsibilities; maintains and projects a positive attitude and personal integrity; routinely volunteers for additional responsibility; participates in MDTA Police events and programs.

7.6 Officer's overall productivity exceeds Agency expectations as measured by statistical accomplishments, including overall number of citations, warnings, SERO's, arrests, reports, calls for police service and customer assistance.

7.7 The Law Enforcement Officer of the Year Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide, gold in color with a gold star in the center, point up.

7.8 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

7.9 Law Enforcement Officer of the Year will be submitted on a separate nomination form.

7A. Emergency Dispatcher of the Year

7A.1 Awarded by the Chief of Police to an Emergency Dispatcher that displays outstanding performance and dedication.

7A.2 A Dispatcher's previous yearly Employee Performance Evaluation must have been rated Satisfactory or greater.

7A.3 Dispatcher's sick leave usage must not exceed five undocumented occasions during the calendar year.

7A.4 Anyone may nominate any Emergency Dispatcher for this award. The Awards Committee will review all nominations and select the best qualified candidate as the Dispatcher of the Year. There may be some years where there are more than one Emergency Dispatcher of the Year due to the nature of the work and their actions.

7A.5 Demonstrated throughout the calendar year excellent judgment, initiative, and competence in the performance of duties and responsibilities. They must maintain and project a positive attitude and personal integrity.

7A.6 Routinely volunteer for additional duties and responsibilities. Volunteering for community outreach programs such as Toys for Tots, Special Olympics, and other events that promote the positive image of the agency.

7A.7 The recipient of the award will receive a certificate bearing the signature of the Chief of Police.

7B. Motor Carrier Inspector of the Year

7B.1 Awarded by the Chief of Police to a Motor Carrier Inspector that displays outstanding performance and dedication.

7B.2 An Inspector's previous yearly Employee Performance Evaluation must have been rated Satisfactory or greater.

7B.3 Inspector's sick leave usage must not exceed five undocumented occasions during the calendar year.

7B.4 Anyone may nominate any Motor Carrier Inspector for this award. The Awards Committee will review all nominations and select the best qualified candidate as the Motor Carrier of the Year. There may be some years where there are more than one Motor Carrier Inspector of the Year due to the nature of the work and their actions.

7B.5 Demonstrated throughout the calendar year excellent judgment, initiative, and competence in the performance of duties and responsibilities. They must maintain and project a positive attitude and personal integrity.

7B.6 The recipient of the award will receive a certificate bearing the signature of the Chief of Police.

7C. Administrative Support Person of the Year

7C.1 Awarded by the Chief of Police to a dedicated MDTA Police Civilian whose administrative support over the year has reflected positively on the agency.

7C.2 Employee's previous yearly Employee Performance Evaluation must have been rated Satisfactory or greater.

7C.3 Employee's sick leave usage must not exceed five undocumented occasions during the calendar year.

7C.4 Anyone may nominate any civilian administrative support person for this award. The Awards Committee will review all nominations and select the best qualified candidate as the Administrative Support Person of the Year. There may be some years where there are more than one Administrative Support Person of the Year due to the nature of the work and their actions.

7C.5 They must maintain and project a positive attitude and personal integrity. This individual may work in any administrative positions within the MDTA Police.

7C.6 This administrative support would include, but not limited to volunteering to work at various locations outside of their normal area of responsibility, taking on additional work that may or may not be in their job description, volunteering for community outreach programs such as Toys for Tots, Special Olympics, and other events that promote the positive image of the agency.

7C.7 The recipient of the award will receive a certificate bearing the signature of the Chief of Police.

8. Detachment/Unit Law Enforcement Officer of the Year

8.1 Awarded by the Chief of Police to an Officer that displays outstanding performance and dedication.

8.2 A nominee's previous yearly Employee Performance Evaluation must have been rated Satisfactory.

8.3 Officers sick leave usage must not exceed five undocumented occasions during the calendar year.

8.4 Officer must display an overall positive attitude and be attentive to duty and his/her fellow officers, participating in Agency events and programs.

8.5 The Detachment/Unit Law Enforcement Officer of the Year Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide gold in color.

8.6 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

8.7 Detachment/Unit Law Enforcement Officer of the year will be nominated on a separate nomination form.

8.8 Only a Detachment Commander with input from their personnel can nominate an Officer of the Year

8.9 The nomination submission must include but not limited to benchmarks such as job performance, leadership, volunteerism, mentorship, additional responsibilities, etc. The write-up must contain more than 200 words.

8.10 There may be some years where there are more than one Law Enforcement Officer of the Year due to the nature of the work and their actions.

9. Meritorious Service Award

9.1 This is awarded by the Chief of Police to commissioned sworn officers who have distinguished themselves over a course of time (10 years or longer; this is not a single event) by exceptionally meritorious service, outstanding accomplishments in law enforcement, or a series of noteworthy events. These officers displayed their abilities well above the expected standards, reflecting technical or administrative achievement or exceptional leadership in achieving a specific goal, objective, or innovation. These accomplishments have brought great service and recognition to the state, the authority, and/or the police agency.

9.2 The commendation may be awarded for, but is not limited to, an officer who is a member of multiple units, participated on several committees, volunteers for various events, involved in community outreach programs and represents the agency with honor and dedication over a period of time.

9.3 The Meritorious Service Award for commissioned officers shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide, which is yellow in the center, a red band on each side of the red, and white on each end.

9.4 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

10. Distinguished Service Award

10.1 This is awarded by the Chief of Police to non-commissioned sworn officers who have distinguished themselves over a course of time (10 years or longer; this is not a single event) by exceptionally meritorious service, outstanding accomplishments in law enforcement, or a series of noteworthy events. These officers displayed their abilities well above the expected standards, reflecting technical or administrative achievement or exceptional leadership in achieving a specific goal, objective, or innovation. These accomplishments have brought great service and recognition to the state, the authority, and/or the police agency.

10.2 The commendation may be awarded for, but is not limited to, an officer who is a member of multiple units, participated on several committees, volunteers for various events, involved in community outreach programs and represents the agency with honor and dedication over a period of time.

10.3 The Distinguished Service Commendation Bar shall consist of a cloth bar, 1¼ inches long by ¼ inch wide, which is white in the center and red on either end.

10.4 The recipient of the award will also receive a certificate bearing the signature of the Chief of Police.

11. Chief's Commendation

11.1 Awarded by the Chief of Police to a sworn officer or civilian whose action must be accomplished or performed in a manner above that normally expected. It must be sufficient to distinguish the member above those of comparable position and responsibility and reflect a highly creditable achievement.

11.2 The commendation may be awarded for, but is not limited to, acts that result in the prevention of crime, apprehension of an offender when members have displayed extraordinary intelligence, submitting an adopted suggestion which constitutes a definite contribution to the MDTA Police, or instances where a member's exemplary performance above and beyond the call of duty deserves recognition.

11.3 Sworn police officers receiving this award shall receive a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide, which is white in the center and dark blue on either end.

11.4 The recipient of this award will receive a certificate bearing the signature of the Chief of Police.

12. Detachment/Unit Commendation

12.1 Awarded by the Chief of Police to members of a detachment/unit that have performed above the expected standards.

12.2 This award may be given for exceptionally meritorious conduct in the performance of service or to members who have displayed their abilities well above the expected standards, reflecting technical or administrative achievement or exceptional leadership in achieving a specific goal, objective, or innovation.

12.3 The Detachment/Unit Commendation ribbon shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide. The outer right panel will be gold in color and the outer left white in color when worn.

12.4 The recipients of this award will also receive a certificate bearing the signature of the Chief of Police.

13. Command Educational Achievement Ribbon

13.1 The Command Educational Achievement ribbon shall be awarded to those members who have graduated from a national academy for police staff and command (i.e., Johns Hopkins University's Police Executive Leadership Program, FBI National Academy, Southern Police Institute, and the Traffic Institute, Northwestern University School or Police Staff and Command).

13.2 The Police Command Education Ribbon shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide. The outer right panel will be gold in color and the outer left red in color when worn.

14. DUI Ribbon

14.1 Awarded by the Chief of Police to the top DUI Enforcement members each year for their diligence in removing impaired drivers from Maryland roadways.

14.2 The DUI Ribbon shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide, which is red in the center, a white band on each side, and blue on each end.

15. Traffic Safety Specialist Ribbon

15.1 Awarded by the Chief of Police to the members who have completed a specific set of courses related to traffic safety.

15.2 The Traffic Safety Specialist Ribbon shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide, which is solid blue in color.

16. ADAPT Ribbon

16.1 Awarded by the Chief of Police to the members who have completed a specific set of training related to aggressive driving.

16.2 The ADAPT Ribbon shall consist of a uniform cloth commendation bar, 1¼ inches long by ¼ inch wide, which is white in the center and light blue on either end.

17. September 11 Special Citation

17.1 The September 11 Special Citation was awarded in recognition of the outstanding job performance by those Maryland Transportation Authority Police sworn personnel working between September 11, 2001 and March 20, 2002.

17.2 The September 11 Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide. The outer right panel will be red, the center is white and the inner left panel is blue in color when worn.

18. Homeland Defense Award

18.1 The Chief of Police awards the Homeland Defense Award to recognize outstanding performance by sworn personnel that work during plausible threats against homeland security.

18.2 The Homeland Defense Award shall consist of a cloth bar 1¼ inches long by ¼ inches wide. The outer right panel will be gray in color and the outer left blue in color when worn.

19. Peace Ribbon

19.1 The Peace Ribbon will be issued to all sworn MDTA Police personnel working during the Baltimore City Civil Unrest April 27th through May 8th, 2015.

19.2 The Peace Ribbon shall consist of a cloth bar 1¼ inches long by ¼ inch wide. The outer right panel will be red in color and the outer left blue in color when worn.

20. FSK Bridge Memorial Ribbon

20.1 The FSK Bridge Memorial Ribbon will be issued to all sworn members who worked anytime between March 26, 2024, and May 1, 2024.

20.2. The FSK Bridge Memorial Ribbon shall consist of a cloth bar 1¼ inches long by ¼ inch wide and will have the letters FSK in the center and will be gold in the center and light blue on either end.

21. Fitness Ribbon

21.1 The Fitness Ribbon will be issued to all sworn MDTA Police personnel who meet the minimum annual requirements of the agency fitness assessment and shall only be worn through the end of the following calendar year.

21.2 The Fitness Ribbon shall consist of a cloth bar 1¼ inches long by ¼ inch wide and which is white in the center and light green on either end.

22. Service Award

22.1 The Service Award Commendation Bar will be awarded to those individuals who have reached time in service in intervals of 5, 10, 15, 20, 25, and 30 years.

22.2 The Service Award Commendation Bar shall consist of a cloth bar 1¼ inches long by ¼ inch wide, green in color. The center of the bar will display gold numbers signifying the number of years in service.

22.3 The recipients who have reached time in service in intervals of 20, 25 and 30 years will be recognized at the Annual Awards Ceremony.

22.4 The recipients of this award will also receive a certificate bearing the signature of the Chief of Police.

23. Award of Excellence

23.1 Awarded to sworn and civilian personnel for noteworthy achievements that may not meet the requirements for any other awards. Examples would include but not limited to: a courageous and valiant attempt to save someone's life which is unsuccessful, someone who coordinates or contributes a large amount of time in MDTA Police supported community outreach programs such as Toys for Tots, Special Olympics Maryland, an individual who greatly increase their law enforcement actions throughout the year compared to their actions in previous years, recognizing strong leadership, etc.

23.2 There is no associated ribbon or medal. Recipients will receive a certificate from the Chief of Police.

24. Chief's Salute

24.1 The Chief's Salute is presented by the Chief of Police to persons whom the Chief believes have contributed to the safety, security and/or well-being of the State of Maryland, its citizens, or the Maryland Transportation Authority Police. This includes retired members of the MDTA Police or its predecessors.

24.2 The awarding of a Chief's Salute is meant to immediately and efficiently recognize these contributions and is not designed nor intended to supplant the Awards process.

24.3 Supervisors and Commanders are encouraged to nominate recipients of the Chief's Salute for recognition.

24.4 Recommendations for a Chief's salute will be forwarded, in draft format, through Division Commanders to the Chief's Office.

24.5 This award will be presented in a timely manner by the Chief of Police at a Command Staff Meeting, Detachment/Unit roll call or other appropriate setting.

24.6 Procedures

- Prepare the citation as described below
- Forward to the Administrative Assistant in the Administrative Bureau
- The Administrative Assistant, will prepare the Salute with folder & return to the Division Commander
- The Administrative Assistant will maintain a copy for that calendar year of all Chief Salutes prepared.
- Division Commander will present it to the Chief for signature & schedule presentation
- Division Commander will forward a copy to the HR Coordinator, for inclusion into personnel files
- Salute format & example: Officer II Jane Doe Any Detachment

On May 6, 2010, Officer II Doe was on patrol on Interstate 000 near the Any Bridge. She pulled behind a disabled vehicle with a flat tire along the roadside's shoulder. As Officer Doe checked on the welfare of the driver, she detected a strong odor of marijuana. A subsequent search of the vehicle resulted in the seizure of approximately XXXX grams of cannabis and $XXXX in contraband currency.

In recognition of her outstanding efforts in the furtherance of *The Complete Traffic Stop* concept, Officer Doe is herewith awarded the Chief's Salute.

25. Subsequent Awards

25.1 Subsequent awards shall be indicated by displaying a gold numeral in the center of the ribbon that has been awarded, except on the Medal of Honor, and Silver Star.

25.2 Subsequent awards for the Silver Star shall be indicated by an additional star, not to exceed three stars.

25.3 Subsequent awards for Law Enforcement Officer of the Year shall be indicated by an additional gold star, not to exceed three gold stars.

25.4 Subsequent Awards of certificates and/or medallions shall result in the presentation of additional certificates/medallions of the same design.

Section VII - Display of Awards

1. Uniform Combinations

1.1 Commendation bars will be worn on the blouse of the Class A uniform. Commendation bars may be worn on the shirt of the Class B and Class C uniform. Commendation bars will not be worn on any other uniform combinations. Commendation bars will be centered approximately ¼ inch above the nameplate.

2. Commendation Bars

2.1 Commendation bars shall be worn two to a row, with the lowest award being nearest the heart. When a member has received seven or more commendations, the commendations shall be worn three in a row, with the lowest award being nearest the heart. In instances where an officer holds more than two commendations bars, a second row will be worn above the first row. The highest row will reflect the highest-ranking award down. In instances where an officer holds an odd number of commendation bars, the highest-ranking award shall be worn centered above the subordinate awards. There are brackets available to hold any number of commendation bars.

2.2 When the commendation bar for the Medal of Honor is displayed, it is to be centered over the nameplate and above all other awards, worn with the point of the star up.

2.3 When the commendation bar for the Medal of Valor is displayed, it shall be centered above all other awards, subordinate to the Medal of Honor.

3. Order of Precedence

3.1 For purposes of display, commendation bars are to be ranked in the following order:

- Medal of Honor (#1)
- Medal of Valor (#2)
- Purple Heart (#3)
- Silver Star Award (#4)
- Life Saving Award (#5) Supervisor of the Year (#6)
- Law Enforcement Officer of the Year (#7)
- Detach. Law Enforcement Officer of the Year (#8)
- Meritorious Service Award (#9)
- Distinguished Service Award (#10)
- Chief’s Commendation (#11)
- Detachment/Unit Commendation (#12)
- Police Command Educational Ribbon (#13)

- DUI Ribbon (#14)
- Traffic Safety Specialist Ribbon (#15)
- ADAPT Ribbon (#16)
- September 11 Citation (#17)
- Homeland Defense Award (#18)
- Peace Ribbon (#19)
- FSK Bridge Memorial Ribbon (#20)
- Fitness Ribbon (#21)
- Service Award (#22)

3.2 The correct order of precedence is shown in Section VIII.

4. Awards from Other Agencies

4.1 Awards or commendations from other agencies may be worn only with prior approval of the Chief of Police. Awards of this nature will be worn above the nameplate, subordinate to any agency awards.

Section VIII - Order of Precedence

#01

Medal of Honor

#02

Medal of Valor

#03

Purple Heart

#04

Silver Star Award

#05

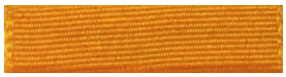
Life Saving Award

#06

Law Enforcement Supervisor of the Year

#07

Law Enforcement Officer of the Year

#08

Detachment Law Enforcement Officer of the Year

#09

Meritorious Service Award

#10

Distinguished Service Award

#11

Chief's Commendation

#12

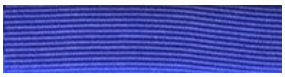
Detachment/Unit Commendation

#13

Command Educational Achievement Ribbon

#14

DUI Ribbon

#15

Traffic Safety Specialist Ribbon

#16

ADAPT Ribbon

#17

September 11th Special Citation

#18

Homeland Defense Award

#19

Peace Ribbon

#20


FSK Memorial Bridge Ribbon

#21

Fitness Ribbon

#22

Service Ribbon

1. Instructions

1.1 The above display represents the correct order of precedence for all medals and/or ribbons. The ribbon/medal with the lowest precedence will be displayed closest to the heart. To clarify, imagine that the awards pictured above are on a commendation bar. Remove the awards that you have not received. That is what your commendation bar should look like. The Service Award will always be on the bottom row, closest to the wearer's heart. For further clarification, see paragraphs 2 and 3 of Section VII. For example:

#11	**#12**
#14	**#15**

1.2 When an officer has been awarded 7 or more ribbons, a ribbon bar holder capable of holding 3 ribbons across will be used.