



## Hyattsville City Police Department

4310 Gallatin Street  
Hyattsville, Maryland 20781  
301-985-5060



Candace B. Hollingsworth  
Mayor

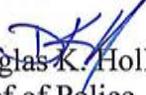
Douglas K. Holland  
Chief of Police

Tracey Nicholson  
City Administrator

DATE: August 12, 2016

TO: Mayor Candace B. Hollingsworth  
City Council Members

THRU: Tracey Nicholson  
City Administrator

FROM:   
Douglas K. Holland  
Chief of Police

RE: **Assessment of the Hyattsville City Police Department's Progress on the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing**

### PURPOSE

The purpose of this report is to provide the Mayor and City Council with an update and assessment of the Police Department's current activities and goals with respect to each of the six pillars of the President's Task Force on 21<sup>st</sup> Century Policing. Additionally the Department shall provide a report to the Mayor and Council evaluating our progress along each of the measures through 2020 as part of the Department's annual report.

### BACKGROUND

In light of events that exposed rifts in the relationships between local police across the Country and the communities they serve, on December 18, 2014 President Barack Obama signed an executive order establishing the Task Force on 21<sup>st</sup> Century Policing. The President charged the task force with identifying best practices and offering recommendations on how policing practices can promote effective crime reduction while building public trust. The task force hosted seven listening sessions in January and February 2015 in Washington D.C., Phoenix Arizona and Cincinnati Ohio. The Final Report of the President's Task Force on 21<sup>st</sup> Century Policing was published in May 2015.



The City of Hyattsville was one of approximately 35 jurisdictions in the United States invited to participate in a White House Community Policing Forum on July 23, 2015. Mayor Hollingsworth and Chief Holland received invitations and were asked to invite two community members to participate in this interactive forum. The Reverend Dr. Yvonne Penn, Pastor of the First United Methodist Church of Hyattsville and city resident Alexi Boado were selected. The forum focused on the task force report, recommendations and implementation.

On January 4, 2016 the Mayor and City Council approved motion # 05-01-16 titled “Adoption of the President’s Task Force on 21<sup>st</sup> Century Policing as a Framework for Community Policing in the City of Hyattsville”. The motion read “I move that the Mayor and Council adopt the final report of the President’s Task Force on 21<sup>st</sup> Century Policing as a framework for community policing in the City of Hyattsville. I further move that the Mayor and Council direct the Chief of Police (and/or his designee) to prepare an assessment of the Department’s current activities and goals with respect to each of the report’s six pillars for review by the Mayor and Council by June 30, 2016. I further move that the Chief of Police (and/or his designee) provide a report to the Mayor and Council evaluating the organization’s progress along each of the measures through 2020 as part of the Department’s annual report”.

#### **ASSESSMENT**

The President’s Task Force on 21<sup>st</sup> Century Policing recommendations, each with action items are organized around six main topic areas or “pillars”:

- Building Trust and Legitimacy
- Policy and Oversight
- Technology and Social Media
- Community Policing and Crime Reduction
- Officer Training and Education
- Officer Safety and Wellness

The task force generated 59 recommendations with 92 action items and has six underlying themes:

- Change the culture of policing
- Embrace community policing
- Ensure fair and impartial policing
- Build community capital
- Pay attention to officer wellness
- Technology

Sixty eight of the recommendations/action items are directed to public safety agencies. Others are directed to Federal agencies such as the President of the United States, Congress, Justice Department, Health & Human Services and Transportation, and a number are also directed to State Training Posts.



Initial review and assessment of the Hyattsville City Police Department shows that we fully conform with 27 of the recommendations/action items and are partially compliant with another 25.

Recommendations and Action Items that the Department is fully compliant with are:

<b>Pillar</b>	<b>Recommendation or Action</b>	<b>Topic</b>	<b>Policy and/or Practice</b>
<b>Building Trust &amp; Legitimacy</b>			
	1.3.2	Swift communications after serious incidents	General Order (G.O.) 621 Media Notification & Release of Information E-mail, Nixle and media alerts
	1.4.1	Involve employees in policy development	Draft G.O.s are circulated via e-mail to all employees prior to approval Quarterly "All Hands" meetings
	1.5	Promote trust through positive non enforcement activities	Open House National Night Out Shop w/a Cop Block Parties & festivals Neighborhood Watch Cops on Rooftops Bike & foot patrols Police & Public Safety Advisory Committee Community Conversation
	1.5.2	Residency incentives	\$800 residency bonus Personal use of take home vehicle in City
	1.5.3	Create opportunities for non enforcement interactions	Open House National Night Out Shop w/a Cop Block Parties Neighborhood Watch Cops on Rooftops Bike & Foot patrols Police & Public Safety Advisory Committee



	1.9.1	Decouple Federal immigration enforcement	Officers do not ask immigration status Only enforce if an active Federal warrant is on file
	1.9.2	Ensure reasonable language access	Bi-lingual officers, PSAs, Parking & Code Compliance officers
<b>Policy &amp; Oversight</b>			
	2.4	Suspect identification procedures that eliminate bias	G.O. 420 Eyewitness Identification “Double Blind Sequential” process G.O. 707 Bias Based Policing
	2.9	Refrain from quotas	There are no mandatory enforcement quotas
	2.10	Seek consent for searches w/o warrants	G.O. 625 Limits of Authority – Constitutional Safeguards
	2.11	Require officers to identify themselves and state reason for stop	G.O. 419 Courtesy
	2.11.1	Require officers to carry business cards	City pays for business cards for all officers who carry and are encouraged to use
	2.12	Search & Seizure policies related to the LGBTQ community	G.O. 668 Transgender Interactions G.O. 707 Bias Based Policing
<b>Technology &amp; Social Media</b>			
	3.2.1	Use of community advisory bodies	Police & Public Safety Citizens’ Advisory Committee
	3.3.3	Use BJA Body Worn Camera Toolkit	Used extensively in development of BWC pilot program, policy & equipment criteria
<b>Community Policing &amp; Crime Prevention</b>			
	4.1	Policies &	G.O. 502 Community



		Strategies reinforcing community engagement	Services Officer monthly statistical sheets include bike & foot patrols Community Action Team SRO
	4.2	Community Policing infused throughout agency	G.O. 502 Community Services Bike, foot patrols SRO
	4.3	Multidisciplinary team for responding to crisis situations	Prince George's County has a 24/7 mobile crisis intervention unit available to all police departments
	4.4.1	Policies directing officers to speak to others with respect	G.O. 419 Courtesy
	4.4.2	Create opportunities to interact with residents, faith leaders and businesses	Community Conversation Series Open House National Night Out Shop w/a Cop Block Parties Neighborhood Watch Cops on Rooftops Police & Public Safety Advisory Committee Citizen Surveys
	4.5.1	Schedule forums and meetings to interact with community	Community Conversation Series Quarterly crime update meetings Police & Public Safety Advisory Committee Neighborhood Watches Open House
	4.5.3	Establish formal advisory committees	Police & Public Safety Citizens' Advisory Committee established March 2016
	4.5.4	Community policing strategies in	Police work closely with City Economic Development, Parking &



		concert with economic development	Code Compliance CCTV police/private partnerships Meet with new commercial property owners & businesses
	4.6.8	Establish MOU for SROs & Schools	Formal MOU in place for SRO at Northwestern High School
<b>Training &amp; Education</b>			
	5.3	Provide leadership training	Maryland Police Training & Standards Commission mandates supervisor and management training
<b>Officer Wellness &amp; Safety</b>			
	6.4	Tactical first aid kits and ballistic vests for all officers	Kits purchased, officers trained and kits distributed in FY2016 All officers issued ballistic vests
	6.6	Mandatory seat belt and ballistic vest wear policies	G.O. 701 Operation of Police Vehicles G.O. 416 Body Armor

To move from recommendations to actions a comprehensive approach is needed and three stakeholder groups are necessary. The President’s Task Force on 21<sup>st</sup> Century Policing Implementation Guide refers to these groups as a “three legged stool”. These groups are 1) local elected and appointed officials, 2) law enforcement agencies, and 3) the communities the officials and law enforcement serve. Each leg must be in place to support a comprehensive approach to reduce crime and build trust and legitimacy. Success in a community will require collaboration and partnerships among these three stakeholder groups. The implementation Guide lists five recommendations for each of the stakeholder groups.

### **Five Ways Stakeholder Groups Can Implement the Task Force’s Recommendations**

#### **Local Government**

- Create listening opportunities with the community
- Allocate government resources to implementation
- Conduct community surveys on attitudes toward policing, and publish the results
- Define the terms of oversight to meet community needs
- Recognize and address holistically the root causes of crimes



## **Law Enforcement**

- Review and update policies, training, and data collection on use of force, and engage community members and police labor unions in the process
- Increase transparency of data, policies, and procedures.
- Call on the POST (Training) Commission to implement all levels of training
- Examine hiring practices and ways to involve the community in recruiting
- Ensure the officers have access to the tools they need to keep them safe

## **Communities**

- Engage with local law enforcement; participate in meetings, surveys, and other activities
- Participate in problem-solving efforts to reduce crime and improve quality of life.
- Work with local law enforcement to ensure crime-reducing resources and tactics are being deployed that mitigate unintended consequences.
- Call on State legislators to ensure that the legal framework does not impede accountability for law enforcement
- Review school policies and practices, and advocate for early intervention strategies that minimize involvement of youth in the criminal justice system

## **RECOMMENDATIONS**

1. The first step in the assessment process was the Mayor and Council's formal adoption of the President's Task Force on 21<sup>st</sup> Century Policing as the framework for community policing in the City of Hyattsville. The Council action requires an initial assessment and annual report through 2020 evaluating the Police Department's progress.

This task is complete with the submission of this report.

2. A necessary task to add structure to the assessment process is to appoint a new or existing task force or working group to review and address the recommendations contained in the report.

I recommend the existing Police & Public Safety Citizens' Advisory Committee be assigned the task of addressing the recommendations of the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing and the Police Department's implementation recommendations.

3. A vital step in the process of adopting the Final Report of the President's Task Force on 21<sup>st</sup> Century Policing is to create listening opportunities with the community

This task is in progress with a series of "community conversations" scheduled from August – November 2016.



4. I recommend that the Police Department and City Government work to bring at least 50% of the following partial compliance recommendations/actions into full compliance by the end of FY2017. Some of the recommendations will require funding by either supplemental appropriations to the FY2017 budget or budget recommendations for the FY2018 budget.

Pillar	Recommendation or Action	Topic	Policy and/or Practice	Budget Impact
<b>Building Trust &amp; Legitimacy</b>				
	1.3	Build culture of transparency & accountability	Place policies, and demographic data on website	No
	1.7	Conduct <i>annual</i> surveys of attitudes toward policing	N/A	Yes
	1.8	Workforce Diversity	Recruitment & Hiring Practices	Yes
	1.9	Build trust in immigrant communities	Non enforcement contacts and opportunities	No
<b>Policy &amp; Oversight</b>				
	2.2	Comprehensive Use of Force policies	G.O. 617	No
	2.2.1	Use of force training to include de-escalation	In Service Training	Yes
	2.2.4	Collect & report use of force data	CALEA and Website	No
	2.13	Profiling Policies	G.O. 707	No
<b>Technology &amp; Social Media</b>				
	3.5	Technology based engagement	Facebook, twitter and website	Yes
<b>Community Policing &amp; Crime Prevention</b>				
	4.5.2	Engage youth in joint training	Youth Citizens Academy, etc.	Yes



<b>Training &amp; Education</b>				
	5.9.1	Cultural Diversity Training	In Service Training	Yes
	5.11	Education Incentives	City Personnel Manual	Yes
<b>Officer Wellness &amp; Safety</b>				
	6.2	Promote safety & wellness	N/A	Yes

## CONCLUSION

The following is quoted directly from the President’s Task Force on 21<sup>st</sup> Century Policing Implementation Guide;

“We all own the future of policing in the 21<sup>st</sup> century. Leadership needs to come from all three sectors in every jurisdiction – local government, law enforcement, and the community. That three-legged stool needs to be evenly balanced and the weight of creating healthy, vibrant, and safe communities equally shared.

The mission of the President’s Task Force on 21<sup>st</sup> Century Policing has now been handed to us: to build trust between citizens and their law enforcement officers so that all components of the community treat one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect.”

The Final Report of the President’s Task Force on 21<sup>st</sup> Century Policing can be found at: [http://www.cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)

Attachment: President’s Task Force on 21<sup>st</sup> Century Policing, Hyattsville City Police Department Status July 2016



President's Task Force on 21st Century Policing  
 Hyattsville City Police Department Status

July 2016

Pillar	Recommendation	Action	Responsibility	Compliant	Partial	Consider	Not Consider
Overarching	0.1		POTUS				N/A
	0.2		POTUS				N/A
Building Trust & Legitimacy	1.1		LENF			X	
	1.2		LENF			X	
	1.3	1.2.1	Federal		X		N/A
			LENF		X		
		1.3.1	LENF			X	
		1.3.2	LENF		X		
	1.4		LENF			X	
			1.4.1	LENF	X		
			1.4.2	LENF			X
	1.5		LENF		X		
			1.5.1	LENF			X
			1.5.2	LENF	X		
		1.5.3	LENF	X			
		1.5.4	LENF			X	
1.6		LENF				X	
		1.6.1	Research				N/A
1.7		LENF			X		
		1.7.1	Federal				N/A
1.8		LENF			X		
		1.8.1	Federal				N/A
		1.8.2	Federal				N/A
		1.8.3	Federal				N/A
		1.8.5	LENF			X	
1.9		LENF			X		
		1.9.1	LENF	X			
		1.9.2	LENF	X			
		1.9.3	Federal				N/A

President's Task Force on 21st Century Policing  
 Hyattsville City Police Department Status

July 2016

Policy & Oversight									
	2.1			LENF					N/A
			2.1.1	Federal					
				LENF			X		
	2.2			LENF				X	
			2.2.1	LENF					
				LENF					
			2.2.2	LENF					
				Prosecutors					
			2.2.3	Prosecutors					N/A
				LENF					
			2.2.4	LENF			X		
				LENF					
			2.2.5	LENF				X	
				LENF					
			2.2.6	LENF					
				LENF					
	2.3			LENF					
				LENF					
	2.4			LENF			X		
				LENF					
	2.5			LENF					
				LENF					
	2.6			LENF				X	
				Federal					N/A
			2.6.1	Federal					
				LENF					
	2.7			LENF				X	
				LENF					
			2.7.1	LENF				X	
				Federal					N/A
			2.7.2	Federal					
				Community					
				Community				X	
	2.8			Federal					N/A
			2.8.1	Federal					
				Federal					N/A
			2.8.2	Federal					
				LENF					
	2.9			LENF				X	
				LENF					
	2.1			LENF				X	
				LENF					
	2.11			LENF				X	
				LENF					
			2.11.1	LENF					
				LENF					
	2.12			LENF				X	
				LENF					
	2.13			LENF				X	
				Federal					N/A
			2.13.1	Federal					
				Federal					N/A
			2.13.2	Federal					
				Federal					N/A
			2.13.3	Federal					
				Federal					N/A
	2.14			Federal					
				Federal					N/A
	2.15			Federal					
				Federal					N/A
Technology/Social Media									
	3.1			Federal					N/A

President's Task Force on 21st Century Policing  
 Hyattsville City Police Department Status

		July 2016							
		3.1.1	Federal						N/A
		3.1.2	Federal						N/A
		3.1.3	LENF				X		
			LENF					X	
	3.2		LENF						
		3.2.1	LENF				X		
		3.2.2	LENF					X	
		3.2.3	LENF					X	
	3.3		Federal						N/A
		3.3.1	Federal						N/A
		3.3.2	Federal						N/A
		3.3.3	LENF				X		
	3.4.		Legislative						N/A
	3.5		LENF					X	
	3.6		Federal						N/A
		3.6.1	Federal						N/A
	3.7		Federal						N/A
<b>Community Policing &amp; Crime Reduction</b>									
	4.1		LENF				X		
		4.1.1	LENF					X	
	4.2		LENF				X		
		4.2.1	LENF					X	
		4.2.2	LENF					X	
		4.2.3	Federal						N/A
	4.3		LENF				X		
		4.3.1	Federal						N/A
		4.3.2	Communities					X	
		4.3.3	Communities					X	
	4.4		Communities					X	
		4.4.1	LENF				X		
		4.4.2	LENF				X		
	4.5		LENF					X	
		4.5.1	LENF				X		
		4.5.2	LENF					X	

President's Task Force on 21st Century Policing  
 Hyattsville City Police Department Status

		July 2016							
		4.5.3	LENF		X				
		4.5.4	LENF		X				
	4.6		Communities				X		N/A
		4.6.1	Education						
		4.6.2	Education				X		
		4.6.3	Education				X		
		4.6.4	Education				X		
		4.6.5	Education				X		
		4.6.6	Education				X		
		4.6.7	Communities						N/A
		4.6.8	LENF		X				
		4.6.9	Federal						N/A
	4.7		Communities			X			
		4.7.1	LENF				X		
		4.7.2	Communities						N/A
Training & Education									
	5.1		Federal						N/A
		5.1.1	Training Hubs						N/A
		5.1.2	Training Hubs						N/A
		5.1.3	Federal						N/A
	5.2		LENF				X		
		5.2.1	Federal						N/A
	5.3		LENF		X				
		5.3.1	Federal						N/A
		5.3.2	Federal						N/A
		5.3.3	Federal						N/A
	5.4		Federal						N/A
	5.5		Federal						N/A
	5.6		POSTs						N/A
		5.6.1	Congress						N/A
	5.7		POSTs						N/A
	5.8		POSTs						N/A
	5.9		POSTs						N/A
		5.9.1	LENF		X				





# Hyattsville City Police Department - General Orders



Title: <b>Body Armor</b>		Number: <b>416</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date: <b>August 18, 2014</b>
New   X Amends   Rescinds		Effective Date: <b>November 19, 2014</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>41.3.5, 41.3.6</b>	Pages: <b>2</b>

**01 Purpose:** To provide members of the Department with proper guidelines regarding the issuance, use and care of body armor.

**02 Policy:** It will be the policy of the Department to provide each officer below the rank of Captain with body armor in accordance with the provisions of CALEA Standard 41.3.5. The Department will have a mandatory wear policy for all uniformed officers while engaged in **Patrol** and **Field Activities**.

### 03 Issuing Procedures - Threat Level:

**A.** The Administrative Services Commander will ensure that each officer is issued a new ballistic vest that either meets or exceeds the standards prescribed by the National Institute of Justice. The armor will consist of front and rear panels with a washable carrier.

**B.** All body armor will be purchased new from an authorized dealer. A serviceable vest may be issued temporarily until a new vest can be obtained.

**C.** All department issued body armor will meet or exceed NIJ appropriate threat level.

**04 Use and Wear of Body Armor:** Body armor will be worn by members of the Department during the following situations or circumstances:

**A.** As part of any tactical deployment involving the service of a search and seizure warrant, arrest warrant, emergency petition, drug related operation and/or building searches.

**B.** As part of any surveillance or stakeout team when there is an apparent probability of apprehension.

**C.** When deployment to the inner perimeter of any hostage/barricade situation.

**D.** When engaged in any specialized uniformed enforcement assignment including but not limited to bicycle patrol, crowd control, K-9 operations and

traffic enforcement checkpoints.

**E.** As part of their normal uniform while working any uniformed patrol.

**F.** All officers working in police-related secondary (Extra-Duty) employment positions must wear their vests.

**G.** Officers are prohibited from wearing metal shock plates in their body armor. Research has indicated that there is a risk of serious injury or death due to the possibility of deflection of a projectile to the neck, face or head area.

### 05 Replacements and Inspection:

**A.** Supervisors will observe subordinates and ensure compliance with the provision of **Section 03** of this procedure.

**B.** Body armor will be inspected semi-annually by the Squad Supervisor as part of squad inspections. Body armor will also be inspected during annual firearms training sessions. Inspections will be completed by the Firearms Instructors who will note any indications of damage, abuse or normal wear. The inspections will also be for cleanliness and fitness for duty.

**C.** Officers with improperly fitting or damaged body armor will be referred to the Administrative Services Commander for replacement.

**D.** Replacement of unserviceable body armor, due to changes in body size, abuse or accidental damage, is the officers' responsibility. The Department will replace armor that is damaged as a result of normal wear, line of duty gunfire or other direct performance of duty.

### 06 Care and Maintenance:

**A.** Officers will comply with the manufacture's instructions for the care and cleaning of their issued

armor, in addition to any instructions provided through departmental training.

**B.** Because exposure to ultraviolet light or certain washing materials may permanently destroy a vest's ballistic capabilities, officers will adhere to the following:

1. When storing, do not expose armor to daylight, plant grow lights, fluorescent lights or any other source of ultraviolet lighting.
2. Hand wash with mild soap and water to prevent build-up of dirt and body oils, particularly in the seams.
3. Do not under any circumstances place body armor in a washing machine or dryer.
4. Do not expose armor to bleach, harsh detergents or dry cleaning solvents.
5. Never fold ballistic panels.

**07 Records and Disposal:**

**A.** The Administrative Services Commander will keep records on all department issued armor which will include at a minimum:

1. Name of Officer.
2. Manufacture's name, threat level and NIJ Standard Number.
3. Date of issue.
4. Inspection dates and results.

**B.** Under no circumstances will armor be used for any purpose other than evidence, training or research after a shooting or significant damage of that armor.

**C.** Unserviceable body armor will be disposed of in a government operated landfill under the supervision of the Administrative Services Commander, or designee.

# Hyattsville City Police Department - General Orders



Title: <b>Courtesy</b>		Number: <b>419</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date:
X New	Amends	Rescinds
Effective Date: <b>August 1, 1998</b>		
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards:	Pages: <b>3</b>

**01 Purpose:** To provide specific guidelines on the behavior expected of all Police Department employees.

**02 Policy:** Few areas generate such a number of complaints as discourtesy. While courtesy may seem minor compared to issues of honest, use of force and other serious matters, the time and ill-will generated by complaints of discourtesy cannot be overestimated.

Practicing courtesy is a way the Department earns the respect and support of others. Without the support of the City of Hyattsville residents and officials, it is impossible to attain police goals. Courtesy encourages cooperation and wins respect, discourtesy breeds obstruction and contempt.

Nothing which follows means that employees must sacrifice safety or become the passive recipients of endless abuse. It is recognized that employees must occasionally speak sternly to citizens in order to discharge their duties. It is also recognized that some persons may become unruly or complain no matter how much consideration or restraint is shown them.

In the final analysis, remember that it is easier and more effective for employees to explain their actions to a member of the public than it is for a supervisor to try to explain to them on an employee's behalf. An example of away to avoid trouble is to speak to the public and co-workers as you might speak to your superiors.

### **03 The Value of Explanation:**

**A.** Most people are unfamiliar with laws, police work and procedures within the criminal justice system. The most frequently overlooked courtesy is the simple act of explaining what you are doing. When people are ignorant of the reason for police actions, they may assume police employees are acting out of ignorance, arrogance or whim. Such assumptions almost always provoke suspicion, anger, or reduced willingness to cooperate.

**B.** Occasionally an employee may not be free to explain their action because to do so might violate a confidence or interfere with a crisis situation, but such situations should be rare. A traffic violator should not be lectured; the officer can explain the violation if the person is at all receptive.

**C.** If an officer is asked to act contrary to law or policy, they should not only refuse, but also attempt to explain the law or policy. Any person who is subjected to a delay, a field interrogation or a warrant check should be given an explanation whenever possible.

### **04 Listening:**

**A.** Active listening is work. It calls for patience, avoidance of interruption, and for putting other concerns aside so as to concentrate on what is being expressed by another. An employee may do "pretend" listening while their mind is occupied elsewhere, but few persons will be fooled. "Pretend" listening has an element of contempt, because it shows that one person does not value another enough to listen to them. Allowing unnecessary interruptions also implies contempt, for the same reason.

**B.** The complaint most frequently received by any police department is that an employee did not pay someone the courtesy of listening. Such complaints will describe an employee's behavior as "cold", "hard", "mean", "arrogant", "uncaring", "obnoxious" and so on. A complainant will say an employee "treated me like a criminal", "refused to listen to me" or "cut me off when I tried to explain". Such complaints come from victims and violators alike. What they all have in common is that the complainant was not actually listened to.

**C.** It is true that some persons may confuse an explanation with an argument. But it is also true that in many cases the employee simply did not want to take the time to listen, or felt that listening would be interpreted as weakness. While circumstances may not always allow police employees to listen at great

length, it is important to remember that time spent listening is usually more productive than time spent talking. Whenever possible, police employees both in the station and outside of it will:

1. Actively listen to another's view, without interruption if possible.
2. Acknowledge that a person has been heard. The best way to show that another has been heard is to restate the other's point, as in "So you feel you got this ticket because the meter isn't working." It is always possible to listen to and acknowledge, what is being said without approving its content or excusing the behavior discussed.

### 05 Procedures:

- A. Introductions:** Whenever practical, employees are expected to identify themselves by title and name at the start of any public contact. Greetings such as "good morning" or "good afternoon" should be included whenever appropriate. Remember that greetings are the first and best opportunity to set the tone of any encounter. The more cordial (or at least neutral) an encounter is kept, the more the participants can concentrate on the business at hand.
- B. Tone of Voice:** Too often tone of voice is left to chance. Employees should be aware of voice tone and utilize it to their advantage, by not portraying sarcasm, contempt, anger or other emotions which are likely to provoke opposition.
- C. Voice Volume:** There are situations, of course, when the voice must be raised. However, often the best response to the loud voice of another is a very quiet reply. It preserves a clear difference between the behavior of the police employee and the behavior of the person with whom they are interacting.
- D. Forms of Address:** Employees should not address citizens by first names unless it is clearly appropriate. Nicknames or diminutives (Shorty, Pops, Junior, etc.) are never appropriate. Employees are encouraged to use "Mister" and "Ms." whenever a person is addressed by the last name. If the last name is not known, employees will use "Sir" or "Ma'am".
- E. Body Language:** While employees must often assume stances for safety during encounters with the public, care must be taken to avoid needlessly provoking negative reactions, as in resting a hand on the butt of a holstered gun or gesturing with a nightstick or flashlight. The display of a friendly or at least neutral facial expression is encouraged as an effective way to gain cooperation.
- F. Crowding:** Most persons are threatened or

offended by intrusion into their personal space (the area immediately around their body) unless they have consented. Employees must restrict this practice to: physical arrest, separating opponents, weapons frisk, seizing evidence, or controlling a potential disturbance. Crowding may only be done for a specific, legitimate reason, not unconsciously or for merely personal reasons.

**G. Personal Opinions:** Employees must never publicly express their personal opinions on the importance of a complaint, the worth of any citizen, the performance of public officials and employee or similar inappropriate subjects. Employees must guard against expressing such opinions through facial expression, tone of voice, body language or similar conduct.

**H. Demeaning Remarks:** A remark or form of address that ridicules a citizen or fellow employee, expresses contempt or is calculated to anger is never appropriate.

### 06 Provocations by Others:

- A. Persons often direct anger and frustration against police employees, and to reply is a constant temptation. However, there is nothing to gain from replying to insults and much to lose. It is important to preserve a clear distinction between the proper behavior of employees and the offensive behavior of others.**
- B. The best way to handle an insult is either to ignore it or quietly point out that you are not insulting him or her. Focus on completing the business at hand. If an employee is being given information in an insulting manner, the employee can concentrate as much as possible on collecting the information. If a request or question is asked in an insulting manner, the employee should react to the request and ignore the insult. Police are not required to correct merely obnoxious behavior, and it is futile to try.**
- C. When insulting behavior by a citizen may incite public disturbance or become a challenge to an officer's authority, calm and careful warnings are then appropriate so the citizen has a chance to moderate the behavior before arrest becomes necessary. This is an important test of an officer's ability to control a situation while controlling him or herself. The officer must not allow emotions to aggravate the situation or become an issue in later court or other proceedings. Whether handling a call for service, making an arrest, investigating a crime, or collecting evidence, officers must not allow themselves to be diverted from duty by obnoxious behavior. This does not mean the employee must always accept every abuse short of an offense that**

calls for an arrest. If a delay is possible, the employee may elect to break contact with the offending citizen if he or she refuses to moderate behavior. Such action must be clearly explained to the citizen, as should the means to remedy it.

# Hyattsville City Police Department - General Orders



Title: <b>Eyewitness Identification</b>		Number: <b>420</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date: <b>December 27, 2012</b>
New   X Amends   Rescinds		Effective Date: <b>February 1, 2013</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>42.2.11, 42.2.12</b>	Pages: <b>3</b>

**01 Purpose:** Constitutional safeguards must be observed in the process of identifying the perpetrator(s) of a crime. All reasonable efforts should be taken to positively identify or clear the suspect as the perpetrator of the crime in accordance with applicable statutory and case law, taking extreme care to avoid unduly suggestive methods.

**02 Policy:** Officers should consider the totality of the circumstances when employing a specific identification procedure. Factors to be considered include the opportunity of the witness to view the perpetrator at the time of the crime, the witness's degree of attention, the accuracy of the witness's prior description of the perpetrator, the level of certainty demonstrated by the witness in the identification process, and the length of time between the crime and the confrontation or identification process.

### 03 Procedures:

**A. Showup:** A single suspect is viewed by a victim or witness immediately following the commission of a crime (generally within one hour) for the purpose of identifying or eliminating the suspect as the perpetrator. This procedure normally takes place during the preliminary investigation by the Patrol Division. The following guidelines should be followed to minimize potential suggestiveness:

1. Determine the witness's description of the perpetrator prior to conducting the showup.
2. Use showups only when the suspect is detained within a reasonably short time frame following the offense.
3. Transport the witness to the location of the suspect whenever possible, rather than bringing the suspect to the witness.
4. Do not conduct showups when the suspect(s) are in patrol cars, handcuffed, or physically restrained by officers, unless necessary due to safety.

5. Do not take suspects to the witness's residence unless it is the scene of the crime.

6. Caution the witness that the person they are about to see, may or may not be the perpetrator.

7. Separate witnesses and do not allow communication between them before or after conducting a showup.

8. If one witness identifies the suspect, use a lineup or photo array for remaining witnesses.

9. Do not present the same suspect to the same witness more than once.

10. Do not require showup suspects to put clothing worn by, speak words uttered by, or perform other actions of the perpetrator.

11. Officers should scrupulously avoid words or conduct of any type that may suggest to the witness that the individual is or may be the perpetrator.

12. Ask the witness how certain they are of any identification that is made of a suspect. Document the exact words used by the victim without prompting the witness to elaborate.

13. Remind the witness not to talk about the showup to other witnesses until police or prosecutors deem it permissible.

14. Videotape the identification process using an in-car camera or other recording device where available.

15. Document the distance from the crime, time and location of the showup, the officers present, and the outcome, whether positive or negative, of the procedure.

16. In the event the witness does not identify the person detained, the officer detaining the potential suspect should record the identity of the person

detained on a Field Interview Report or other appropriate report such as an Incident Report.

**B. In-Car Imaging:** The use of computerized images from driver's licenses or other sources may be useful in confirming the identity of a suspect personally known to the victim or witness prior to the commission of the crime. It should not be used in place of a lineup or showup because it does not have the safeguards against misidentification that are built into those procedures. To avoid undue influence, an image should not be shown to the victim or witness when a subsequent lineup or showup is likely.

**C. Photo Lineup or Array:** Is the structured presentation of six photographs containing a recent photograph of the suspect plus photographs of other persons of similar appearance to be shown to a victim or witness for the purpose of identifying or eliminating the suspect as the perpetrator. For logistical reasons, a photo lineup is the preferred method of conducting a lineup for suspect identification or elimination.

1. There are two ways a photo lineup can be presented

a. Single page display of six photos at once; or

b. Multiple photos shown to the witness viewed one after another, also known as sequentially.

2. In composing either format, the officer will follow these procedures:

a. Include only one suspect in each identification procedure.

b. Select fillers (non-suspects) who generally fit the witness's description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description provided differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.

c. If multiple photos of the suspect are reasonably available to the officer, select a photo that resembles the suspect's description or appearance at the time of the incident.

d. Include a minimum of five fillers per identification procedure.

e. Consider that complete uniformity of features is not required. Avoid using fillers who so closely resemble the suspect that a person familiar with the suspect might find it difficult to distinguish the suspect from the fillers.

f. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual features (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature. **NOTE:** Only filler photos may be manipulated; under no circumstances will suspect photos be altered.

g. Consider placing suspects in a different position in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly in the lineup.

h. When showing a new suspect, avoid reusing fillers in lineups shown to the same witness.

i. Ensure that no writings or information concerning the previous arrest(s) will be visible to the witness.

j. View the spread, once completed, to ensure that the suspect does not unduly stand out.

k. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition and placed into evidence with a photocopy included in the case file.

3. Prior to presenting a photo lineup, the officer will follow this procedure:

a. Instruct the witness that they will be asked to view a set/series of photographs.

b. Instruct the witness that it is just as important to clear innocent persons from suspicion as to identify guilty parties.

c. Instruct the witness that the person who committed the crime may or may not be in the set of photos being presented.

d. Instruct the witness that individuals depicted in lineup photos may not appear exactly as they did on the date of the incident because features such as head and facial hair are subject to change.

e. Instruct the witness that they should not feel that an identification has to be made. If they do identify someone, they will be asked to describe in their own words how certain they are.

f. **If the multiple photo format is used**, instruct the witness that the photos will be shown to them one at a time. Tell them to take as much time as needed to examine each photo and if they make identification you will continue to show them the remaining photos in the series.

g. Assure the witness that regardless of whether

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identification is made, the police will continue to investigate the incident.

4. When presenting a photo lineup, the officer will do the following:

- a. Provide viewing instructions as outlined above.
- b. Confirm that the witness understands the nature of the lineup procedure.
- c. Avoid saying anything to the witness that may influence the witness's selection.
- d. If identification is made, avoid reporting to the witness any information regarding the individual they selected prior to obtaining the witness's statement of certainty.
- e. Record any identification results and the witness's statement of certainty.
- f. Document in writing the photo lineup procedures, including the following:

- \* Identification information and sources of all photos used.
- \* Names of all persons present at the photo lineup.
- \* Date and time of the identification procedures.
- \* Whether audio or video recording was used

g. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

5. When documenting an identification procedure, the officer will do the following:

- a. Record both identification and non-identification results in writing, including the witness's own words regarding how sure they are.
- b. Ensure that the results are signed and dated by the witness.
- c. Ensure that no materials indicating previous identification results are visible to the witness.
- d. Ensure that the witness does not write on or mark the materials that will be used in other identification procedures.

**D. Live Lineups:** Are generally impractical due to logistical reasons because they may, necessitate the presence of the suspect's attorney, and require the procurement of at least four persons (generally prisoners or police officers) similar in appearance to the suspect. Therefore they are discouraged as a suspect identification technique. If a live lineup is

necessary in a particular case, the procedure must be coordinated with the State's Attorney's Office.

**Note: Whenever possible** the administrator of any lineup whether photo or live should not know the identity of the suspect, this is referred to as a Blind Administrator. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal clues to influence the eyewitness to pick the suspect.

# Hyattsville City Police Department - General Orders



Title: <b>Community Services</b>		Number: <b>502</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date: <b>July 13, 2011</b>
New   X Amends   Rescinds		Effective Date: <b>July 14, 2011</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>44.2.5, 45.1.1, 45.1.2, 45.2.1-45.2.5</b>	Pages: <b>2</b>

**01 Purpose:** The purpose of this section is to set policy and procedures with respect to all the following aspects of community relations.

**02 Policy:** The Hyattsville City Police Department has resolved to take an active role in community relations and to actively seek methods to foster ties between the Police Department and the people it serves. Toward that end, the Police Department has made provisions for services that not only reduce and prevent crime, but also create closer ties with the community and greater citizen confidence in the Police Department. These services include, but are not limited to the **Community Action Team (CAT)**, the School Resource Officer Program (SRO) and the Public Information Office (PIO). (44.2.5)(45.2.1e)

**03 Community Action Team:**

**A.** This unit was founded to deal with all incidents and citizen requests for services with the same zeal. Small problems and issues that are dealt with quickly and efficiently do not escalate to become larger problems. Toward that end, **CAT** works with the community to prevent crime and to resolve problems arising from friction within the community.

**B.** CAT will implement crime prevention programs in the following ways:

- \* Creating programs according to available data on the type and location of crimes
- \* Creating programs to address public perceptions or misconceptions of criminal activities
- \* Conduct a documented evaluation of crime prevention programs at least once every three years. (45.1.1)

**C.** CAT provides services that include, but are not limited to the following:

- \* Commercial and Residential security surveys
- \* Release of periodic crime reports to the public and to the media

- \* Presenting and publicizing Crime Prevention presentations and activities
- \* Working with the community to resolve neighborhood problems as they arrive (45.2.1b)

**D.** CAT is also responsible for programs that include but are not limited to the following:

- \* Crime Watch Program
- \* Operation Identification Program
- \* Neighborhood Patrol Volunteers Program (NPV)
- \* Maintaining liaisons with Neighborhood Watch Groups
- \* School Resource Officer Program (SRO) – See Operation Procedures Manual
- \* Public Information Office (PIO) – See General Order 621(45.1.2)

**E.** All officers are part of the Community Oriented Policing effort; however, certain officers are specifically assigned to CAT and are charged with the responsibility of creating and implementing new and innovative programs of crime reduction and prevention. These officers also prepare and release information regarding crime and police activities to the public and to the media. The free flow of information promotes better community relations and provides for a more productive relationship between the police and media. The Police Department follows a policy of full disclosure of any information that, by its nature, would not tend to endanger persons or ongoing police operations and investigations. (45.1.2)(45.2.1c)(45.2.3)

**F.** CAT officers are the defacto liaison officers between the community and the police and, as such, establish formal ties with community organizations. (45.1.2)(45.2.1a)

**G.** CAT members will conduct citizen surveys at all Crime Watch meetings and other police-related community meetings in addition to a tri-annual survey, available on the City website that will address the following topics:

- \* Overall agency performance
- \* Overall competence of agency employees
- \* Citizens' perception of officers' attitudes and behavior
- \* Community concern over safety and security within the agency's service area
- \* Citizens' recommendations and suggestions for improvements (45.2.4) (45.2.1f)

civilian, no unified, coordinated effort will be possible. (45.2.1b)

#### **H. Responsibilities of CAT Supervisor:**

**1.** The Supervisor will complete quarterly reports for the Chief of Police that will include the following:

- \* Description of community concerns
- \* Description of potential problems concerning law enforcement
- \* Statement of intended police actions to alleviate these problems
- \* Statement of progress made toward addressing previously identified concerns and problems (45.2.2)

**2.** Every three years a review and summary of all citizen surveys will be conducted and forwarded to the Chief of Police regarding the results of those surveys. (45.2.5)

**3.** The Supervisor will also relay what is learned at community meetings or public contacts to the Chief of Police and Command Staff during the weekly Command Staff meetings. If the information learned is of urgency the Supervisor will send an email to all employees regarding this information. (45.2.1d)

#### **04 Public Information Office:**

**A.** This office bears the responsibility for the preparation of informational releases to the public and to the media. These specific regulations regarding this function are outlined in **General Order 621 – Media Notification and Release of Information.**

#### **05 Authority and Responsibility:**

**A.** Because developing and coordinating the Police Department's community relations function is a shared responsibility between the Community Action Team and Public Information Office, each component will have direct access to the Chief of Police and will attend appropriate command-level staff meetings.

**B.** Because the conduct of each employee reflects on the Department as a whole, the burden of achieving the Department's community relations objective is shared by all personnel. Without the participation, enthusiasm and skill of all personnel, sworn and

# Hyattsville City Police Department - General Orders



Title: <b>Media Notification and Release of Information</b>		Number: <b>621</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date:
X New   Amends   Rescinds		Effective Date: <b>August 1, 1998</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>41.2.4, 45.1.2, 45.2.3, 54.1.1-54.1.3, 55.1.3, 82.1.1</b>	Pages: <b>4</b>

**01 Purpose:** This order establishes underlying premises and responsibilities for the public information function of the Police Department.

**02 Policy:** To operate effectively, the Department must obtain the support of the public. This can be accomplished with openness and candor. The public and news media must be informed of events that affect the lives of citizens of Hyattsville. It is intended that by providing the news and media and the community with information on agency administration and operations, a relationship of mutual trust, cooperation and respect will be maintained.

**03 The Public Information Function – Responsibilities:** The point of control for information dissemination to the community and media rests with the Public Information Officer (PIO) under the direct supervision from the Chief of Police. When practical, Shift Supervisors will ensure that the PIO is given accurate and complete information quickly, when press interest is a strong possibility. Also, the PIO is to be kept informed on the event so long as press interest continues. The point of control for dissemination of information to other criminal justice agencies is shared by the Special Services Commander and the CIS Commander. All employees will give prompt cooperation and assistance to the PIO who will, subject to budget and staffing considerations:

**A.** Seek to generate media interest surrounding the goals and accomplishments of the Department. All employees are strongly encouraged to notify the PIO of any potentially newsworthy incident, arrest, positive citizen encounter, etc. In all such cases the employee will provide the information to the PIO in writing.

**B.** The PIO will seek to provide all possible information and access when the news media expresses an interest in Department operations.

**C.** The PIO will seek to provide all possible assistance to news personnel covering routine news stories and/or at the scene of an incident.

**D.** The PIO will prepare and distribute departmental news releases, ensuring that appropriate City and other officials are notified of incidents where appropriate.

**E.** The PIO will arrange for and assist at news conferences.

**F.** The PIO will coordinate and authorize the release of information about victims, witnesses and suspects, subject to guidelines in this General Order, and in consultation with Command level staff.

**G.** The PIO will assist in crisis situations as appropriate, within the Police Department.

**H.** The PIO will consult with the Chief of Police and the CIS Commander and with the approval will coordinate and authorize the release of information concerning confidential agency investigations and operations.

**I.** The PIO will be kept aware of potential newsworthy occurrences within the Department.

**J.** The PIO will exercise full authority over content, newsworthiness and editorial style subject to final approval by the Chief of Police. Articles intended for the City Newsletter are submitted to the PIO to edit for style, and to the Chief of Police for content approval.

**04 Press Releases:** Equal access by all media is ensured via the Department policy of faxing the Associated Press (AP) and all other news services at the time an incident occurs. This is done prior to contacting individual newspapers, radio and television stations.

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**A.** Normally, The PIO is responsible for determining the necessity for a press release and has responsibility for content, subject to final approval by the Chief of Police. Normally, any serious incident/crime or noteworthy/outstanding Police Department employee accomplishment will become the subject of a press release. On occasion, the Chief may direct that a special press release be prepared. AP will be given first release via FAX. Thereafter, all other media will be notified by FAX, telephone or mail, depending on the urgency of the release. The PIO maintains an updated media list and routinely notifies all major newspapers, radio and TV stations.

**B.** When a press release has been issued which generates phone calls from the media community, the PSA will refer them to the on-duty supervisor or Command Staff officer who will discuss any questions concerning the release. In the event of additional or updated information or after hour requests the PIO will be contacted for the release of that information. Under no circumstances will a police officer or PSA discuss the incident, unless otherwise directed by the Chief of Police.

### **05 Credentials and Access of News Media at the Scene of Incidents:**

**A.** The Department does not issue or revoke press credentials; however, the Department accords media privileges to any person employed by, and having valid identification from a local, national or international news organization. Questions as to credentials will be directed to the Command Officer on the scene or the PIO. Freelance writers and photographers will not be accorded privileges and will be treated as members of the general public.

**B.** As time limitations allow, the PIO will consult periodically with the media and police employees for the purpose of reviewing procedures and establishing guidelines for future incidents.

**C.** If and when an employee believes media coverage of HCPD or individual employees is grossly inaccurate and/or inappropriate, the employee(s) may send a written memorandum to the Chief of Police detailing the circumstances of the complaint.

**D.** Note that suspects in custody will not be deliberately posed for any photographs, telecast or interviews. Normally, a person in police custody will not be permitted to be interviewed by the media.

**E.** Many conflicts between police personnel and the media arise at the scene of incidents. To avoid as much conflict as possible, the PIO and the on-scene supervisor will cooperate to ensure that police/media

activities are coordinated as follows:

**1.** Without hampering operations or investigations, the media will be furnished with access to information and locations from which to photograph or record. To maintain order, a media area (press lone) will be established. This area should afford safety and should not interfere with the crime/incident scene.

**2.** Every effort will be made to allow the press to view activity at the scene. Film crews will be allowed to photograph freely, so long as they do not jeopardize investigations or operations.

**06 Authorization to Release Information:** The time limit for discussing current arrests is seven (7) days after charges are placed. After this time has passed, an arrest will be verified for a period of one year from the time of arrest only if the person in question is still in the criminal justice system.

**A.** At the scene of an incident the following persons are authorized to release information:

- \* The Chief of Police or a Commander
- \* The Public Information Officer
- \* In the absence of the PIO, any police supervisor as directed by the guidelines contained in this General Order

**B.** The following individuals are authorized to release information from Department files:

- \* The Chief of Police
- \* The Operations Commander (if staffed)
- \* The Administrative Services Commander or the Communications/Records Supervisor
- \* The PIO with approval from the Chief of Police

**C.** The following persons are authorized to release information on ongoing criminal investigations:

- \* The Chief
- \* The Operations Commander (if staffed)
- \* The Administrative Services Commander or the Communications/Records Supervisor
- \* The Patrol Commander
- \* The Special Services Commander
- \* The PIO with approval from the Chief of Police

**D.** If a request for routine information comes to the PIO, they will refer the requesting party to the appropriate officer(s) and immediately notify the officer(s) of an impending interview. If the request is made directly to an officer, the officer will courteously respond to the inquiry and notify the PIO.

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### 07 Information/Material Which May Not be Released to the Media:

- \* Name of the victim of a sex offense
- \* Name of a witness or potential witness
- \* Name of any juvenile (age may be given, but not race)
- \* Name of any seriously injured or deceased person before notification to next-of-kin
- \* Criminal record, character and/or reputation of a defendant
- \* Existence or contents of any confession, admission, statement or alibi given by an accused, or their failure to make same
- \* Polygraph refusal or failure
- \* Information received from other law enforcement agencies without their concurrence to release
- \* Creditability or character of any witness or potential witness
- \* Testimony or credibility of any victim
- \* Any opinion on innocence or guilt or quality of evidence or merits of a case
- \* Possibility of a guilty plea, plea bargain or other case disposition
- \* Transcripts, reports or summaries of judicial proceedings which public and press have been excluded by the courts
- \* Information which may interfere with investigation or apprehension. Especially prohibited are premature disclosures of unchecked leads, unverified information, specific facts of an "MO", details known only to the suspect, and information which could cause a suspect to flee
- \* Home address, telephone number of any Department employee unless the employee gives consent
- \* Exact dollar value of stolen property
- \* If a victim requests an incident not to be reported to the media, officers will tactfully explain that they will refer the request to the PIO. This request will be noted in the officer's report
- \* Any information on internal affairs, except by permission of the Chief of Police

### 08 Information Which May be Released to the Media:

- A. Adult chronological arrest books are open to public inspection.
- B. Name and assignment of arresting officer(s).
- C. Facts and circumstances of an arrest investigation so long as such disclosure would not be prejudicial.
- D. Amount of bond, court dates, and location of detention.
- E. Information which may assist in an investigation,

such as lookouts for person(s) or vehicles.

F. An adult victim's name, address, age, occupation and injury, if they would not jeopardize the victim's life or property; however, cases involving sexual assault require releasing of only age, sex and geographic area of occurrence.

G. The existence of a suspect (without name) if it will not interfere with an investigation.

I. After notification to next-of-kin (in an accident), all facts and circumstances are released (unless victim is a juvenile). Officers will collect promptly and give to the PIO all relevant facts in a fatal or potentially fatal accident, including at least:

- \* Date, time and location of accident
- \* Number and kind of vehicles involved
- \* Detailed description of accident
- \* Primary vehicle driver's name, address, age and medical condition
- \* Other vehicle driver's name, address, age and medical condition
- \* Name of hospital(s)
- \* Passenger(s) in any vehicle, their names, address, ages, medical conditions and relation to the driver
- \* In each case, the time next-of-kin notified
- \* Name of officer in charge of the investigation
- \* Name of any other jurisdiction or officer involved
- \* If fatal, the time pronounced
- \* Charges placed, if any
- \* The use/non-use of seat belts, air bag activation

J. After an arrest the exact charges and the method of charging (warrant, indictment, etc...) may be released.

**09 Denying Information:** Whenever a media request for information is denied, it will be supported by a courteous, logical and complete explanation. Justification may involve privacy rights, court rulings, and/or safety of a defendant, victim or witness. Failure to adequately justify denial of information can seriously damage the Department's efforts to build good media relations and cause the media to be less than cooperative on future occasions when the department may need its assistance.

**10 When More Than One Agency is Involved:** When a Fire Department, Corner's Office, etc... are involved in a mutual effort with HCPD, the agency having primary jurisdiction will be responsible for coordinating and releasing information to the media

### 11 Notifications Required:

A. Serious occurrences listed below require immediate notification to the Chief of Police and the

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PIO, as well as completion of the Commander's Log. The PIO will respond to any serious occurrences including, but are not limited to the following:

1. Death or serious injury of any Hyattsville City Police Department employee, on or off duty.
2. Major crimes including: Homicide, Kidnapping, Hostage/Barricade situations, Bank Robberies, Confirmed or detonated Explosive Devices.
3. Shooting involving a HCPD employee.
4. Newsworthy event that attracts media attention.
5. Natural or man-made disasters; major commercial fires and explosions
6. Any incident involving a major evacuation.
7. Missing person when foul play is suspected and/or extensive search is required.
8. Any incident involving individuals of interest to media, especially elected officials.
9. Racial, Religious or Ethnic incidents involving well known persons, religious institutions or public property, or involving significant damage to a commercial facility.
10. A felony arrest of any City employee or any physical custody arrest of a Public Safety Employee of any jurisdiction.

**B.** The following listed occurrences, along with all circumstances enumerated in **Section 11 A**, will require the completion of a Commander's Log:

1. Major crimes.
2. Unusual or controversial incidents.
3. Shots fired by citizens or police:
  - \* Weapons discharged at any person, residence, vehicle or commercial establishment
  - \* Weapons discharged by an officer while making an arrest
  - \* Weapons discharged during the commission of a crime
  - \* Wounding of a person
4. Whenever a police officer is injured on duty.
5. Whenever a police officer uses force involving a firearm or secondary weapon, or whenever an officer strikes a prisoner.

6. Serious accident involving fatalities, aircraft accidents, serious school bus/commercial bus accidents.

7. Vehicle pursuits.

**C.** The officer in charge and/or in control of the situation or prisoner will be responsible for completing the Commander's Log. Prior to completion of their tour of duty, the officer's supervisor will review, sign and forward a copy of the Commander's Log to Command Staff. The supervisor will also ensure that the original is made available for immediate access to the Chief of Police.

**D.** The Chief of Police will be notified at their residence or via cell phone. If the Chief of Police cannot be reached, contact the following officer, in order:

- \* Operations Commander (if staffed)
- \* Patrol Commander
- \* Special Services Commander
- \* Administrative Services Commander

**E.** The PIO will be notified at their residence or via cell phone.

**F.** When practical, notification will be made by the on-duty supervisor or designee. Prior to notification, the supervisor or designee will garner all facts, circumstances and information.

**G.** The supervisor or designee will prepare to answer questions pertaining to seriousness of the incident, potential danger and/or manpower/resource consideration.

# Hyattsville City Police Department - General Orders



Title: <b>Limits of Authority – Constitutional Safeguards</b>		Number: <b>625</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date:
New   X Amends   Rescinds		Effective Date: <b>October 19, 2009</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>1.1.1, 1.2.1, 1.2.3 – 1.2.7, 42.2.11, 42.2.12</b>	Pages: <b>5</b>

**01 Purpose:** To define the legally mandated authority of police officers, to address Constitutional requirements of criminal investigations and to set forth procedures and guidelines on use of discretion; to define circumstances when officers should exercise alternative to arrest/pretrial confinement.

**02 Policy:** The United States Constitution guarantees every citizen certain safeguards from government intrusion, and as a consequence, the safeguards limit the authority of police to enforce laws.

**03 Police Authority to Enforce Laws:**

**A.** Criminal Procedure Section 2-102, gives the authority to police officers to enforce criminal laws of the State and ordinances and regulations of the jurisdiction in which they are appointed.

**B.** All officers, prior to their appointment, will take an oath swearing to support the Constitution of the United States, Constitution of the State of Maryland, and laws and ordinances of Prince George’s County and the City of Hyattsville, Maryland.

**1.** The Oath of Office will be administered by the City Administrator of the City of Hyattsville, or designee.

**2.** The Hyattsville City Police Department Oath of Office:

*I \_\_\_\_\_, do swear (or 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 partially or prejudice, execute the office of Police Officer, in the City of Hyattsville, according to the laws of the State and the City of Hyattsville.*

**04 Limitations of Police Authority:** Limitations are derived from statutes, Federal, State and local judicial

interpretation of laws, opinions of the State’s Attorney’s Office and the Attorney General of the State of Maryland, as well as, departmental policies, rules and regulations and City administrative decisions.

**A.** Courts constantly interpret laws that place limitations on the authority of police. The most common include: Miranda rights/warning, rulings on search and seizure, eyewitness identification, lie-ups, etc.

**05 The Fifth Amendment Right Against Self-Incrimination:** Police officers are often in doubt as to when or if they should advise an individual of their Miranda rights. While Miranda deals with in-custody interrogations, the question of when custody applies may arise. *Escabido v. Illinois* requires the giving of Miranda warnings when the investigation focuses on a suspect or suspects and the interrogation reaches the accusatory stage. Since these two cases appear to contradict one-another, a proper guideline for police officers to follow would be to advise suspects of their Miranda warnings in all felony and First and Second degree misdemeanor cases, and all DUI arrests.

**A.** In order to achieve uniformity and ensure that individuals receive Miranda warnings; officers will read aloud from the Miranda warning card when advising individuals of their rights.

**B.** After the warnings have been read, understood and the individual wishes to waive them, the officer will have the suspect sign a Waiver of Rights Form (HCPD I-01).

**C.** Officers will allow the defendant to call an attorney if they so desire.

**06 Police Limitations on Search and Seizure:** The Fourth Amendment of the Constitution guarantees the right of people to be free from unreasonable searches and seizures of their homes, person and property. The Supreme Court is constantly

interpreting the Fourth Amendment as it applies to police conduct. Illegally seized items of evidence will not be admitted in court and may be cause for dismissal of a criminal case. Additionally, an illegally conducted search invites civil suits under the Civil Rights Act. In order to ensure that citizen's Fourth Amendment rights are protected, Hyattsville City Police Officers will obtain search warrants in all appropriate criminal cases except the following:

**A. Consent Searches:** The consent must be voluntarily given by a person with authority to relinquish their rights. When exercising a consent search, the officer will obtain consent, preferably on a Consent to Search Without a Warrant Form; however, verbal consent is permissible, but less desirable in terms of later prosecution.

**B. Emergency to Save Life or Property:** An emergency must exist and the area searched must be directly related to the emergency.

**C. Plain View:** The officer must be legally where they can discover fruits, instruments, evidence and contraband, the seizure must be inadvertent, and the property must be recognized as fruits, instruments or evidence of a crime, or contraband.

**D. Stop and Frisk:** When an officer observes unusual conduct that leads the officer to reasonably conclude, in light of job experience, that criminal activity may be afoot and individuals may be armed and presently dangerous, the officer shall identify themselves and make inquiries of such individual. If nothing in the inquiry dispels the reasonable fear for safety of the officer or others, the officer may conduct a carefully limited search of the individual's outer clothing in an attempt to discover weapons. Such searches are reasonable and any evidence obtained is admissible (*Terry v. Ohio, U.S.*). Also refer to **General order 620 – Firearms Search Report**.

**E. Abandoned Property.**

**F. Inventory Searches of Vehicles:** Inventory searches are justified if they are:

1. Pursuant to a lawful impoundment
2. Routine and standard in practice
3. Not a pretext concealing an investigatory police motive

**G. Incidental to Arrest:** Only the area within the immediate control of the person may be searched.

**H. Emergency search to prevent destruction/loss of**

evidence, to include vehicle searches if probable cause exists to believe that the vehicle contains contraband and mobility is possible.

### **I. Fresh Pursuit.**

**07 Police Limitations Pertaining to Eyewitness Identification:** Eyewitness identifications generally do not provide reliable evidence during criminal investigations. Consequently, the Supreme Court has addressed this issue in numerous cases and set forth guidelines to be followed when eyewitness identifications are solicited by the police.

**A. On-Scene Identification:** One-on-one identifications have been held constitutional as long as the period of time between offense and the identification is brief. One to three hours would be a reasonable amount of time.

**B. Police Line-Ups:** Line-ups should be conducted using persons having similar physical characteristics as the suspect. The accused has the right to have an attorney present during the line-up and the line-up may not take place until the attorney is present. The attorney may not offer any suggestions as to conduct of the line-up, but merely may be present. All line-ups must be documented by the police, to include date, time, place, names of participants and witnesses and location of the suspect and participants within the line-up.

**C. Photo Line-Up:** In conducting photo line-ups, the photos must depict persons displaying similar physical characteristics to the suspect. Simply showing an eyewitness a single photo of the suspect has been ruled unconstitutional. As a general rule, a photo line-up should contain six (6) photos. Photos shown to witnesses will not contain any identifying information.

**08 Limitations on Police Authority:** From time to time, certain entities may limit police authority. Such entities and their limitations include, but are not limited to:

**A. Local Courts may impose limitations regarding:**

1. Enforcement of parking ordinances,
2. Handling of juvenile offenders,
3. Issuance of summonses as opposed to arrest, and
4. Municipal infractions.

**B. The State's Attorney's Office may issue opinions to the Department which may regard:**

1. Prosecution of certain cases,
2. Extradition, and
3. Enforcement of certain statutes pending.

C. The City Council, City Administrator and the Chief of Police may impose limitations on police authority to include:

1. Parking violations, and
2. All Police Department policy/General Orders pertaining to "Use of Force", and opinions from the Attorney General's Office.

**09 Changes in Laws/Interpretational Limitations:**

Periodically, changes take place which may impose new limitations on authority or remove/alter existing limitations. Normally, annual updates on such changes are provided to all personnel by the State's Attorney. In case immediate changes in Department operations are required, information may be received orally and confirmed in writing.

**10 Compliance with Constitutional Requirements during Criminal Investigations:**

A. All officers while conducting criminal investigations, will take every precaution to ensure that all persons involved are afforded their Constitutional safeguards. Police officers will ensure that:

1. All statements or confessions are of a voluntary nature.
2. All persons are advised of their rights in accordance with this procedure.
3. All persons arrested are taken promptly before a Court Commissioner for formal charging, and to have a bond and a court date set.
4. All persons accused or suspected of a criminal violation for which they are being interviewed are given an opportunity to consult with an attorney.
5. Prejudicial pretrial publicity is avoided so as not to interfere with a defendant's right to a fair and impartial trial.

B. Officers will know and abide by the following guidelines regarding Miranda warnings:

1. Miranda applies only to custodial interrogation. Interrogation is defined as "...express questioning or its equivalent... any words or conduct on the part of police (other than those normally attendant to arrest

and custody) that the police should know are reasonably likely to elicit an incriminating response from the suspect." Custody refers to the suspect's reasonable belief that they are not free to leave.

a. The officer's view of what constitutes custody and that of the suspect may differ. Officers must remember that the reasonable belief of the suspect is what counts.

b. Officers are reminded that an interrogation does not rely solely or exclusively on words: conduct of officers can be the "functional equivalent" of asking questions.

2. Officers are directed to consult with CIS personnel prior to administering rights to suspects in Part I offenses, or serious Part II offenses.

3. In order to achieve uniformity in administering Miranda warnings, police officers will be issued cards with the Miranda warnings and waiver on them. Officers will advise suspects, verbatim, using either the card, or the Advise of Rights form.

4. After reading the warning, in order to secure a waiver, the officer will ask and receive affirmative replies to the following questions:

a. "Do you understand each of these rights as I have explained them to you?"

b. "Having these rights in mind, do you wish to talk to me now?"

5. After the rights have been read, understood and the person wishes to waive them, the officer will have the suspect sign the Waiver of Rights form. Officers must cease questioning whenever the suspect invokes the right to silence or requests the presence of counsel.

6. If a suspect, once in custody, requests counsel after being advised of Miranda rights, they cannot be interrogated again unless:

a. Counsel is present during the interrogation, or

b. The suspect initiates the interrogation.

7. Officers will take care in advising juveniles of their rights to ensure that the rights are understood before obtaining a waiver. Officers should honor a juvenile's request to speak to a parent or guardian before waiving their rights. Whenever possible, the juvenile's parents should be present while the juvenile's rights are explained and the waiver obtained.

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8. Miranda warnings do not apply in the following situations:

- a. Brief on-scene questioning,
- b. Identification procedures such as fingerprinting, line-ups, sobriety tests,
- c. Volunteered, spontaneous statements (once the officer has heard the suspect express spontaneous incriminating statements, the officer will then advise the suspect of Miranda rights and obtain a waiver before undertaking additional questioning),
- d. Brief investigative detention,
- e. Roadside questioning during traffic stops,
- f. Routine booking questions during arrest, and
- g. Questioning by private persons.

9. When an officer urgently needs information from a suspect because lives are in imminent danger, officers may delay giving Miranda warnings until the officers have received information sufficient to dispel the emergency. A genuine, life-threatening emergency must exist.

10. No firm guidelines exist regarding governing when fresh warnings must be given. In considering whether previously administered Miranda rights have become legally stale, investigators must consider:

- a. The length of time between first warnings and subsequent interrogations,
- b. Whether warnings and later interrogation were given in the same place,
- c. Whether warnings and later interrogations were by the same or different officers.
- d. The extent to which the later statement differed from the previous one, and
- e. The apparent intellectual and emotional state of mind of the suspect.

### 11 Use of Discretion by Police Officers:

A. Police Officers are constantly required to exercise discretion in the performance of their duties. The Police Department provides officers with written policy and procedures, orders, directed patrol assignments and training to aid them in making decisions which call for discretion.

B. Department rules and policy give officers guidelines to consider in exercising discretion. The individual officer must consider all relevant factors associated with a particular situation, and make appropriate decisions.

### 12 Alternatives to Arrest:

A. Under certain circumstances, police officers are faced with the situations where arrest and confinement are not appropriate. Certain alternatives may be exercised when such situations arise. These options include, but are not limited to:

- \* Issuance of summonses
- \* Referral to a social service agency
- \* Issuance of criminal citations
- \* Warnings

B. The State of Maryland and the District Court of Maryland authorize police officers to issue criminal/civil citations in lieu of arrest for persons charged with misdemeanor criminal offenses.

C. In determining whether a summons/citation should be issued, the officer will:

1. Decide whether the offense committed is of a serious nature,
2. Make a judgment as to whether the accused poses a danger to the public or themselves, and
3. Decide, based on circumstances, whether the persons may disregard a citation.

D. Police officers often deal with situations wherein Social Services should intervene. A detailed list of Social Services and similar agencies are contained in the Department's Victim Assistance brochure. Officers should consult the brochure when, in their judgment, referral is the best solution.

E. The use of a warning may sometimes provide a satisfactory solution to a problem, and may enhance public support for the Department. Normally, the use of a warning involves traffic offenses, although, warnings may be applied to criminal offenses. In determining of a warning will suffice, the officer should consider:

1. Seriousness of the offense,
2. Likelihood that the violator will heed the warning,
3. Reputation of the violator (are they know repeat offender), and

4. Age of the violator.

F. Limitations on Intelligence Activities:

1. Department intelligence gathering activities will be limited to that information concerning criminal conduct that relates to activities which present a threat to the community.
2. Department personnel and equipment will only be used in connection with intelligence gathering in full compliance with all the laws, and only with the advanced approval of the Chief of Police.
3. Intelligence information will be collected, used and processed in accordance with **General Order 631 – Intelligence and Informants.**

# Hyattsville City Police Department - General Orders



Title: <b>Transgender Interactions</b>		Number: <b>668</b>
Original Issue Date: <b>February 1, 2015</b>		Review Date: <b>January 28, 2015</b>
New   X Amends   Rescinds		Effective Date: <b>February 28, 2015</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards:	Pages: <b>3</b>

**01 Purpose:** To establish guidelines for the appropriate, safe and dignified interactions with transgender individuals by all members of the Hyattsville City Police Department.

**02 Policy:** It is the policy of this Department to treat all individuals with dignity, respect and professionalism. No person shall be discriminated against based on gender identity, sexual orientation, or any other basis prohibited by local, state or federal laws.

**03 Definitions:**

**A. Birth Sex** – The sex classification of person as male or female that was assigned at birth based on their physical characteristics.

**B. Gender** – An individual’s biological or anatomical identity as male or female.

**C. Gender Expression** – How a person expresses gender identity to others, often through their behavior, clothing, hairstyle, voice, or other characteristics.

**D. Gender Identity** – A person’s innate, psychological identity as male or female.

**E. Preferred Name** – The name an individual prefers to use in daily life to refer to themselves (this may or may not be the individuals current legal name).

**F. Transgender** – Refers to people whose gender identity differs from their birth sex.

**G. Transgender Female** – A person whose birth sex is male and whose gender identity is female. This is sometimes called a male-to-female (MTF) individual.

**H. Transgender Male** – A person whose birth sex is female and whose gender identity is male. This is sometimes called a female-to-male (FTM) individual.

**04 Procedures:** “Transgender Identity” refers to persons who utilize or identify themselves by gender or persona other than that assigned at birth.

**A. Addressing Individuals:**

**1.** Employees shall address a transgender individual using the person’s clearly stated gender identity, including preferred name and appropriate pronouns. Employees who are unsure which pronoun is appropriate shall respectfully ask the transgender person which they prefer. For example:

**a.** “Transgender Male” refers to a person whose gender at birth was female, but identifies and lives as a male. Such persons should be addressed using masculine pronouns (i.e. he, him, and his).

**b.** “Transgender Female” refers to a person whose gender at birth was male, but identifies and lives as a female. Such persons should be addressed using feminine pronouns (i.e. she, her, and hers).

**2.** If a person has not clearly stated their gender identity, but the person’s intended gender presentation is reasonably clear based on attire and other cues, the individual shall be treated in accordance with their expressed gender.

**3.** If a person’s self-identified or expressed gender is unclear, the officer(s) should make a determination based on any other available information. Gender information on government-issued identification and other documents may be used as presumptive evidence of gender identity, but only in the absence of self-identification by the individual or some other obvious expression of gender identity. If an individual has a gender marker on their identification that is not consistent with their self-identity, the individual should be referred to by their self-identified name and gender at all times.

**a.** Officers shall avoid unnecessary personal

questions regarding an individual's anatomy or sexual history.

### B. Calls for Service

1. All calls for service or complaints by transgender individuals shall be addressed and investigated in accordance with applicable Departmental policies for any other call for service or complaint. Discrimination based on gender-related identity is prohibited.

### C. Stop and Frisk

1. Officers shall conduct all stop and frisk encounters, field interviews, searches, and seizures with or without a warrant in conformance with **General Order 625 Limits of Authority – Constitutional Safeguards, General Order 707 Bias Based Profiling**, and controlling state and federal laws.

2. A stop, frisk or search shall not be performed for the sole purpose of determining an individual's anatomical gender. Transgender individuals **shall not be** subject to more invasive search or frisk procedures than non-transgender individuals.

3. Officers are cautioned not to treat a transgender individual or person who appears to be transgender as the basis of suspicion and/or evidence of a crime.

4. Officers should be aware the presence of needles may be indicative of prescribed hormone treatment and/or therapy, not necessarily illegal drug use.

### D. Reporting

1. Some transgender people may use a name different than their legal name. All written reports including but not limited to the following shall refer to transgender individual's legal name:

- \* Incident
- \* Death
- \* Statement of Charges
- \* Field Interview

The person's preferred name shall be listed as an alias or Also-Known-As (AKA). The first paragraph of the report narrative shall note "The (complainant) (victim) (witness)(subject) is transgender."

Thereafter, the appropriate gender pronouns shall be used in the narrative. For example: If the person is male-to-female, make the person as "female" and use the pronouns "she" "her" and "hers" within the report narrative.

2. In accordance with Report Writing and **General Order 646 – Hate, Violence and RRE Incidents**, the appropriate Bias Motivation shall be indicated in the Report Writing System.

### E. Prisoners

#### 1. Complaint/Arrest Report

a. Complaint /Arrest Report and all other official documents shall be prepared pursuant to **General Order 638 – Arrest Procedures**.

#### 2. Search

a. Immediate cursory/pat-down searches, in the field, of transgender persons may be conducted by an officer of either sex, as with field searches for non-transgender individuals.

b. Searches of prisoners, whether on the streets or in our Processing Area, shall be conducted by two (2) officers as prescribed in **General Order 616** to include but not limited to:

- \* **Section 04 D – Prisoner Transport**
- \* **Section 15 C - Searches of Prisoners**
- \* **Section 27 A & B – Detention of Females**

c. Prisoners shall not be frisked or searched for the purpose of determining genital status, presence or absence of breasts, or for any demeaning purpose.

d. Prisoners with hairpieces, prosthetics, and/or items supportive of their gender presentation, shall be required to remove such items to the same extent required of other individuals; and in a manner to not cause humiliation or embarrassment.

e. Strip and body cavity searches shall be conducted pursuant to **GO 616 (Prisoners) Sections 16 & 17**.

f. An officer shall not refuse to search an individual based upon the individual's self-identity as a transgender person.

#### 3. Transport

a. All transgender prisoners shall be secured and transported pursuant to **General Order 616 – Prisoners** and the prisoner's stated gender identity.

b. All transgender prisoners shall be transported directly to the appropriate adult or juvenile receiving facility for Prince George's County Department of Corrections.

\* If the prisoner needs to be taken to our Temporary Holding Area for Department Processing or questioning the officer will follow **Section 04 E 4** below.

c. If officers determine that the safety of a transgender prisoner or other prisoner would be compromised by transporting the transgender prisoner in the same vehicle as other prisoners, transgender prisoners may be transported in a separate vehicle.

d. When transgender prisoners are turned over to Prince George's Department of Corrections the arresting officer will advise the DOC officer that the prisoner is transgender.

#### 4. Prisoner Processing in our Temporary Holding Area

a. Transgender prisoners secured in our Temporary Holding Area shall be separated from non-transgender prisoners by sight and sound when possible.

b. Transgender prisoners shall not be held longer than necessary for processing (i.e. testing, interrogation or awaiting transport).

#### F. Transgender Juveniles

1. Transgender juveniles shall be treated pursuant to this policy, and afforded the same privileges and protections as other juveniles under local, state or federal law. Officers shall interact with and process transgender juveniles in accordance with those laws and **General Order 804 – Juvenile Procedures**.

#### 05 Confidentiality and Dissemination:

A. A person's transgender status is considered confidential information. Officers will comply with all General Orders with regards to confidentiality and the dissemination of this information in accordance with but not limited to the following **General Orders**:

\* **202 – General Rules of Conduct**

\* **660 – Criminal History Use Policy**

**06 Complaints:** Any staff member who is notified of a complaint regarding employee misconduct towards or mistreatment of transgender individuals shall respond in accordance with **General Order 635, Complaints / Internal Affairs**.

# Hyattsville City Police Department - General Orders



Title: <b>Operation of Police Vehicles</b>		Number: <b>701</b>
Original Issue Date: <b>August 1, 1998</b>		Review Date: <b>August 4, 2011</b>
New   X Amends   Rescinds		Effective Date: <b>August 4, 2011</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>41.3.1, 41.3.3, 61.3.3, 81.2.4, 81.2.6</b>	Pages: <b>3</b>

**01 Purpose:** To establish policy, procedures and guidelines for the operation of Police Department and other City vehicles.

**02 Policy:** It will be the policy of the Hyattsville City Police Department to require employees operating Police vehicles to do so with utmost caution. Employees will operate Police vehicles in a manner that provides an example of safe driving and which conforms to Department Rules and Procedures and all the laws of the State of Maryland.

**03 Authorizations to Operate Departmental Vehicles:**

A. Departmental vehicles will only be operated by the following persons:

1. Employees of the Department.
2. City employees on official business.
3. Authorized mechanics for the purpose of road testing.

B. Employees will possess a valid driver's license for the state in which they reside and for the class of vehicle being operated.

**04 Civilian Operation of Department Vehicles:** Departmental vehicles may be operated by civilian employees subject to the following conditions:

- A. Marked and unmarked patrol vehicles can be used.
- B. Civilian employees may not respond to emergency calls or operate emergency equipment.
- C. Civilian employees may use the radio for normal radio communications and in emergency situations.
- D. Civilian employees operating departmental vehicles are subject to all provisions of Department Rules concerning the use of such vehicles.

**05 Procedures for Use of Departmental Vehicles:**

A. Departmental vehicles will only be used for official Department business while the operator is on-duty.

B. Employees will not take Department vehicles outside the City limits except for an investigation, lawful pursuit of a violator, or the transportation of prisoners, unless the operator has obtained prior approval from their immediate supervisor.

C. Employees will not allow any person to be seated or transported in a Department vehicle unless that person is involved in official police business or is an approved guest of the Department's Ride Along Program, who has filed all required request forms, been granted permission to "Ride Along" and has signed the specific waiver form.

D. The pickup locations, reason, destination, beginning and ending mileage and times will be recorded by Communications for any transport involving a non-employee. In addition, the transporting employee will give the sex of the person being transported.

**06 Compliance with Regulations and Traffic Laws:** Employees operating Department vehicles will drive in a reasonable and prudent manner, obey all regulations and traffic laws and display courtesy to other motorists.

**07 Parking Police Vehicles:**

A. Employees operating Department vehicles will observe all parking regulations except in emergencies.

B. During emergencies, Department vehicles parked in restricted areas will not be parked so as to unnecessarily interfere with traffic or impede fire/rescue operations.

C. If a Department vehicle must be double-parked or

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parked in a restricted area, the vehicle's parking lights will be placed on flash.

**D.** Employees will ensure that the vehicle and contents are secured whenever the vehicle is left unattended.

### 08 Emergency Responses:

**A.** Employees operating Department vehicles as emergency vehicles will adhere to the requirements of the Maryland Vehicle Law and **General Order 702 – Vehicle Pursuits**.

**B.** Employees authorized to operate emergency vehicles are not relieved from their duty to drive with high regard for the safety of all persons. Use of emergency equipment does not necessarily require driving at a higher-than-normal speed.

**C.** In addition to the requirements of Section 21-106 of the Maryland Vehicle Law, employees must comply with the following:

1. Operate emergency vehicles with headlights activated in conjunction with emergency lights and audible siren.
2. Proceed through a traffic control device, such as a stop sign, traffic sign, railroad crossing signal, etc., only after bringing the vehicle to a stop and assuring that it is possible to proceed safely.
3. Slow to such a speed as is necessary for safety, when approaching an uncontrolled intersection.
4. **Drive no more than 10 mph over the posted speed limited, in non-pursuit situations.** This prohibition does not apply in circumstances where death or serious injury is a strong possibility.
5. Come to a complete stop before entering blind intersections.

**D.** Employees will normally not operate unmarked vehicles as emergency vehicles. Where an emergency requires such operation, the dash or roof-mounted emergency light must be activated in conjunction with headlights, other emergency lights and an audible siren.

**E.** Calls which normally require an emergency response include, but are not limited to:

- \* Signal 13
- \* Accident with injuries
- \* Arson/fire
- \* Breaking and entering/burglary (in progress)
- \* Fight

- \* Hold up alarm
- \* Homicide
- \* Injured/sick person (potentially life threatening)
- \* Intruder alarm (occupied residence)
- \* Rape/sexual assault (in progress)
- \* Robbery
- \* Sounds of screaming/cries for help
- \* Sounds of shots fired
- \* Suicide/attempt
- \* Violent domestic with injuries
- \* Weapons offenses
- \* Crimes just occurring with lookouts
- \* Emergency 911 calls (verified)

**F.** Calls which normally require a non-priority or routine response include, but are not limited to:

- \* Alcohol complaints
- \* Animal complaints
- \* Assault (report only)
- \* Assist motorist
- \* Bank run
- \* Breaking and entering (report only)
- \* CDS violations
- \* Disorderly
- \* Domestic
- \* Embezzlement
- \* Emergency notification
- \* Escort
- \* Extortion
- \* Fire alarm
- \* Fireworks
- \* Forgery
- \* Fraud
- \* Harassment
- \* Indecent exposure
- \* Loud music
- \* Missing person
- \* Malicious destruction of property
- \* Motor vehicle accident (property damage only)
- \* Motor vehicle theft
- \* Rape/sexual assault (report only)
- \* Suspicious situation – persons or vehicles
- \* Telephone misuse
- \* Theft
- \* Trespass
- \* Emergency 911 call (non verified/children on the line)

**Note:** Routine calls may need to be upgrade to emergency response calls depending on how recently they occurred or if they are in progress, and based on the potential for the situation to worsen. Officers will obtain verbal permission, via the main radio channel, from their supervisor before upgrading to a priority response in these situations.

### 09 Civilian Medical Emergency Escorts:

Employees will not use Department vehicles for the

purpose of **escorting civilian vehicles** except to prevent loss of life and/or serious injury. The on-duty supervisor will be notified and permission obtained, before initiating such an escort.

**10 Funeral Escorts:** Department vehicles may be used to escort funeral processions, and in such cases, emergency lights will be used. The operator of the vehicle will adhere to all requirements of Maryland Vehicle Law Section 21-207.

**11 Vehicle Pursuit Procedures:** Refer to **General Order 702**.

**12 Roadblocks:** Refer to **General Order 702 Section 04 E 7**.

**13 Seat belts:** Seat belts will be worn by the driver and all passengers at all times in any Department vehicles.

**14 Take Home Vehicle Use:** Refer to **General Order 653**.

**15 General Considerations:** Officers using Police Department vehicles are responsible for general maintenance, cleanliness and care of assigned vehicles (**General Order 653**). Smoking in Police Department vehicles is prohibited. **At no time will an officer make any alterations to police vehicle equipment, or install unauthorized equipment.** All personnel using police vehicles will perform the following inspections prior to the first use on any tour of duty:

**A.** Exterior inspection for body damage and tire conditions. Unreported damage will be immediately reported to a supervisor.

**B.** Interior inspection for articles left by others. Identifiable personal property will be turned over to the immediate supervisor for disposition. Interior inspections will also be for property/evidence items. Property/evidence items will be documented as required Department procedures.

**C.** Inspection for full fuel levels.

**D.** Inspection for issued vehicle equipment as documented on the Inspection Form.

**E.** All inspections will be documented on an Inspection Form. Supervisors will ensure that inspections are completed and that any problems noted on the form are corrected. Mechanical problems will be brought to the supervisors' attention for scheduling of repair. Officer assigned to a station vehicle will remove all personal equipment, inspect

their vehicle for property left by others and ensure that the vehicle is fully fueled.

# Hyattsville City Police Department - General Orders



Title: <b>Bias Based Profiling</b>		Number: <b>707</b>
Original Issue Date: <b>August 1, 2002</b>		Review Date: <b>October 19, 2015</b>
New <input checked="" type="checkbox"/> Amends    Rescinds		Effective Date: <b>November 1, 2015</b>
Authority <b>Colonel Douglas K. Holland</b>	Accreditation Standards: <b>1.2.9</b>	Pages: <b>3</b>

**01 Purpose:** To establish guidelines for conducting constitutionally valid investigative and enforcement traffic stops.

**02 Policy:** It is the policy of this Department to prohibit Bias Based Profiling for the purpose of stopping and searching individuals simply because of their race, ethnicity, gender, national origin, religion, sexual orientation, gender identity or economic level. All investigative and enforcement traffic stops will be based upon articulable and constitutionally valid suspicions.

**A.** It is the policy of the Department to prohibit Bias Based Profiling as it relates to asset seizure and forfeiture procedures.

**03 Definitions:**

**A. Investigative Stop:** is based on reasonable articulable suspicion or knowledge of criminal activity. Information may originate with another officer or by independent investigation.

**B. Enforcement Stop (traffic):** means any instance when an officer stops the driver of a motor vehicle and detains the driver for any period of time for a violation of Maryland Vehicle Law.

**C. Reasonable and Articulable Suspicion:** are actions taken by the officer that must be reasonable under the circumstances and based on the officer's knowledge at the time. Officers must be able to point to and describe the specific factors that raised suspicions and led them to take action in connection with the traffic stop.

**D. Whren or "pretext" Stop:** The US Supreme Court has determined that an officer who observes a traffic violation may stop the violator, even though the true reason for the stop is the officer's interest in investigating whether the driver is involved in other criminal activity. The constitutional reasonableness of a traffic stop does not depend on the actual motive

of the individual officer. These types of traffic stops are known as *Whren* or "pretext" stops.

**E. Search & Seizure:** in the context of traffic stops, a seizure takes place when an officer makes an investigative or enforcement stop. Seizures during all traffic stops are subject to Constitutional constraints.

**F. Subsequent Search & Seizure:** occurs when the original reason for the stop has been satisfied and the officer continues to detain the driver and passenger(s). Once the underlying basis for the initial stop has concluded, a police-driver or police-passenger encounter which implicates the Fourth Amendment is constitutionally permissible only if:

1. The driver or passenger(s) consents to the continuing intrusion, or
2. The officer has, at a minimum, a reasonable, articulable suspicion that criminal activity is afoot.

**04 Guiding Principles:** Law enforcement officers have a duty and authority to investigate suspicious activities that may be associated with the violation of criminal and motor vehicle laws.

**A. Routine or Spontaneous Activities in Law Enforcement:** In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, 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 the listed characteristics might otherwise be lawful.

**B. All Activities Other Than Routine or Spontaneous Law Enforcement Activities:** In conducting all activities other than routine or spontaneous law enforcement activities, officers may consider race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity only to

the extent that there is trustworthy information, relevant to the locality or timeframe, that links persons possessing a particular listed characteristic to an identified criminal incident, scheme, or organization, a threat to national or homeland security, or an authorized intelligence activity. In order to rely on a listed characteristic, officers must also reasonably believe that the law enforcement, security, or intelligence activity to be undertaken is merited under the totality of the circumstances, such as any temporal exigency and the nature of any potential harm to be averted. This standard applies even where the use of a listed characteristic might otherwise be lawful.

C. The following policy statements more fully explain principles A and B above:

1. Officers **may never** rely on generalized stereotypes, but may rely only on specific characteristic-based information.
2. The information **must** be relevant to the locality or time frame.
3. The information **must** be trustworthy.
4. Characteristic-based information **must always** be specific to particular suspects or incidents; ongoing criminal activities, schemes, or enterprises; a threat to national or homeland security' or an authorized intelligence activity.
5. Reasonably merited under the totality of the circumstances.

D. Nothing in this policy should be construed to alter the authority of an officer to make an arrest, conduct a search or seizure, or otherwise fulfill the officer's law enforcement obligation.

E. Police-citizen encounters, when done properly and professionally, have the potential to be a positive community relation tool and can be a means of confronting adverse anecdotal information.

F. Asking an individual their race or ethnic group may only enflame or prolong an already tense situation. Officers are encouraged to use their personal judgment in assessing race and ethnicity.

#### 05 Traffic Stop Procedures:

A. A police officer must document every vehicle stopped for a traffic violation or for the purpose of an investigation.

1. If the stop is made based on a traffic violation, the information required will be recorded in the form of a

traffic citation, equipment repair order or a written warning.

\* All of the above will be marked as reportable stops when prompted in E-TIX **even when participating in a Traffic Assignment.**

2. Traffic stops are exempt from being reported if the **primary** reason for stopping the vehicle is based on any of the following:

a. Traffic Accidents – the officer is alerted to the violation of the driver after being called or otherwise directed to the scene of the accident, and as such no actual “traffic stop” takes place;

b. Investigative Stops – a lookout for a vehicle wanted in connection with a crime is dispatched over the radio. An officer sees a vehicle that matches the description and effects a traffic stop. It turns out to be the wrong vehicle, but in the process it is discovered that the driver has a suspended driver's license and the officer issues a citation. This situation is exempt because the decision to stop the vehicle was not discretionary based on a traffic violation, but rather from the dispatcher's lookout;

c. DUI Checkpoint

B. Officers should realize the advantage in issuing the driver and/or passenger(s) a receipt documenting the circumstances leading up to the stop and subsequent actions taken thereafter.

#### 06 Field Interview Procedures:

A. Whenever a police officer stops a citizen for the purpose of conducting a field interview, this contact must be documented on a Field Investigative Report (electronically) or on a Field Observation Report (hand written) unless an Incident Report is written.

#### 07 Search Procedures:

A. If a search of a person or vehicle occurs as a result of any contact with a citizen, prior to an arrest or without a warrant, the officer will complete either an Incident Report or Field Observation Report (electronic or hand written), which will include a Consent to Search Form. This does not include a search incident to arrest or arrest or detention and a search conducted by the authority of a search and seizure warrant.

#### 08 Reporting Responsibilities:

A. Officers will submit their reports (electronic or hand written) to their supervisor for review prior to the end of each shift.

**B.** The supervisor is then responsible for reviewing all reports to ensure that all appropriate information has been completed.

**1.** The supervisor will be responsible for submitting the documentation to the Records Section.

#### **09 Training:**

**A.** Officers should receive periodic training to enhance their ability to articulate and document their actions. By and large, officers take the proper actions for the proper reasons, yet fail to provide supporting documentation.

**B.** Training should also include a review of the Constitution and relevant case law affecting police-citizen contacts.

**C.** Training will stress the importance of communication, particularly active listening and non-verbal cues.

**D.** Whenever an officer demonstrates a pattern of behavior that indicates Bias Based Profiling they will receive remedial training to correct the behavioral deficiency. This may include disciplinary action.

#### **10 Data Entry and Submission:**

**A.** The Records Section or designee will enter into E-TIX thru Delta Plus the appropriate data information received from both hand written traffic stops and criminal citations.

**B.** If required by law, any data that needs to be collected and submitted will be done by Maryland State Police using the information gathered in E-TIX thru Delta Plus.

#### **11 Annual Reviews:**

**A.** The Chief of Police or designee is responsible for reviewing data collected by this agency, which will include any concerns of the community.

**B.** Annual reports from the Maryland Justice Analysis Center will be viewed as a management tool to promote impartial policing and in training and counseling of officers of the Department.

**C.** The recording and evaluating of statistical data is a management tool to be used, where appropriate, as a basis for counseling and training, and, if deemed necessary, further administrative inquiry. Police management will review and evaluate traffic stop data on an annual basis to determine if patterns of prohibited activities exist.

#### **11 Related Cases:**

**A.** *Pryor v. State*, 122 Md. App. 671, 681, 716 A.2d 338, 343 (1997), cert. Denied 352Md. 312, 712 A.2d 990 (1998)

**B.** *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868 (1968)

**C.** *Whren v. U.S.*, 517 U.S. 806, 116 S. Ct. 1769 (1996)

**D.** *Ferris v. State*, 355 Md. 356. 735 A.2d 491 (1999)

**E.** *Charity v. State*, 355 Md. App. 598, 753 A.2d 596 (2000), cert. Denied, 360 Md. 487, 759 A.2d 231 (2000)

**F.** *Cartnail v. State*, 359 Md. 272, 753 A.2d 519 (2000)

**G.** *Whiting v. State*, 125 Md. App. 404, 725 A.2d 623 (1999)

**H.** *U.S. v. Armstrong*, 517 U.S. 456, 116 S. Ct. 1480 (1996)