This Manual of Policies and Procedures is intended to serve as a guide to Natural Resources Police (NRP) personnel in their conduct and in the performance of their duties.

The Superintendent, or their designee, may make changes or exceptions to this Manual when deemed to be in the best interest of the Agency. Any such changes or exceptions that are made may be communicated to the appropriate personnel through any means of official NRP communication.
Mission Statement and Oath of Office (Rev. 06/18)

Record of Manual Updates & Changes (Rev. 06/18)

**Chapter 1  The Manual System** (Index Rev. 06/18)
- Section I  The Manual System (Rev. 06/18)
- Section II  Manual Format (Rev. 06/18)
- Section III  Definitions (Rev. 06/18)
- Section IV  Acronyms (Rev. 06/18)

**Chapter 2  Organization** (Index Rev. 06/18)
- Section I  Organizational Chart (Rev. 06/18)
- Section II  Organizational Structure (Rev. 06/18)
- Section III  Functional Responsibilities of Organizational Units (Rev. 06/18)
- Section IV  Geographical & Primary Patrol Responsibilities of Regions (Rev. 06/18)
- Section V  Position Responsibilities (Rev. 06/18)
- Section VI  Committees, Boards, and Panels (Rev. 06/18)

**Chapter 3  Administrative Procedures** (Index Rev. 06/18)
- Section I  Administrative Communications (Rev. 06/18)
- Section II  Procurement (Rev. 06/18)

**Chapter 4  Personnel** (Index Rev. 06/18)
- Section I  Leave (Rev. 06/18)
- Section II  Work and Leave Records (Rev. 06/18)
- Section III  Compensation and Allowances (Rev. 06/18)
- Section IV  Medical Section (Rev. 06/18)
- Section V  Awards & Recognitions (Rev. 06/18)
- Section VI  Secondary Employment (Rev. 06/18)
- Section VII  Chain of Employment (Rev. 06/18)
- Section VIII  Employment Separations (Rev. 06/18)
- Section IX  Training and Career Development (Rev. 06/18)
- Section X  Employee Organizations (Rev. 06/18)
- Section XI  Fair Practices Workgroup (Rev. 06/18)
- Section XII  Discrimination & Harassment (Rev. 06/18)
- Section XIII  Grievance Procedures (Rev. 06/18)
- Section XIV  Law Enforcement Officers’ Bargaining Agreement (Rev. 06/18)

**Chapter 5  Patrol Operations** (Index Rev. 06/18)
- Section I  Definitions (Rev. 06/18)
- Section II  Power of Arrest (Rev. 06/18)
- Section III  Arrest / Charging Document Procedures (Rev. 06/18)
- Section IV  Juveniles (Rev. 06/18)
- Section V  Field Operations (Rev. 06/18)
- Section VI  Agreements (Rev. 06/18)
- Section VII  Communications (Rev. 06/18)
## TABLE OF CONTENTS

(Updated 06-15-2018)

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>(Rev. Date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII</td>
<td>Operating While Intoxicated</td>
<td>06/18</td>
</tr>
<tr>
<td>IX</td>
<td>Special Units</td>
<td>06/18</td>
</tr>
<tr>
<td>X</td>
<td>Duty Time</td>
<td>06/18</td>
</tr>
<tr>
<td>XI</td>
<td>Domestic Violence</td>
<td>06/18</td>
</tr>
<tr>
<td>XII</td>
<td>Line of Duty Death Procedures</td>
<td>06/18</td>
</tr>
<tr>
<td>XIII</td>
<td>Summary of Line of Duty Death Benefits</td>
<td>06/18</td>
</tr>
<tr>
<td>Chapter 6</td>
<td>Agency Values Statement and Rules of Conduct</td>
<td>Index 06/18</td>
</tr>
<tr>
<td>I</td>
<td>Agency Values</td>
<td>06/18</td>
</tr>
<tr>
<td>II</td>
<td>Responsibilities for Supporting Values</td>
<td>06/18</td>
</tr>
<tr>
<td>III</td>
<td>Code of Conduct</td>
<td>06/18</td>
</tr>
<tr>
<td>IV</td>
<td>Social Networking</td>
<td>06/18</td>
</tr>
<tr>
<td>V</td>
<td>Internal Affairs Unit (IAU)</td>
<td>06/18</td>
</tr>
<tr>
<td>VI</td>
<td>Progressive Supervision</td>
<td>06/18</td>
</tr>
<tr>
<td>VII</td>
<td>Processing Administrative Complaints</td>
<td>06/18</td>
</tr>
<tr>
<td>VIII</td>
<td>Criminal Complaints and Use of Force Investigations</td>
<td>06/18</td>
</tr>
<tr>
<td>IX</td>
<td>Emergency Suspensions</td>
<td>06/18</td>
</tr>
<tr>
<td>X</td>
<td>Investigation Procedures</td>
<td>06/18</td>
</tr>
<tr>
<td>XI</td>
<td>Personnel Counseling</td>
<td>06/18</td>
</tr>
<tr>
<td>XII</td>
<td>Alternate Disciplinary Procedure</td>
<td>06/18</td>
</tr>
<tr>
<td>XIII</td>
<td>Summary Punishment</td>
<td>06/18</td>
</tr>
<tr>
<td>XIV</td>
<td>Hearing Boards</td>
<td>06/18</td>
</tr>
<tr>
<td>XV</td>
<td>Disciplinary Matrix</td>
<td>06/18</td>
</tr>
<tr>
<td>XVI</td>
<td>Law Enforcement Officers’ Bill of Rights</td>
<td>06/18</td>
</tr>
<tr>
<td>XVII</td>
<td>NRP Early Warning Identification System</td>
<td>06/18</td>
</tr>
<tr>
<td>XVIII</td>
<td>Civilian Disciplinary Procedures</td>
<td>06/18</td>
</tr>
<tr>
<td>XIX</td>
<td>State Personnel and Pensions</td>
<td>06/18</td>
</tr>
<tr>
<td>Chapter 7</td>
<td>Investigations</td>
<td>Index 06/18</td>
</tr>
<tr>
<td>I</td>
<td>Interrogation</td>
<td>06/18</td>
</tr>
<tr>
<td>II</td>
<td>Search and Seizure</td>
<td>06/18</td>
</tr>
<tr>
<td>III</td>
<td>Eyewitness Identification</td>
<td>rev. 06/18</td>
</tr>
<tr>
<td>Chapter 8</td>
<td>Uniforms and Equipment</td>
<td>Index 06/18</td>
</tr>
<tr>
<td>I</td>
<td>Clothing</td>
<td>06/18</td>
</tr>
<tr>
<td>I-A</td>
<td>Appendix – Ribbons &amp; Collar Brass Illustrations</td>
<td>06/18</td>
</tr>
<tr>
<td>I-B</td>
<td>Appendix – Folding Sleeves on Class D Long Sleeve Shirt</td>
<td>06/18</td>
</tr>
<tr>
<td>II</td>
<td>Vehicles and Vessels</td>
<td>06/18</td>
</tr>
<tr>
<td>III</td>
<td>Computers</td>
<td>06/18</td>
</tr>
<tr>
<td>IV</td>
<td>Miscellaneous</td>
<td>06/18</td>
</tr>
<tr>
<td>V</td>
<td>Equipment in General</td>
<td>06/18</td>
</tr>
<tr>
<td>VI</td>
<td>Firearms Policy</td>
<td>06/18</td>
</tr>
<tr>
<td>Chapter 9</td>
<td>Records, Evidence, and Property</td>
<td>Index 06/18</td>
</tr>
<tr>
<td>I</td>
<td>Records</td>
<td>06/18</td>
</tr>
<tr>
<td>II</td>
<td>Evidence and Property</td>
<td>06/18</td>
</tr>
</tbody>
</table>
**Chapter 10**  **Law Enforcement Officers’ Appraisal System** *(Index Rev. 06/18)*
- Section I  Non-Commissioned Officer’s Appraisal System *(Rev. 06/18)*
- Section II  Commissioned Officer’s Appraisal System *(Rev. 06/18)*

**Chapter 11**  **NRP Forms & RMS Reports** *(Index Rev. 06/18)*
- Section I  Forms Policy *(Rev. 06/18)*
- Section II  RMS Reports *(Rev. 06/18)*
- Section III  NRP Forms *(Rev. 06/18)*
DNR MISSION STATEMENT

The Department of Natural Resources leads Maryland in securing a sustainable future for our environment, society, and economy by preserving, protecting, restoring, and enhancing the State’s natural resources.

NATURAL RESOURCES POLICE MISSION STATEMENT

Protecting Maryland’s natural resources, public lands, waterways, and people through proactive and responsive law enforcement services with courtesy, integrity, dedication, and professionalism.

NATURAL RESOURCES POLICE OFFICER’S CREED:

As a Natural Resources Police Officer, I will:

- Assist the public in their times of need; routine and emergency.
- Educate the inadvertent violator by taking the appropriate level of enforcement action.
- Relentlessly pursue deliberate offenders.
- Respect and inform rather than lecture or reprimand.
- Maintain the highest level of professional standards, integrity and conduct.

OATH OF OFFICE

NATURAL RESOURCES POLICE OFFICER

I, ____________________________, do swear that I will support the Constitution of the United States and that I will be faithful, bear true allegiance to the State of Maryland and support the Constitution and the laws thereof and that I will do the best of my skills, abilities and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Natural Resources Police, according to the Constitution and laws of this State.

(Rev. 07/16)
***THIS PAGE INTENTIONALLY LEFT BLANK***
## MARYLAND NATURAL RESOURCES POLICE
### RECORD OF PRINTED MANUAL UPDATES & CHANGES

<table>
<thead>
<tr>
<th>General Order Number</th>
<th>NRP Manual of Policies &amp; Procedures Manual Revision Updates</th>
<th>Date(s) Issued or Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issued During the 1999 Calendar Year</td>
<td>New Manual of Policies, Procedures &amp; Regulations, replaces NRP Patrol &amp; Administrative Manuals</td>
<td>12-03-99</td>
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<tr>
<td>Issued During the 2000 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>05-0001</td>
<td>Revisions to Chapter 10</td>
<td>05-08-00</td>
</tr>
<tr>
<td>05-0003</td>
<td>Revisions to Chapter: 1, 2, 3, 4, 5, 8, 9</td>
<td>05-15-00</td>
</tr>
<tr>
<td>01-0011</td>
<td>Revisions to Chapters: 2, 3, 4, 5, 8, 9</td>
<td>11-15-00</td>
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<tr>
<td>Issued During the 2001 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-0105</td>
<td>Revisions to Chapters: 1, 2, 3, 4, 5, 6, 8, 9, 10</td>
<td>04-26-01</td>
</tr>
<tr>
<td>01-0108</td>
<td>Revisions to Chapters: 1, 2, 4, 5, 6, 8, 9, 10</td>
<td>07-23-01</td>
</tr>
<tr>
<td>Issued During the 2002 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-0202</td>
<td>Revisions to Chapters: 2, 4, 8, 11, 12 NRP Forms Revised: 438, 439</td>
<td>02-08-02</td>
</tr>
<tr>
<td>01-0203</td>
<td>Revisions to Chapters: 4, 6, 12 NRP Forms: 475, 800</td>
<td>04-01-02</td>
</tr>
<tr>
<td>01-0206</td>
<td>Revisions to Chapters: 1, 3, 4, 5, 6, 8, 9, 10, 11 NRP Forms Revised: 406, 407, 408, 474 NRP Forms New: 206, 302, 307, 414, 419, 424, 425, 430, 441, 456, 900, 901, 902, 903, 904</td>
<td>08-19-02</td>
</tr>
<tr>
<td>Issued During the 2003 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>****</td>
<td>*** NO REVISIONS ISSUED ***</td>
<td>****</td>
</tr>
<tr>
<td>Issued During the 2004 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-0315</td>
<td>Revisions to Chapters: 2, 3, 4, 5, 6, 8, 9, 12 NRP Forms Revised: 303, 425A, 429, 430, 476, 478</td>
<td>04-23-04</td>
</tr>
<tr>
<td>01-0401</td>
<td>Manual Revisions - Corrected G.O. 01-0315</td>
<td>05-03-04</td>
</tr>
<tr>
<td>01-0403</td>
<td>Revisions to Chapters: 1, 7 NRP Forms New: 409, 410, 410A, 412, 430, 435, 437, 456</td>
<td>08-03-04</td>
</tr>
<tr>
<td>01-0404</td>
<td>Revisions to Chapter: 10 NRP Forms New: 606</td>
<td>08-03-04</td>
</tr>
<tr>
<td>Issued During the 2005 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01-0501</td>
<td>Revisions to Chapter 11 NRP Forms Revised: 902, 903, 904, 907, 908</td>
<td>10/01/05</td>
</tr>
<tr>
<td>Issued During the 2006 Calendar Year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>100-0601</td>
<td>Revisions to Chapters: 4, 6, 8, 9, 12 NRP Forms Revised: 206, 303, 304, 403, 403A, 448E, 448S, 448W NRP Forms New: 421A (replaces 421), 421VT, 422, 449, 450A, 450B, 466 P (replaces 466), 466TE, 505</td>
<td>03/30/06</td>
</tr>
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<td>General Order Number</td>
<td>NRP Manual of Policies &amp; Procedures Manual Revision Updates</td>
<td>Date(s) Issued or Effective</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
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<td>100-0606</td>
<td>Revisions to Chapters: 2, 3, 4, 5, 6, 8, 9, 10, 12</td>
<td>07/01/06</td>
</tr>
<tr>
<td></td>
<td>NRP Forms Revised: Instructions to 107 &amp; 108, 306, 416, 445</td>
<td></td>
</tr>
</tbody>
</table>

**Issued During the 2007 Calendar Year**

| 100-0705             | Revisions to Chapters: 2, 4, 5, 6, 8, 10, 12               | 08/01/07                    |
|                      | NRP Forms Revised: 107, 409, 438, & 439 Instructions. 409, 438, 439, 466P, 466TR. |                             |

**Issued During the 2008 Calendar Year**

| 100-08-12            | Revisions to Chapters: 1, 2, 4, 5, 6, 7, 8, 9, 12         | 01/15/08                    |
|                      | NRP Form Instructions Revised: 107, 108, 205, 206, 208, 307, 413, 445, 505, 506 |                             |

**Issued During the 2011 Calendar Year**

| 100-11-09            | Revisions to Chapters: 1, 2, 4, 5, 6, 8, 11, 12           | 05/01/11                    |
|                      | NRP Forms New: 210, 301, 481, 496, 513, 828, 829, 830D, 830M, 909, 910 |                             |
|                      | NRP Form Instructions Revised: 108, 206, 301, 409, 410A, 412, 421A, 436, 437, 441, 445, 604, 902 thru-905 |                             |
| PDF Manual            | PDF Manual Update                                         | 10/14/11                    |
| PDF Manual            | PDF Manual Update                                         | 12/14/11                    |

**Issued During the 2012 Calendar Year**

| PDF Manual            | PDF Manual Update                                         | 06/15/12                    |
| PDF Manual            | PDF Manual Update                                         | 12/31/12                    |

**Issued During the 2013 Calendar Year**

| PDF Manual            | PDF Manual Update                                         | 03/19/13                    |
| PDF Manual            | PDF Manual Update                                         | 07/12/13                    |

**Issued During the 2014 Calendar Year**

| PDF Manual            | PDF Manual Update                                         | 03/27/14                    |
| PDF Manual            | PDF Manual Update                                         | 09/23/14                    |

**Issued During the 2015 Calendar Year**

| PDF Manual            | PDF Manual Update                                         | 03/15/15                    |
| PDF Manual            | PDF Manual Update                                         | 10/09/15                    |

**Issued During the 2016 Calendar Year**

| PDF Manual            | PDF Manual Update                                         | 08/17/16                    |
| 100-16-05             | PDF Manual Update (See General Orders 100-16-05 & 100-16-06) | 10/26/16                    |
| 100-16-06             | PDF Manual Update                                         |                             |
## NRP Manual of Policies & Procedures

<table>
<thead>
<tr>
<th>General Order Number</th>
<th>Manual Revision Updates</th>
<th>Date(s) Issued or Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-16-07</td>
<td>PDF Manual Update (See General Orders 100-16-07, 100-16-08, &amp; 100-16-09)</td>
<td>12/28/16</td>
</tr>
</tbody>
</table>

### Issued During the 2017 Calendar Year

<table>
<thead>
<tr>
<th>PDF Manual</th>
<th>PDF Manual Update</th>
<th>Date(s) Issued or Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PDF Manual Update: General Orders 100-17-01 thru 100-17-07</td>
<td>07/03/17</td>
</tr>
<tr>
<td></td>
<td>PDF Manual Update: General Orders 100-17-08, 100-17-09, 100-17-10, (TBA 100-17-11), 100-17-12, 100-17-13.</td>
<td>11/14/17</td>
</tr>
<tr>
<td></td>
<td>PDF Manual Update</td>
<td>12/01/17</td>
</tr>
</tbody>
</table>

### Issued During the 2018 Calendar Year

<table>
<thead>
<tr>
<th>PDF Manual</th>
<th>PDF Manual Updates: Chapter 4, Section 3, Chapter 5, Section 5, Chapter 8, Section 1</th>
<th>Date(s) Issued or Effective</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>06/18/18</td>
</tr>
</tbody>
</table>
CHAPTER 1

THE MANUAL SYSTEM
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# CHAPTER 1

## THE MANUAL SYSTEM

<table>
<thead>
<tr>
<th>Sec. I</th>
<th>THE MANUAL SYSTEM</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Purpose</td>
</tr>
<tr>
<td>B.</td>
<td>Policy</td>
</tr>
<tr>
<td>C.</td>
<td>Objectives</td>
</tr>
<tr>
<td>D.</td>
<td>Responsibilities</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sec. II</th>
<th>MANUAL FORMAT</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Sec. III</th>
<th>DEFINITIONS</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Sec. IV</th>
<th>ACRONYMS</th>
</tr>
</thead>
</table>
CHAPTER 1 SECTION I
THE MANUAL SYSTEM

A. Purpose

To establish and maintain a reference source regarding the policies and procedures of the Natural Resources Police (NRP).

B. Policy

The policies and procedures, in the manual system are for NRP use only. NRP policies and procedures should not be construed as the creation of higher legal standards of safety and care in an evidentiary sense with respect to third party claims.

Deviations from these policies and procedures may form the basis for NRP administrative sanctions, a higher level of training, and/or new policy development. Violations of the law will form the basis for civil and criminal sanctions in a recognized judicial setting.

*The Superintendent, or their designee, may make changes or exceptions to the policies and procedures listed in this Manual when deemed to be in the best interest of the Agency. Any such changes or exceptions that are made shall be communicated to the appropriate personnel through any means of official NRP communication. This manual is for internal use only unless the Superintendent grants authorization to release.*

C. Objectives

1. To maintain a manual system, which provides information on the administrative and operational functions of the NRP.

2. To provide all employees with an on-the-job reference source on NRP and Department of Natural Resources (DNR) policies and procedures.

3. To maintain a current electronic copy of the Manual that is accessible to all employees.

D. Responsibilities

1. The Superintendent, or his designee, will review requests for copies of the Manual from non-NRP sources such as police departments, governmental agencies, attorneys, and libraries.

2. The Planning Section will:
   a. Post Manual revisions electronically as necessary.
   b. Insure the electronic distribution of Manual revisions as necessary.
   d. Maintain a list of non-NRP recipients of the Manual and insure the distribution of Manual revisions to them.
   e. Maintain a current electronic Manual that is accessible to all employees.
CHAPTER 1 SECTION II
MANUAL FORMAT

A. A topic title of a section appears at the top of the first page of a section under the chapter.

B. A series of the three numbers appears at the bottom of each page to indicate the page number. Chapter 1, Section II, Page 1, would appear as 1 II 1 with the remaining chapter pages indicated sequentially.

C. When Manual revisions are issued, a revision date will appear after the section that has been revised. This date will appear to the right of the page number at the bottom of the page.

D. Material is presented in outline form. All breakdowns of paragraphs must be in two or more parts – (there cannot be an A without a B, a 1 without a 2, etc.).

The outline style of the manual is as follows:

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1. two spaces

2. two spaces
   a. one space
   b. (1) one space
      (2)
      (a) one space

B. Bold
## CHAPTER 1 SECTION III
### DEFINITIONS

The following words and phrases have these meanings when used in the Manual, unless the context indicates a different meaning:

<table>
<thead>
<tr>
<th>Word / Phrase</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrator</td>
<td>Person whose primary responsibilities involve direction, management, or administrative support.</td>
</tr>
<tr>
<td>Agency</td>
<td>The Maryland Natural Resources Police.</td>
</tr>
<tr>
<td>Area</td>
<td>A territory assigned to a region normally comprised of one or more Districts.</td>
</tr>
<tr>
<td>Bureau</td>
<td>An organizational unit within the Agency providing specialized services.</td>
</tr>
<tr>
<td>Chain of Command</td>
<td>The Agency rank structure through which information, directives, and orders are passed from the Superintendent to all members of the Agency, and conversely, the flow of information from the members through their superiors to the Superintendent.</td>
</tr>
<tr>
<td>Charge</td>
<td>A written accusation alleging the commission of a violation or infraction of a law, rule, order, regulation, or procedure.</td>
</tr>
<tr>
<td>Chief</td>
<td>A police employee designated by the Superintendent to be accountable for the operations of the Field Operation Bureau, Support Services Bureau, and Special Services Bureau. Normally, a police employee at the Chief’s level will be at the rank of Major. The term Chief also refers to a civilian employee designated by the Superintendent to be accountable for the operations of the Administrative Services Bureau.</td>
</tr>
<tr>
<td>Civilian Classification</td>
<td>The position held by a non-law enforcement employee</td>
</tr>
<tr>
<td>Commander</td>
<td>A commissioned officer designated by the Superintendent to be accountable for the operations of an Office, Bureau, Division, Region, Area, or Unit.</td>
</tr>
<tr>
<td>Commissioned Rank</td>
<td>Lieutenant Colonel, Major, Captain, and Lieutenant. This term does not include the Superintendent.</td>
</tr>
<tr>
<td>Committee</td>
<td>Group of persons authorized by the Superintendent to perform a task, function, review or other specific action, and provide recommendations.</td>
</tr>
<tr>
<td>Complaint</td>
<td>An allegation that a member of the Agency has violated a law, rule, order, regulation, policy, or procedure.</td>
</tr>
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<td>Contractual Employee</td>
<td>A person hired for a set period of time and paid to perform a certain job function, but is not entitled to certain benefits, e.g., sick and annual leave, paid holidays, etc.</td>
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<td>Contractual Officer</td>
<td>A MPCTC certified employee who has full law enforcement authority.</td>
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<td>Department</td>
<td>Maryland Department of Natural Resources</td>
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<tr>
<td>Director</td>
<td>A civilian employee of the NRP designated by the Superintendent as the person accountable for the operation of a Division.</td>
</tr>
<tr>
<td>District</td>
<td>A geographical subdivision of an Area.</td>
</tr>
<tr>
<td>Division</td>
<td>A specialized or administrative group within the Agency that can function independently.</td>
</tr>
<tr>
<td>Duty Officer</td>
<td>A police supervisor who is temporarily designated by a Commander, as the first point of contact in a Bureau, Division, Region, Area, District, Unit, or Section.</td>
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<tr>
<td>Emergency Vehicle</td>
<td>As defined in the Transportation Article § 11-118, of the Annotated Code of Maryland.</td>
</tr>
<tr>
<td>Word / Phrase</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Employee</td>
<td>Any person employed by the DNR.</td>
</tr>
<tr>
<td>General Orders</td>
<td>Orders issued by the Superintendent.</td>
</tr>
<tr>
<td>Installation</td>
<td>An NRP building or office that is maintained separate from headquarters.</td>
</tr>
<tr>
<td>Insubordination</td>
<td>Disobedience of an order, policy, procedure, or regulation.</td>
</tr>
<tr>
<td>Investigator</td>
<td>A law enforcement officer whose primary duty involves in-depth investigations.</td>
</tr>
<tr>
<td>Leave of Absence</td>
<td>An extended period of time during which an officer is excused from active duty without pay.</td>
</tr>
<tr>
<td>May / Should</td>
<td><strong>The action to be taken is discretionary.</strong></td>
</tr>
<tr>
<td>Member</td>
<td>Any person, sworn or civilian, employed by the Natural Resources Police.</td>
</tr>
<tr>
<td>Motor Vehicle</td>
<td>As defined in the Transportation Article, of the Annotated Code of Maryland.</td>
</tr>
<tr>
<td>Non-Commissioned Rank</td>
<td>Sergeant, Corporal, Master Officer, Senior Officer, Officer First Class, and Officer.</td>
</tr>
<tr>
<td>Office</td>
<td>An organizational branch of the Agency that is ranked above a Bureau.</td>
</tr>
<tr>
<td>Officer</td>
<td>A sworn NRP employee authorized by law to make arrests.</td>
</tr>
<tr>
<td>Officer in Charge</td>
<td>The highest ranking officer that is in command and shall be held responsible. When several members of the same rank are present, senior officer shall be applied to the officer with the longest amount of continuous service holding that rank within the Agency.</td>
</tr>
<tr>
<td>Orders</td>
<td>Commands or instructions, oral or written, issued by one member of the Agency to another member of lesser rank.</td>
</tr>
<tr>
<td>Police Vehicle</td>
<td>An Agency emergency vehicle equipped with an audible siren and visual red, white, and/or blue signals utilized by the Agency in the execution of official police business.</td>
</tr>
<tr>
<td>Police Vessel</td>
<td>An Agency emergency vessel equipped with flashing blue lights or signal devices utilized by the Agency in the execution of official police business.</td>
</tr>
<tr>
<td>Policy</td>
<td>The rules or regulations, as may be prescribed by the Superintendent, for the control of the conduct of members of the Agency or for the operation of the Agency as a whole.</td>
</tr>
<tr>
<td>Procedure</td>
<td>A traditional or established method of accomplishing an objective.</td>
</tr>
<tr>
<td>Rank</td>
<td>An established position in the chain of command.</td>
</tr>
<tr>
<td>Region</td>
<td>A territory of the State comprised of one or more Areas.</td>
</tr>
<tr>
<td>Regional/Area Office</td>
<td>An NRP facility that is maintained separate from Headquarters, to which personnel are assigned.</td>
</tr>
<tr>
<td>Regulation</td>
<td>A rule or order having the force of law, issued by an executive authority. An authoritative rule dealing with details of procedure.</td>
</tr>
<tr>
<td>Reserve Officer</td>
<td>A volunteer who is not monetarily compensated to perform designated Agency tasks.</td>
</tr>
<tr>
<td>Reserve Officer Coordinator</td>
<td>An employee whose primary responsibilities are to coordinate the activities of the NRP Reserve Officers.</td>
</tr>
<tr>
<td>Word / Phrase</td>
<td>Definition</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rule</td>
<td>Any rule, procedure, order, or other directive adopted by the Superintendent and/or Agency. A rule, as used here, is not for any purpose a rule within the meaning of the Administrative Procedure Act, State Government Article, Title 10, Annotated Code of Maryland.</td>
</tr>
<tr>
<td>Section</td>
<td>A separate unit within a Bureau or Division that performs a specialized function.</td>
</tr>
<tr>
<td>Shall / Will</td>
<td>The action is mandatory.</td>
</tr>
<tr>
<td>Special Orders</td>
<td>Those orders issued by the Superintendent or other Commanders relating to some specific circumstance or situation, usually of a temporary nature that ordinarily does not affect the entire Agency.</td>
</tr>
<tr>
<td>Subordinate</td>
<td>Any member of the Agency who is lower in rank than another higher-ranking member.</td>
</tr>
<tr>
<td>Supervisor</td>
<td>A police employee designated by the Superintendent to be accountable for the operation of a District or Section. Normally a Supervisor will be at the rank of Sergeant.</td>
</tr>
<tr>
<td>Team</td>
<td>A specialized group within NRP.</td>
</tr>
<tr>
<td>Tense of Words</td>
<td>The words used in the present tense also include the future.</td>
</tr>
<tr>
<td>Unit</td>
<td>A group or position within the Agency tasked with specific duties.</td>
</tr>
<tr>
<td>Vessel</td>
<td>As described in the Natural Resources Article, Title 8, Subtitle 701, of the Annotated Code of Maryland.</td>
</tr>
<tr>
<td>Violation</td>
<td>An infringement of a rule, law, policy, regulation, or procedure.</td>
</tr>
<tr>
<td>Volunteer</td>
<td>As defined in COMAR 25.02.01.02B.</td>
</tr>
</tbody>
</table>
CHAPTER 1 SECTION III
DEFINITIONS

***THIS PAGE INTENTIONALLY LEFT BLANK***
<table>
<thead>
<tr>
<th>ACRONYM</th>
<th>MEANING</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA</td>
<td>Americans with Disabilities Act</td>
</tr>
<tr>
<td>ASB</td>
<td>Administrative Services Bureau</td>
</tr>
<tr>
<td>CAD</td>
<td>Computer-Aided Dispatch</td>
</tr>
<tr>
<td>CAPT</td>
<td>Captain</td>
</tr>
<tr>
<td>CDS</td>
<td>Controlled Dangerous Substance</td>
</tr>
<tr>
<td>CO</td>
<td>Contractual Officer</td>
</tr>
<tr>
<td>COL</td>
<td>Colonel</td>
</tr>
<tr>
<td>COMAR</td>
<td>Code of Maryland Regulations</td>
</tr>
<tr>
<td>CPL</td>
<td>Corporal</td>
</tr>
<tr>
<td>DNR</td>
<td>Department of Natural Resources</td>
</tr>
<tr>
<td>DO</td>
<td>Duty Officer</td>
</tr>
<tr>
<td>DUI</td>
<td>Driving Under the Influence</td>
</tr>
<tr>
<td>DWI</td>
<td>Driving While Impaired</td>
</tr>
<tr>
<td>FLSA</td>
<td>Fair Labor Standards Act</td>
</tr>
<tr>
<td>FMLA</td>
<td>Family Medical Leave Act</td>
</tr>
<tr>
<td>FOB</td>
<td>Field Operations Bureau</td>
</tr>
<tr>
<td>FTO</td>
<td>Field Training Officer</td>
</tr>
<tr>
<td>FY</td>
<td>Fiscal Year</td>
</tr>
<tr>
<td>GPS</td>
<td>Global Positioning System</td>
</tr>
<tr>
<td>HIDTA</td>
<td>High Intensity Drug Trafficking Area</td>
</tr>
<tr>
<td>HIN</td>
<td>Hull Identification Number</td>
</tr>
<tr>
<td>HQ</td>
<td>Headquarters</td>
</tr>
<tr>
<td>IAU</td>
<td>Internal Affairs Unit</td>
</tr>
<tr>
<td>IR</td>
<td>Incident Report</td>
</tr>
<tr>
<td>JEA</td>
<td>Joint Enforcement Agreement</td>
</tr>
<tr>
<td>K-9</td>
<td>Canine Team</td>
</tr>
<tr>
<td>LEOBR</td>
<td>Law Enforcement Officer’s Bill of Rights</td>
</tr>
<tr>
<td>LT</td>
<td>Lieutenant</td>
</tr>
<tr>
<td>LTC</td>
<td>Lieutenant Colonel</td>
</tr>
<tr>
<td>LWOP</td>
<td>Leave of Absence Without Pay</td>
</tr>
<tr>
<td>M/OFF</td>
<td>Master Officer</td>
</tr>
<tr>
<td>MAJ</td>
<td>Major</td>
</tr>
<tr>
<td>MCAC</td>
<td>Maryland Coordination and Analysis Center</td>
</tr>
<tr>
<td>MDOT</td>
<td>Maryland Department of Transportation</td>
</tr>
<tr>
<td>MDTA</td>
<td>Maryland Transportation Authority</td>
</tr>
<tr>
<td>MEMA</td>
<td>Maryland Emergency Management Agency</td>
</tr>
<tr>
<td>METERS</td>
<td>Maryland Electronic Telecommunications Enforcement Resource System</td>
</tr>
<tr>
<td>MFS</td>
<td>Maryland Forest Service</td>
</tr>
<tr>
<td>MLEIN</td>
<td>Maritime Law Enforcement Information Network</td>
</tr>
<tr>
<td>MPS</td>
<td>Maryland Park Service</td>
</tr>
<tr>
<td>MSP</td>
<td>Maryland State Police</td>
</tr>
<tr>
<td>MTA</td>
<td>Maryland Transit Administration</td>
</tr>
<tr>
<td>MVA</td>
<td>Motor Vehicle Administration</td>
</tr>
<tr>
<td>NCIC</td>
<td>National Crime Information Center</td>
</tr>
<tr>
<td>NLETS</td>
<td>National Law Enforcement Telecommunications Services</td>
</tr>
<tr>
<td>NOAA</td>
<td>National Oceanic and Atmospheric Administration</td>
</tr>
<tr>
<td>ACRONYM</td>
<td>MEANING</td>
</tr>
<tr>
<td>---------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>NRP</td>
<td>Natural Resources Police</td>
</tr>
<tr>
<td>OFC</td>
<td>Officer First Class</td>
</tr>
<tr>
<td>OFF</td>
<td>Officer</td>
</tr>
<tr>
<td>OT</td>
<td>Overtime</td>
</tr>
<tr>
<td>OUI</td>
<td>Operating Under the Influence</td>
</tr>
<tr>
<td>OWI</td>
<td>Operating While Impaired</td>
</tr>
<tr>
<td>PBT</td>
<td>Preliminary Breath Test</td>
</tr>
<tr>
<td>PCO</td>
<td>Police Communications Operator</td>
</tr>
<tr>
<td>PCS</td>
<td>Police Communications Supervisor</td>
</tr>
<tr>
<td>PD</td>
<td>Police Department</td>
</tr>
<tr>
<td>PFA</td>
<td>Personal Firearm</td>
</tr>
<tr>
<td>PFD</td>
<td>Personal Flotation Device</td>
</tr>
<tr>
<td>PIO</td>
<td>Public Information Officer</td>
</tr>
<tr>
<td>PR</td>
<td>Public Relations</td>
</tr>
<tr>
<td>PWC</td>
<td>Personal Water Craft</td>
</tr>
<tr>
<td>RMS</td>
<td>Records Management System</td>
</tr>
<tr>
<td>S/OFF</td>
<td>Senior Officer</td>
</tr>
<tr>
<td>SERO</td>
<td>Safety Equipment Repair Order</td>
</tr>
<tr>
<td>SGT</td>
<td>Sergeant</td>
</tr>
<tr>
<td>SOD</td>
<td>Special Operations Division</td>
</tr>
<tr>
<td>SSB</td>
<td>Support Services Bureau</td>
</tr>
<tr>
<td>TBO</td>
<td>Tactical Boat Operator</td>
</tr>
<tr>
<td>TRT</td>
<td>Tactical Response Team</td>
</tr>
<tr>
<td>UCR</td>
<td>Uniform Crime Reporting</td>
</tr>
<tr>
<td>UOT</td>
<td>Underwater Operations Team</td>
</tr>
<tr>
<td>USCG</td>
<td>United States Coast Guard</td>
</tr>
<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>VHF</td>
<td>Very High Frequency</td>
</tr>
<tr>
<td>VIN</td>
<td>Vehicle Identification Number</td>
</tr>
<tr>
<td>WHS</td>
<td>Wildlife and Heritage Service</td>
</tr>
</tbody>
</table>
CHAPTER 2

ORGANIZATION
CHAPTER 2
ORGANIZATION

Sec. I ORGANIZATIONAL CHART

Sec. II ORGANIZATIONAL STRUCTURE
A. Office of the Superintendent
B. Office of the Deputy Superintendent
C. Administrative Services Bureau
D. Field Operations Bureau
E. Support Services Bureau
F. Special Services Bureau
G. Intelligence and Special Investigations Bureau
H. Chain of Command

Sec. III FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS
A. Office of the Superintendent
B. Deputy Superintendent
C. Administrative Services Bureau
D. Field Operations Bureaus
E. Support Services Bureau
F. Special Services Bureau
G. Intelligence and Special Investigations Bureau
H. Duty Officers

Sec. IV GEOGRAPHICAL & PRIMARY PATROL RESPONSIBILITIES OF REGIONS
A. Primary Patrol Responsibilities of Regions
B. Map of Regions, Areas, & District Boundaries

Sec. V POSITION RESPONSIBILITIES
A. Superintendent
B. Commanders / Directors
C. Supervisors
D. Investigators
E. Corporals
F. Officers
G. Cadets
H. Police Communications Operators (PCO)
I. Civilian Personnel

Sec. VI COMMITTEES, BOARDS, AND PANELS
A. Authority
B. Current Established NRP Committees
C. Liaison Committees / Commissions
D. Committee Functions
E. Committee Assignments
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CHAPTER 2 SECTION I
ORGANIZATIONAL CHART
The Organizational Chart is provided for the guidance of the flow of information within the Natural Resources Police. The Natural Resources Police may add or delete certain groups in the Natural Resources Police. The Human Resources Section for the Natural Resources Police will maintain the official Organizational Chart.
Maryland Natural Resources Police
Organizational Chart
January 17, 2018

Office of the Superintendent
Colonel (Redacted)

Deputy Superintendent
Lieutenant Colonel (Redacted)

Adjutant
Captain (Redacted)

Administrative Services Bureau
Chief Administrator (Redacted)

NRP HR Supervisor
(Redacted)

Personnel Support
(Redacted)

Fiscal Support
General Direction
(VACANT)

Fiscal Support
Field Operations
(Redacted)

Public Information Officer
(Redacted)

Administrative Support
(Redacted)

Special Services Bureau
Major (Redacted)

Support Services Bureau
Major (Redacted)

Special Services Bureau
Major (Redacted)

Intelligence & Special Investigations Bureau
Major (Redacted)

Field Ops. Bureau 1
Major (Redacted)

Field Ops. Bureau 2
Major (Redacted)

Admin. Support
(Redacted)

Technical Services Division
Captain (VACANT)

Communications & Strategic Planning Division
Captain (Redacted)

Supply Services Unit
Lt. (Redacted)

Comm. Cntr. / Planning / Records Unit
Lt. (Redacted)

Marine Maintenance Section
(Redacted)

Communications Center Section
Sgt. (Redacted)

Safety Education & Outreach Unit
Lt. (Redacted)

Planning, Records, & Warrants Section
Sgt. (Redacted)

Safety Education Section
Sgt. (Redacted)

RESERVE OFFICER PROGRAM

Training & Recruitment Unit
Lt. (Redacted)

Training Section
Sgt. (Redacted)

Recruitment & Cadet Section
Sgt. (Redacted)

In-Service Section
Sgt. (Redacted)

Communications & Strategic Planning Division
Captain (Redacted)

Communications Center Section
Sgt. (Redacted)

Planning, Records, & Warrants Section
Sgt. (Redacted)

Intelligence & Special Investigations Bureau
Major (Redacted)

Internal Affairs Unit
Lt. (Redacted)

Internal Affairs Section
Sgt. (Redacted)

Task Force Section
Sgt. (Redacted)

Criminal Investigations Section
Sgt. (Redacted)

Background Investigations Section
Sgt. (Redacted)

Aviation Section
Sgt. (Redacted)

Response Team Section
Sgt. (Redacted)

***Note:*** The original signed organizational chart is on file with the Office of the Superintendent.
All names have been REDACTED from this organizational chart.
CHAPTER 2 SECTION II
ORGANIZATIONAL STRUCTURE

A. Office of the Superintendent

1. Superintendent: The NRP is commanded by a Superintendent.

2. Commanders / Directors of the units that report directly to and perform functions as designated by the Superintendent are as follows:
   a. Office of the Deputy Superintendent
   b. Adjutant
   c. Public Information Officer

B. Office of the Deputy Superintendent

1. The Office of the Deputy Superintendent consists of the following:
   a. Administrative Services Bureau
   b. Field Operations Bureau
   c. Support Services Bureau
   d. Special Services Bureau
   e. Intelligence & Special Investigations Bureau
   f. Administrative Support Personnel

C. Administrative Services Bureau

1. The Administrative Services Bureau consists of the following:
   a. Chief Administrator
   b. NRP HR Supervisor
   c. Personnel Support
   d. Fiscal Support – General Direction
   e. Fiscal Support – Field Operations

D. Field Operations Bureau

1. Each Field Operations Bureau consists of two Regions and is commanded by a Major.

2. Field Operations Bureau 1 consists of the following:
   (1) Eastern Region
       (a) Area 1
       (b) Area 2
   (2) Southern Region
       (a) Area 3
       (b) Area 4

3. Field Operations Bureau 2 consists of the following:
   (1) Central Region
       (a) Area 5
       (b) Area 6

(Revised 02/18)
(2) Western Region
   (a) Area 7
   (b) Area 8

E. Support Services Bureau

1. The Support Services Bureau is commanded by a Major.

2. The Support Services Bureau consists of the following:
   a. Technical Services Division
      (1) Supply Services Unit
         (a) Marine Maintenance Section
         (2) Safety Education & Outreach Unit
         (a) Safety Education Section
         (i) Reserve Officer Program
         (3) Training & Recruitment Unit
            (a) Training Section
            (b) Recruitment & Cadet Section
            (c) In-Service Section
   b. Communications & Strategic Planning Division
      (1) Communications Center / Planning / Records Unit
         (a) Communications Center Section
         (b) Planning, Records, & Warrants Section
         (2) MLEIN Program Manager

F. Special Services Bureau

1. The Special Services Bureau is commanded by a Major.

2. The Special Services Bureau consists of the following:
   a. Special Operations Division
      (1) Homeland Security & Investigations Unit
         (a) Criminal Investigations Section
         (b) Background Investigations Section
         (c) Aviation Section
         (d) Response Team Section

G. Intelligence and Special Investigations Bureau:

1. The Intelligence and Special Investigations Bureau is commanded by a Major.

2. The Intelligence and Special Investigations Bureau consists of the following:
   a. Internal Affairs Unit
   b. Task Force Section
1. Each NRP sworn law enforcement position has a rank designation. Unless otherwise stated, all NRP communications will follow the chain of command. The NRP ranks in descending order are as follows:

<table>
<thead>
<tr>
<th>Rank Names</th>
<th>Rank Abbreviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonel (Superintendent)</td>
<td>Col.</td>
</tr>
<tr>
<td>Lieutenant Colonel (Deputy Superintendent)</td>
<td>Ltc.</td>
</tr>
<tr>
<td>Major</td>
<td>Maj.</td>
</tr>
<tr>
<td>Captain</td>
<td>Capt.</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>Lt.</td>
</tr>
<tr>
<td>Sergeant</td>
<td>Sgt.</td>
</tr>
<tr>
<td>Corporal</td>
<td>Cpl.</td>
</tr>
<tr>
<td>Master Officer</td>
<td>M/Off</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>S/Off.</td>
</tr>
<tr>
<td>Officer First Class</td>
<td>Ofc.</td>
</tr>
<tr>
<td>Officer</td>
<td>Off.</td>
</tr>
</tbody>
</table>

2. Although civilian employees are not assigned a rank, they will be expected to follow the chain of command while conducting Agency business.
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CHAPTER 2 SECTION III
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

A. Office of the Superintendent

1. **Superintendent** - Commander of the NRP.

2. The following personnel report directly to the Superintendent:
   a. Deputy Superintendent
   b. Adjutant
   c. Public Information Officer

3. Adjutant - Manages Headquarters and the Superintendent’s projects and programs. This includes:
   a. Coordinating projects and programs with other governmental organizations and units within DNR.
   b. Performing other duties as assigned by the Superintendent and/or Deputy Superintendent.

B. **Deputy Superintendent** - Second in command of the NRP. Serves as Acting Superintendent in the absence of the Superintendent.

1. The following groups report directly to the Deputy Superintendent:
   a. Administrative Services Bureau
   b. Field Operations Bureau - 1
   c. Field Operations Bureau - 2
   d. Support Services Bureau
   e. Special Services Bureau
   f. Intelligence & Special Investigations Bureau

C. **Administrative Services Bureau**

1. The Administrative Services Bureau is managed by a chief civilian administrator. This Bureau consists of three sections: the HR Supervisor, Personnel Support, & Fiscal Support.

2. **NRP HR Supervisor**
   a. Duties & Responsibilities:
      1. Provides supervision to the NRP Personnel Support Section in all matters relating to payroll and personnel management.
      2. Serves as liaison with HR Staff to coordinate entry level job postings. Coordinates the following tests and exams: physical agility test, polygraph testing, and written and psychological exams.
      3. Serves as liaison to HR Staff for all Natural Resources Police promotional exams.
      4. Coordinates with DNR HR, DNR OAG, and NRP Internal Affairs to ensure all disciplinary matters are processed in accordance with state law, federal law, labor agreements, and the Law Enforcement Officers’ Bill of Rights (LEOBR).
      5. Represents the Office of the Superintendent, as needed, at meetings with DNR Executive Leadership and Personnel Officers from other DNR Units.
      6. Assists the Chief of Administrative Services Bureau with other duties as needed.

3. **Personnel Support**
   a. Duties & Responsibilities:

(Revised 02/18)
CHAPTER 2 SECTION III
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

(1) Provides administrative support to the agency in the area of personnel actions, (i.e., hiring, promotions, transfers, benefits, applications, and changes).
(2) Provides guidance regarding payroll issues, and personnel actions including employee grievances, disciplinary measures and other sensitive issues.

   a. Duties & Responsibilities:
      (1) Provides support in the areas of budget preparation, federal grant management, procurement, including contract development and execution, and reviews and approves all travel/training requests, working fund requests, expense accounts, credit card logs, etc.
      (2) Generally, provides assistance to agency employees on financial matters in order to insure the fiscal integrity of the Agency.

D. Field Operations Bureaus

1. There are two Field Operations Bureaus, and each Bureau is commanded by a Major.

2. Field Operations Bureaus:
   a. Field Operations Bureau 1 consists of the following:
      (1) Eastern Region
      (2) Southern Region.
   b. Field Operations Bureau 2 consists of the following:
      (1) Central Region
      (2) Western Region

3. Field Operations Regions:
   a. Regions are composed of two Areas.
   b. Regions are commanded by Captains.

4. Contractual Officer Program - The Regional Commander will supervise the Contractual Officer Program.
   a. A Contractual Officer Program was created to provide an alternative manpower resource. The objective of this program is to supplement the NRP officer field force, especially during periods of peak activity. The command and control of the Seasonal Officer shall be identical to the organization and rank structure followed by classified NRP Officers.

5. Field Operations Areas:
   a. Each Area is composed of two (2) to four (4) Districts.
   b. Areas are commanded by Lieutenants.

E. Support Services Bureau

1. The Support Services Bureau consists of the Technical Services Division and the Communications & Strategic Planning Division. The Support Services Bureau Commander will be at the rank of Major.
CHAPTER 2 SECTION III
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

2. **Technical Services Division** consists of the following:

   a. Training and Recruitment Unit:

   b. Training Section:
      (1) Serves as the central repository for the review and administration for all NRP training programs. Develops curricula and administers all entrance level, in-service, field training officer, and specialized training programs. Responsible for the issuance of agency training bulletins.

   c. Recruitment and Cadet Section
      (1) Oversees the recruitment of qualified applicants.

   d. In-Service Section
      (1) Provides yearly mandated training for all LEO’s.

   e. Supply Services Unit
      (1) Marine Maintenance Section
         (a) Responsible for Agency vessel maintenance.

   f. Safety Education Section
      (1) Conducts projects and programs that promote and provide the public with hunting and boating education and safety courses.
      (2) Maintains records of hunting and boating safety certificates.
      (3) **Reserve Officer Program & Reserve Officer Coordinator Positions** - The Unit Administrator (Lieutenant) may be designated to manage and provide administrative support for the Reserve Officer Program and the Reserve Officer Coordinators within their respective geographical locations. The Program Supervisor (Sergeant) will have the day to day responsibilities of direct supervision, and direction, of the RO Program, and Coordinators.
         (a) The Reserve Officer Coordinators are filled by a civilian contractual employee.
         (b) Reserve Officer Coordinators will have the primary responsibilities to coordinate the activities of ROs as delegated by the Unit Administrator, Program Supervisor, or their designee.
         (c) Coordinators will routinely brief the Program Supervisor of the progress, status, and needs of various Reserve Officer Programs. They will also perform other duties as deemed necessary by the Unit Administrator or Program Supervisor for the efficient and effective operation of the Program in support of the Agency’s mission.
         (d) Specific duties are contained in MS-22 for Reserve Officer Program Coordinator.
         (e) The Reserve Officer Coordinator is responsible for keeping all qualification standards, training standards, and other detailed information pertaining to the Reserve Officer Program.

   g. Quartermaster
      (1) Oversees operation of Supply Services Unit
      (2) Agency Coordinator for Federal 1033 and 1122 programs.

   h. Supply Officers
      (1) Issues uniforms and accouterments as required, and issues supplies, equipment, and parts as requisitioned.
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

i. Agency Fleet Coordinator and Inventory Control Officer
   (1) Liaisons with DNR Fleet & Supportive Services to oversee vehicle and vessel documentation.
   (2) Processes entries and requests for removal of sensitive and capital inventory items,

j. Administrative Officer
   (1) Prepares contracts for uniform, patrol boat, parts, and services.
   (2) Coordinates body armor grants and performs annual inspection of Agency body armor.

k. Property Custodian
   (1) Receives and disposes of property that is seized, found, or abandoned

l. Health and Safety Officer (Technical Services Division {TSD} Commander)
   (1) Coordinate and acts as liaison for all health and safety activities.

3. Communications & Strategic Planning Division consists of the following:

   a. Communications Center / Planning / Records Unit
      (1) DNR Communications Center Section
         (a) Maintains twenty-four hour radio contact, checks for warrants and arrest histories, documents incidents of complaints, and dispatches information and personnel in the field as required.
      (2) DNR Law Enforcement Planning, Records, & Warrants Section.
         (a) Records Section maintains records of citations, warnings, safety certificates, and investigative reports. Certified records and reports are issued through this section.
         (b) Warrant Section enters, verifies, and maintains all warrants issued by the Maryland judicial system and assigned to the Agency.
         (c) The Planning Section reviews, creates, prepares, and distributes all manual revisions and Agency forms. The section also reviews and maintains all general orders, special orders, and memorandums.
      (3) MLEIN Program
         (a) Monitors radar units and cameras stationed throughout the Chesapeake Bay region.

4. The Technical Services Division will have a duty officer recorded on their schedule for weekends, holidays, and off hours.
   a. The duty officer will respond to calls to store property at the Matapeake compound, or to any incidents involving the Matapeake compound.
   b. This schedule will be kept in the DNR Communications Center and will be comprised of appropriate Matapeake staff.

F. Special Services Bureau

1. The Special Services Bureau consists of the Special Operations Division. The Special Services Bureau Commander will be at the rank of Major.
CHAPTER 2 SECTION III
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

2. The Special Operations Division (SOD) will be commanded by a Captain.

3. The SOD consists of the Homeland Security & Investigations Unit which is commanded by a Lieutenant. The Homeland Security & Investigations Unit consists of the following Sections:
   a. Criminal Investigations Section
   b. Background Investigations Section
   c. Aviation Section
   d. Response Team Section

4. For a complete description of the various organizational units within the Special Operations Division see Chapter 5, Section IX (Special Units)

G. Intelligence & Special Investigations Bureau

1. The Intelligence and Special Investigations Bureau will consist of the following Unit/Sections designed to provide highly trained personnel to support Agency operations and investigations.

2. Intelligence and Special Investigations Bureau consists of the following:
   a. Internal Affairs Unit
   b. Task Force Section

3. **Internal Affairs Unit**
   a. Investigates allegations of misconduct by an officer or employee.
   b. Assigns personnel to internal investigations as appropriate.
   c. Investigates Police Involved Shootings.
   d. Maintains personnel records as appropriate.

4. **Task Force Section**
   a. Members of this section are assigned to either Covert Operations (CO) or to a Task Force.
   b. The purpose of Covert Operations is to detect and suppress the problem of deliberate, organized, and significant violations of the NR laws. CO shall target major commercialization of wildlife violations and unlawful activity concerning threatened or endangered species by utilizing officers who work in an undercover capacity.
   c. The purpose of the Task Forces is to expand Maryland’s capacity to control drug trafficking and drug abuse. The Task Forces shall provide intelligence on suspected illegal drug activity occurring on and adjacent to the states waterways.

5. For a complete description of the various organizational units within the Intelligence and Special Investigations Bureau, see Chapter 5, Section IX (Special Units).

H. Duty Officers - Each Region or Area shall designate a Duty Officer who shall hold the rank of Sergeant or above. Acting Sergeants may serve as Duty Officers.

1. Regional Commanders shall insure a Duty Officer is listed daily on Work Schedules.
2. Duty Officer Duties & Responsibilities
CHAPTER 2 SECTION III
FUNCTIONAL RESPONSIBILITIES OF ORGANIZATIONAL UNITS

a. Acts as a conduit or liaison only when the Regional/Area Commander, and/or the respective District Sergeants are not working.

b. Assesses the scope of a situation to determine appropriate response if needed.

c. Facilitates, coordinates, and provides direction to others as needed during their assigned rotation.

d. Duty Officers are not restricted in their personal activities. Cell phones have been provided to facilitate this and to ease communications with other NRP employees while acting as Duty Officer.

e. Duty Officers are not subject to geographical limitations or restrictions while they hold the responsibility of a Duty Officer. However; when a response is needed the Duty Officer is expected to respond within a reasonable time frame, of approximately 1.5 hours, or they are expected to relay the necessary information to another Supervisor or Commander that may be closer.

f. The shift of a Duty Officer will start and end when the Duty Officer enters and leaves their Area of Responsibility, not when they enter and leave their normally assigned district.
A. Primary Patrol Responsibilities of Regions

The tables on the following pages serve as a guide to the primary patrol responsibilities for each Region, Area, and District. The tables list primary patrol responsibilities by county, major river/water system, and DNR public lands.
### Eastern Region

<table>
<thead>
<tr>
<th>Area #</th>
<th>District #</th>
<th>County</th>
<th>Major River / Water System</th>
<th>Primary Patrol Responsibilities</th>
<th>DNR Public Lands</th>
<th>Other Public Lands</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>District 2</td>
<td>Worcester</td>
<td>Pocomoke River (North of the Rt.13 Bridge)</td>
<td>Assateague State Park, Pocomoke River SP (Milburn Landing), Pocomoke River SP (Shad Landing), Pocomoke River State Forest</td>
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<td>1</td>
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<td>Wicomico</td>
<td>Nanticoke River, Wicomico River, Chesapeake Bay</td>
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<td>1</td>
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<td>Worcester (Ocean City)</td>
<td>Assawoman Bay, St. Martin River, Isle of Wight</td>
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<td>Somerset</td>
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<td>Dorchester</td>
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<td>Bill Burton Fishing Pier State Park, Harriet Tubman State Park</td>
<td>Fishing Bay WMA, Linkwood WMA, LeCompte WMA, Tar Bay WMA, Taylor’s Island WMA, Various Chesapeake Forest Lands</td>
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<td>2</td>
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<td>Talbot</td>
<td>Big Choptank River, Miles River, Tred Avon River, Wye River, Chesapeake Bay</td>
<td>Bill Burton Fishing Pier State Park, J.S. Ayton Tree Nursery (State Forest), Martinak State Park, Seth Demonstration State Forest</td>
<td>Idylwild WMA, Blackwalnut Point NRMA, Bridgetown Ponds NRMA, Various Chesapeake Forest Lands (CO Co.)</td>
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<td>2</td>
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<td>Queen Anne’s</td>
<td>Chester River, Eastern Bay, Kent Narrows, Chesapeake Bay</td>
<td>Love Point State Park, Tuckahoe State Park, Wye Oak State Park</td>
<td>Kent Island Research Center WMA, Wye Island NRMA</td>
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### SOUTHERN REGION

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<td>Anne Arundel (Central)</td>
<td>Severn River&lt;br&gt;Chesapeake Bay</td>
<td>Jonas Green State Park&lt;br&gt;Sandy Point State Park</td>
<td>Globe Comm WMA&lt;br&gt;Pride Finance NRMA&lt;br&gt;Cheltenham WMA&lt;br&gt;Croom NRMA&lt;br&gt;Belt Woods NEA&lt;br&gt;Billingsley NRMA&lt;br&gt;Ubler NRMA</td>
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<td>Anne Arundel (Southern)&lt;br&gt;Prince George’s&lt;br&gt;Northern Calvert (Bay Front)</td>
<td>Rhode River&lt;br&gt;South River&lt;br&gt;West River&lt;br&gt;Chesapeake Bay</td>
<td>Franklin Point State Park&lt;br&gt;Rosaryville State Park&lt;br&gt;Cedarville State Forest</td>
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<td>Calvert</td>
<td>Patuxent River (Upper/Lower)&lt;br&gt;Chesapeake Bay</td>
<td>Calvert Cliffs State Park</td>
<td>Flag Ponds CWMA&lt;br&gt;Hall Creek NRMA&lt;br&gt;Kings Landing NRMA&lt;br&gt;Merkle Wildlife Sanctuary NRMA (CA Co.)</td>
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<td>Breton Bay&lt;br&gt;Lower Potomac River&lt;br&gt;St. Clements Bay&lt;br&gt;St. Mary’s River&lt;br&gt;Wicomico River&lt;br&gt;Chesapeake Bay</td>
<td>Greenwell State Park&lt;br&gt;Salem State Forest&lt;br&gt;New Towne Neck State Park&lt;br&gt;Point Lookout State Park&lt;br&gt;St. Clements Island State Park&lt;br&gt;St. Inigo State Forest&lt;br&gt;St. Mary’s River State Park&lt;br&gt;St. Mary’s R. SP (Site 1 - Lake)&lt;br&gt;St. Mary’s SP (Site 2 – Hunting Area)</td>
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<td>Mattawoman Creek&lt;br&gt;Nanjemoy Creek&lt;br&gt;Piscataway Creek&lt;br&gt;Port Tobacco River&lt;br&gt;Upper Potomac River (Below DC)</td>
<td>Chapel Point State Park&lt;br&gt;Chapmans State Park&lt;br&gt;Doncaster Demonstration State Forest&lt;br&gt;Purse State Park&lt;br&gt;Smallwood State Park</td>
<td>Chicamuxen WMA&lt;br&gt;Indian Creek NRMA&lt;br&gt;Mattawoman NEA&lt;br&gt;Nanjemoy NRMA&lt;br&gt;Myrtle Grove WMN&lt;br&gt;Zekiah Swamp NEA&lt;br&gt;Maxwell Hall NRMA&lt;br&gt;Blossom Point CWMA&lt;br&gt;Chapmans NEA (Chapman Residual)&lt;br&gt;Patuxent River – Maxwell Hall NRMA&lt;br&gt;Patuxent Riv. NRMA – Indian Creek Area</td>
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### CENTRAL REGION

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<td></td>
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<td>Deep Creek Lake</td>
<td>Jennings Randolph Lake Boat Ramp</td>
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<td></td>
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<td>Savage River</td>
<td>Potomac State Forest</td>
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<td>Upper Potomac River</td>
<td>Savage River State Forest</td>
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<td>Youghiogheny River</td>
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</table>
CHAPTER 2 SECTION IV
GEOGRAPHICAL & PRIMARY PATROL RESPONSIBILITIES OF REGIONS

B. Map of Regions, Areas, & District Boundaries

Map Legend
- Regional Boundaries
- Area Boundaries
- District Boundaries (where District does not follow county line)
- District Number
- Area Office

[Map of Regions, Areas, & District Boundaries]
CHAPTER 2 SECTION V
POSITION RESPONSIBILITIES

A. Superintendent

1. The Superintendent is appointed by the Secretary of the Department of Natural Resources. The authority of the Superintendent to administer the NRP is conferred by the Secretary.

2. The Superintendent administers the activities and operations of the NRP and makes all rules necessary to promote the effective and efficient performance of the Agency.

B. Commanders / Directors

1. The term commander refers to a commissioned officer. Directors are civilian employees with the same administrative responsibilities as commanders.

2. Commanders are responsible for the overall operation of their assignment to include:
   a. Compliance with NRP policies, procedures and regulations
   b. Proper supervision
   c. Employee performance and morale
   d. Public safety
   e. Public relations
   f. Building maintenance
   g. All other matters which may affect the effective and efficient daily operation of their command.

3. Commanders may be responsible to respond on scene to certain events. Commanders should evaluate the following criteria when determining if response to an incident or event is necessary:
   a. Type of incident.
   b. Number of allied agencies involved.
   c. Has a command post been established?
   d. Commander’s response time to the location. Will the incident or event remain on-going upon arrival?
   e. Are there crucial decisions to be made involving life, property, and Agency resources?
   f. Is the media on scene and presenting unique problems or demands?
   g. Numbers of bystanders and on-lookers present.
   h. Experience level of the NRP on-scene commander.
   i. Number of NRP personnel, divisions, sections, and resources committed.
   j. Is an NRP investigator on location or responding to the incident or event?

4. A commander, when on approved leave, will designate a supervisor from their command to serve in their absence.

C. Supervisors

Police and civilian supervisors will actively oversee the performance of subordinates to insure compliance with all NRP policies, procedures, and regulations. When needed, a Supervisor will serve in the absence of a Commander. Supervisors serve as Duty Officer’s, complete employee evaluations, and perform all the duties assigned to a first line supervisor.

D. Investigators

Sworn personnel assigned to investigative duties within the Special Operations Division are responsible for conducting a timely and proper investigation.
CHAPTER 2 SECTION V
POSITION RESPONSIBILITIES

E. Corporals - Lead Workers

Assigns, reviews, and monitors the work of, and trains, lower level Police Officers. Provides training to other employees as needed or directed. In the absence or discretion of an officer more senior in rank shall assume the responsibilities of command.

F. Officers

NRP Officers are responsible for prompt and proper action in all police matters, and the rendering of prompt, efficient, and courteous service in the manner prescribed by policy, procedure, and regulation. Officers are expected to exercise proper and reasonable judgment in the performance of their duties.

G. Cadets

1. The Natural Resources Police Cadet position provides young adults who are not yet eligible to apply to become Natural Resources Police Officers an opportunity to learn and be exposed to all facets of the job as a prospective future Natural Resources Police Officer.

2. The Cadet position is a non-law enforcement position, and therefore, the Cadet does not possess any police powers.

3. Cadet candidates:
   a. Must be between the ages of 17 and 19 years of age to apply for the position, and between 18 and 20 years of age to be hired.
   b. Must be a high school graduate or possess a high school equivalency certificate.
   c. Must be citizens of the United States.

4. Cadets may be assigned to perform duties in any area of the State, where they are subject to call-in to duty 24 hours a day.

5. To develop a working knowledge and experience in the various duties and responsibilities performed by officers of the Natural Resources Police, cadets are subject to rotating assignments in any combination of DNR or NRP specific programs such as DNR Communications; Boating Services; Parks; Fisheries; Wildlife; Forestry Service; the NRP Academy; Headquarters; and Investigations.

6. Upon reaching the age of twenty years and six months, and having served in the Cadet Program for a minimum of six months, cadets must seek appointment to the next available NRP Academy class. Cadets that are determined to be ineligible will be terminated from the Cadet Program.

   Note: The Superintendent of the Natural Resources Police may make exceptions to the minimum six-month requirement and/or age requirement, on a case by case basis, when deemed in the best interest of the Agency.

7. Cadet Safety & Work Limitations

   To promote Agency efficiencies and to help ensure the safety of NRP Cadets, officers, and citizens, the following cadet work limitations shall be adhered to:
CHAPTER 2 SECTION V
POSITION RESPONSIBILITIES

a. **VEHICLES**: After Agency training, Cadets may operate unmarked patrol vehicles without supervision of an NRP officer. However, they may not operate marked patrol vehicles unless they are in the direct supervision of a Natural Resources Police officer.

    In accordance with Chapter 5, Section V, “Pursuit of Vehicles/Vessels,” Cadets are not authorized to operate police vehicles during a Code 1 response situation, or in any other emergency situation utilizing emergency lights and sirens.

b. **VESSELS**: After Agency training, Cadets may operate patrol vessels while in the direct supervision of a Natural Resources Police officer. In accordance with Chapter 5, Section V, “Pursuit of Vehicles/Vessels,” Cadets are not authorized to operate police vessels during a Code 1 response situation, or in any other emergency situation utilizing emergency lights and sirens.

c. **WEAPON HANDLING**: After Agency training, Cadets may be allowed to handle weapons that are loaded with live rounds while under the direct supervision of a Natural Resources Police Officer.

    If in the field checking hunters the NRP Officer may show the Cadet how to safely unload the weapon. Safety must be stressed in all situations when handling weapons.

d. **SURVEILLANCES**: Only while under the direct supervision of an NRP Police Officer, may cadets participate in surveillance operations. Cadets are not authorized to take any type of enforcement action.

H. Police Communications Operators (PCO)

PCOs are civilian employees who are assigned to operate communications equipment and perform other assigned duties related to their classification. A PCO is required to work an 80 hour bi-weekly work schedule and is eligible for shift differential pay.

I. Civilian Personnel

Civilian employees of the NRP are subject to the policies and procedures, of the Agency.
CHAPTER 2 SECTION VI
COMMITTEES, BOARDS, AND PANELS

A. Authority

1. The Superintendent may authorize the convening of the appropriate committees, boards, or panels to conduct reviews or other specific actions and to provide recommendations to the appropriate authority based on a committee’s review.

2. Committee members shall notify their appropriate supervisor of their duties and responsibilities of the assigned committee and shall be accordingly relieved from normally assigned duties.

3. Committee Chairs or lead Agency representatives assigned to a committee will be responsible for providing a status briefing at the monthly Commanders meetings.

B. Current Established NRP Committees

The following is a list of current established NRP Committees:
1. Awards Review Board
2. Disability Panel
3. Fair Practices Work Group
4. Firearms Committee
5. NRP Review Board
6. Training Committee
7. Reassignment Review Board
8. Emergency Operations Committee
9. Vehicle, Vessel, and Uniform Committees
10. Ad Hoc Committees

C. Liaison Committees / Commissions

The following is a list of current committees on which NRP serves as a liaison:
1. Tidal Fish Advisory Commission
2. Sport Fish Advisory Commission
3. Wildlife Advisory Commission
4. Waterfowl Advisory Committee
5. Atlantic States Marine Fisheries Commission
6. Maryland Aquaculture Coordinating Council

D. Committee Functions

1. The Awards Review Board shall perform the duties as prescribed in the NRP Manual, Chapter 4, Section V.

2. The Disability Panel shall perform the duties as prescribed in the NRP Manual, Chapter 4, Section IV.

3. The Fair Practices Workgroup shall perform the duties as prescribed in the NRP Manual Chapter 4 Section X; and shall consist of:
   a. Representatives from each Area, a representative from the Support Services Bureau, Special
CHAPTER 2 SECTION VI
COMMITTEES, BOARDS, AND PANELS

Services Bureau and a chairperson who shall be appointed by the Superintendent.

4. The **Firearms Committee**

   a. Shall be responsible for:
      (1) Updating the NRP Firearms Training Manual.
      (2) Establishing qualification courses as required by the Maryland Police and Correctional Training Commission.
      (3) Recommending changes to the NRP Firearms Policy.
      (4) Evaluating weapons, ammunition, leather gear, and other related equipment.
      (5) Pursuing continuing educational opportunities for the firearms instructors and armorers.
      (6) Addressing any other firearms related matters.

   b. Shall be chaired by the Training and Education Unit Commander and include the Area Senior Firearms Instructors and the Academy Senior Firearms Instructor. The Commander of the Technical Services Division shall serve as an ad hoc member of the Firearms Committee.

   c. Shall meet quarterly, beginning in January of each year. Subcommittee meetings shall be scheduled when necessary.

5. **NRP Review Board**

   a. Is responsible for reviewing the following types of incidents:
      (1) Lost or damaged State property
      (2) Departmental vehicle accidents
      (3) Departmental vessel accidents
      (4) Discharge of a firearm by an officer (discharge of a firearm to kill an injured animal, and discharge of a firearm for practice or at the range are excluded)
      (5) Officer involved use of force incidents (non-lethal and lethal)
      (6) Officer assaults
      (7) Officer safety issues
      (8) Any other issue, as determined by the Superintendent, which necessitates a review process.

   b. Purpose of the NRP Review Board:
      (1) Is to make a finding of non-preventable, preventable with no negligence, or preventable with negligence for vehicle and vessel accidents, and incidents involving lost or damaged State property.
         (a) The NRP Review Board chairperson shall submit the Board’s findings to the charged officer’s Regional / Divisional Commander. For preventable incidents, the Review Board shall take appropriate corrective action, and notify the officer’s commander in writing of the corrective action.
      (2) For all other types of incidents received by the NRP Review Board, the Board shall not issue a finding, but shall review for consistency in the application of Agency policy, and ensure that any identified training issues are forwarded to the Training Academy Commander.
         (a) The chairperson for the NRP Review Board shall submit the results of specific incident reviews to the affected officer’s commander.
         (b) The chairperson for the NRP Review Board shall submit any identified training issues directly to the Training, Academy Commander.
(c) The Training and Education Unit Commander shall be responsible for addressing any training issues that are identified by the Review Board, by way of updated basic training, in-service training, and training bulletins.

(3) The chairperson for the NRP Review Board shall maintain a log of incidents reviewed, and if applicable, the finding issued, and corrective action taken.

c. Shall consist of members of the command staff as designated by the Superintendent.

d. Submission of incidents to the NRP Review Board shall conform to the following format:
(except for vehicle and vessel accidents, which shall follow the procedure as prescribed in the NRP Manual Chapter 8, Section III, ‘Vehicle and Vessel Accidents’, paragraph 9D.

(1) The involved party shall include a detailed written report with an incident number and any other supporting documentation / reports.

(2) Through the chain of command to the Chairman of NRP Review Board

(3) Supervisors shall review the report and prepare a cover sheet, in memorandum format, that contains the results of the review and a finding of the incident. The memorandum shall make a finding of Preventable or Non-preventable, and will also indicate whether or not negligence was involved. Negligence is defined as the failure to exercise care which is reasonable or the failure to exercise care normally used by a prudent person. Commanders shall also review the report, and, attach an NRP 511 which indicates concurrence with the supervisor’s review and/or finding of the incident.

(4) If there is a non-concurrence by a supervisor or commander, an explanation shall be placed on the NRP 511.

(5) A Bureau Commander shall serve as the Chairman of the NRP Review Board.

6. The **Training Committee** (TC) shall develop a strategic plan for training and be responsible for reviewing a variety of training issues.

   a. The TC shall consist of the Training & Recruitment Unit Commander, Training Section Supervisor, various representatives from the Field Operations Bureaus and Special Services Bureau, and any other NRP representatives as designated by the Superintendent.

   b. The TC shall meet at a minimum quarterly, beginning in January of each year or as needed. The goal of the TC is to assess, identify improvements for and make recommendations on the training of the Natural Resources Police to ensure employees are trained to accomplish and support the mission statement.

   c. TC members responsibilities:

      (1) Review current training programs for policy compliance, legality, and relevance to the TC’s goals.

      (2) Contribute knowledge and expertise in developing training programs or techniques.

      (3) Encourage and solicit input from NRP employees and outside organizations on training needs as well as improving methods and techniques in training (Act as advocates).

      (4) Investigate and identify innovative methods and techniques for training.

      (5) Make recommendations to both the Commander of the Training and Recruitment Unit and the Senior Command Staff as appropriate.

      (6) Attend meetings as scheduled.
CHAPTER 2 SECTION VI
COMMITTEES, BOARDS, AND PANELS

7. The Reassignment Review Board shall perform the duties as prescribed in the NRP Manual, Chapter 4, Section VII, and shall consist of the Bureau Commanders and the Director of the Administrative Services Bureau.

8. The Emergency Operations Committee shall have the following responsibilities and memberships:

   a. Responsibilities
      (1) Review and update the Emergency Operations Plan annually or as needed.
      (2) Identify training needs.
      (3) Review emergency operations as needed.
      (4) Make recommendations for changes in emergency operation procedures.
      (5) Recommend changes and acquisition of emergency equipment.
      (6) Review After-Action Reports as needed of real world incidents and exercise / drills.
      (7) Promote inter-agency communications and cooperation.
      (8) Meet quarterly or as needed.

   b. Membership
      (1) The NRP Emergency Operations Committee will consist of NRP Commanders in the following positions:

<table>
<thead>
<tr>
<th>Position</th>
<th>Assignment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair</td>
<td>Special Services Bureau Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Eastern Region Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Southern Region Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Central Region Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Western Region Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Communications &amp; Strategic Planning Division Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Technical Services Division Commander</td>
</tr>
<tr>
<td>Committee Member</td>
<td>Primary DNR / NRP MEMA Representative</td>
</tr>
</tbody>
</table>

9. The Vehicle, Vessel, and Uniform Committees shall have the following responsibilities and memberships:

   a. Responsibilities
      (2) Submit proposals through Support Services Bureau Commander for senior command review and Superintendent’s selection.
      (3) Meet quarterly

   b. Membership
      (1) Committees will consist of NRP Captains holding the chair, five non-commissioned officers, and one additional member involved in the use and/or purchase of equipment and uniforms.
      (2) The Supply Services Unit Commander will serve as an Ad Hoc member on all three committees.
      (3) The Superintendent may solicit input from the Union’s Labor/Management Committee regarding the selection of the members of these three Committees.
CHAPTER 2 SECTION VI
COMMITTEES, BOARDS, AND PANELS

10. The Tidal Fish Advisory Commission, Sport Fish Advisory Commission, Wildlife Advisory Commission, Waterfowl Advisory Committee, Atlantic States Marine Fisheries Commission, and the Maryland Aquaculture Coordinating Council shall have the following responsibilities and memberships:

   a. Responsibilities
      (1) Represent the Agency at the respective committees providing input on proposed regulation changes as needed.
      (2) Provide information/trends as needed and appropriate to committees on activities related to their cause.
      (3) Provide timely updates through the chain of command to the Superintendent on discussions that have the potential to affect the Agency.

   b. Membership
      (1) Lead agency representatives will hold the rank of Captain or Lieutenant and are selected at the discretion of the Superintendent. Sergeants may also be assigned to assist the lead representative.

11. Ad Hoc Committees shall have the following responsibilities and memberships:

   a. Responsibilities
      (1) Are established for a specific purpose or need.
      (2) Comply with the Superintendent’s mandates or other mandates that affect the committee.

   b. Membership
      (1) Committee chair(s) will hold the rank of Lieutenant or above and are selected at the discretion of the Superintendent.
      (2) The Superintendent may solicit input from the Union’s Labor/Management Committee regarding the selection of the members of this Committee.

E. NRP Assignments to Committees / Boards / Panels / Groups / Liaisons

1. On the next page is a list of current NRP Committees, Boards, Panels, and Groups, as well as personnel assigned as a liaison representing NRP.

2. All Committee Chairs and Liaisons will receive detailed direction on procedures for reporting out. Certain committees will have a term limits; others are position specific. Personnel will be replaced upon unforeseen circumstances such as promotions, retirements, etc. A term limit does not necessarily mean all members are removed from participation.
### Disability Panel
*(Position specific / meet as needed)*

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
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<tbody>
<tr>
<td>Maj. Field Operations Bureau 2</td>
<td>Chair</td>
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<tr>
<td>Maj. Field Operations Bureau 1</td>
<td></td>
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<tr>
<td>Maj. Support Services Bureau</td>
<td></td>
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<tr>
<td>Maj. Special Services Bureau</td>
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<tr>
<td>Maj. Intelligence &amp; Special Investigations Bureau</td>
<td></td>
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<tr>
<td>Chief Administrative Officer</td>
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<tr>
<td>NRP Personnel Support</td>
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</table>

### Fair Practice Work Group
*(Longer terms / meet quarterly)*

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<tr>
<th>Position</th>
<th>Name</th>
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<tr>
<td>Maj. (Name Redacted)</td>
<td>Chair</td>
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<tr>
<td>Sgt. (Name Redacted)</td>
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<tr>
<td>Cpl. (Name Redacted)</td>
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<td>Cpl. (Name Redacted)</td>
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<td>Cpl. (Name Redacted)</td>
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### Firearms Committee
*(Position specific / meet quarterly)*

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<tr>
<th>Position</th>
<th>Name</th>
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<tbody>
<tr>
<td>Lt. Training and Recruitment Unit</td>
<td>Chair</td>
</tr>
<tr>
<td>Capt. Technical Services Division</td>
<td>Ad Hoc</td>
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<tr>
<td>Area Senior Firearms Instructors</td>
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<tr>
<td>Academy Senior Firearms Instructor</td>
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### Training Committee
*(Position specific / meet quarterly)*

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<tr>
<th>Position</th>
<th>Name</th>
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<tr>
<td>Lt. Training and Recruitment Unit</td>
<td>Chair</td>
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<tr>
<td>Sgt. Training Section</td>
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CHAPTER 2 SECTION VI
COMMITTEES, BOARDS, AND PANELS

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<tr>
<th>Emergency Operations Committee</th>
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<tr>
<td>(Position specific / meet quarterly)</td>
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<tr>
<td>Maj. Special Services Bureau – Chair</td>
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<tr>
<td>Capt. Eastern Region</td>
</tr>
<tr>
<td>Capt. Southern Region</td>
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<tr>
<td>Capt. Central Region</td>
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<tr>
<td>Capt. Western Region</td>
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<tr>
<td>Capt. Technical Services Division</td>
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<tr>
<td>Capt. Communications &amp; Strategic Planning Division</td>
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<tr>
<th>NRP (Property/Damage) Review Board</th>
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<tr>
<td>(Position specific/ meet as needed)</td>
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<tr>
<td>Maj. Field Operations Bureau 1 - Chair</td>
</tr>
<tr>
<td>Maj. Field Operations Bureau 2</td>
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<tr>
<td>Maj. Support Services Bureau</td>
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<tr>
<td>Maj. Special Services Bureau</td>
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<tr>
<td>Maj. Intelligence &amp; Special Investigations Bureau</td>
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<th>Re-Assignment Review Board</th>
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<tr>
<td>(Position specific / meet as needed)</td>
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<tr>
<td>Maj. Field Operations Bureau 2</td>
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<tr>
<td>Maj. Support Services Bureau</td>
</tr>
<tr>
<td>Maj. Special Services Bureau</td>
</tr>
<tr>
<td>Maj. Intelligence &amp; Special Investigations Bureau</td>
</tr>
<tr>
<td>Chief Administrative Officer</td>
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<tr>
<th>Vehicle Committee</th>
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<tbody>
<tr>
<td>(3 year term/meet quarterly / as needed)</td>
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<tr>
<td>Capt. (Name Redacted) - Chair</td>
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<tr>
<td>Lt. Supply Services Unit - Ad Hoc</td>
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<tr>
<td>Sgt. (Name Redacted)</td>
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<tr>
<td>Cpl. (Name Redacted)</td>
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<td>Cpl. (Name Redacted)</td>
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<tr>
<td>Cpl. (Name Redacted)</td>
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<td>Ofc. (Name Redacted)</td>
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</table>
### NRP Awards Review Board

**Position specific / meet yearly / as needed**

- Capt. (Name Redacted) - Chair
- Public Information Officer
- Lt (Name Redacted) – Western Region
- Lt. (Name Redacted) - Central Region
- Lt. (Name Redacted) - Southern Region
- Lt. (Name Redacted) – Eastern Region
- Lt. (Name Redacted) - Support Services
- Lt. (Name Redacted) – Internal Affairs
- Lt. (Name Redacted) - Special Services

### Vessel Committee

**3 year term / meet quarterly / as needed**

- Capt. Technical Services Division – Chair
- Lt. Supply Services Unit – Ad Hoc
- Mr. (Name Redacted)
- Sgt. (Name Redacted)
- Sgt. (Name Redacted)
- Cpl. (Name Redacted)
- Cpl. (Name Redacted)
- Cpl. (Name Redacted)
- Ofc. (Name Redacted)
- Ofc. (Name Redacted)
- Ofc. (Name Redacted)

### Uniform Committee

**3 year term / meet quarterly / as needed**

- Capt. B. Rathgeb – Chair
- Lt. Supply Services Unit - Ad Hoc
- Ms. (Name Redacted)
- Cpl. (Name Redacted)
- Cpl. (Name Redacted)
- Cpl. (Name Redacted)
- M/Off. (Name Redacted)
- Ofc. (Name Redacted)
- Ofc. (Name Redacted)

### Personnel assigned as a liaison representing NRP

**Tidal Fish Advisory Committee- Lead Rep.**

- (3 year term / quarterly)
- Lt. (Name Redacted) (Area 2)
- Sgt. (Name Redacted) (Area 1)

**Sport Fish Advisory Committee- Lead Rep.**

- (3 year term / quarterly)
- Lt. (Name Redacted)
- Sgt. (Name Redacted)
<table>
<thead>
<tr>
<th>Committee/Agreement</th>
<th>Lead Rep.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife Advisory Committee</td>
<td>Lt. (Name Redacted)</td>
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<td></td>
<td>Sgt. (Name Redacted)</td>
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<tr>
<td>Waterfowl Advisory Committee</td>
<td>Sgt. (Name Redacted)</td>
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<td>Sgt. (Name Redacted)</td>
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<tr>
<td>Atlantic States Marine Fisheries</td>
<td>Major (Name Redacted)</td>
</tr>
<tr>
<td>Committee/Joint Enforcement</td>
<td>Lt. (Name Redacted) (Adjunct)</td>
</tr>
<tr>
<td>Position specific / meets quarterly</td>
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</tr>
<tr>
<td>LE committee bi-annually</td>
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<tr>
<td>Maryland Aquaculture Coordinating</td>
<td>Lt. (Name Redacted) (Area 4)</td>
</tr>
<tr>
<td>(Position specific / meets bi-monthly)</td>
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<tr>
<td></td>
<td>Sgt. (Name Redacted) (Area 2)</td>
</tr>
</tbody>
</table>
CHAPTER 3

ADMINISTRATIVE PROCEDURES
CHAPTER 3

ADMINISTRATIVE PROCEDURES

Sec. I  ADMINISTRATIVE COMMUNICATIONS
A.  General Orders
B.  Special Orders
C.  Personnel Orders
D.  Cancellation and Amendment of Orders
E.  Indexing and Codes
F.  Sample format for Orders and Detailed Reports
G.  Letterhead Page Format; General, Special and Personnel Orders
H.  Memoranda
I.  Detailed Reports
J.  Routing Slip - Form NRP-511
K.  Training Publications
L.  Communications Center Manual
M.  Command Staff Meetings

Sec. II PROCUREMENT
A.  Corporate Purchasing Cards
CHAPTER 3
ADMINISTRATIVE PROCEDURES

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CHAPTER 3 SECTION I
ADMINISTRATIVE COMMUNICATIONS

A. General Orders (G.O.)

1. General Orders are only issued by the Superintendent to:
   a. Direct procedures for the indefinite future.
   b. Disseminate information, instructions, or direct the action of personnel in specific situations or circumstances.
   c. Adopt or revise policy in the NRP Manual affecting the entire agency

2. A General Order supersedes all other orders in conflict therewith and will be complied with

3. When a General Order is issued, any manual pages affected will be printed by each Officer for their Policy Manual. The electronic version will be updated accordingly.

4. The Planning Section will retain the record copy of all General Orders.

B. Special Orders (S.O.)

1. The Superintendent, chiefs, commanders, and directors issue Special Orders. They announce policies or procedures related to a specific circumstance, event, policy, or procedure that is of a temporary or self-canceling nature.

2. A Special Order issued by a chief, commander, or director must only impact the personnel within the bureau, region, area, division, or unit under which the Special Order is issued and will be identified by the unit code.

3. A Special Order issued by a chief, commander, or director will be forwarded to the Planning Section. The Planning Section will review to insure it is not in conflict with current policy and to determine if the policy is appropriate for Agency-wide application.

4. Bureaus, regions, areas, divisions or units that issue a Special Order will maintain the record copy electronically.

5. Special Orders will be distributed to those it affects and will be complied with.

6. Drafts of Superintendent’s general orders, special orders, and memoranda will be submitted to the Planning Section through the proper chain of command.

7. The Planning Section will:
   a. Review the draft to insure continuity with existing policies procedures or regulations, as well as format.
   b. Distribute drafts through the Communications and Strategic Planning Division Commander to the Command Staff and other appropriate commanders for comments and recommendations.
   c. Prepare orders consistent with the staff response for the Superintendent’s approval and signature.
   d. Assign a number to the orders or memoranda.
   e. Arrange for the distribution of orders electronically.
   f. Maintain a log for all orders and memoranda.

8. Required or suggested revisions to the Manual will be forwarded by detailed report to the Planning Section.
CHAPTER 3 SECTION I
ADMINISTRATIVE COMMUNICATIONS

C. Personnel Orders

1. NRP Personnel Section will prepare personnel orders to announce the following:
   a. Appointment of new personnel.
   b. Reassignment of employees.
   c. Promotion of personnel.

2. Personnel Orders will only be prepared with the Superintendent’s approval.

3. Personnel Orders will be distributed to all members of the Natural Resources Police electronically.

4. The Personnel Section will maintain the record copy of all personnel orders electronically.

D. Cancellation and Amendment of Orders

1. All orders remain in effect until the termination date, it is amended, superseded, or canceled.

2. Orders will be amended by the issuance of a new number containing the specific change, or will be rewritten as a new order rescinding the original.

3. An order that amends, rescinds, supersedes, or refers to previous orders, will include the appropriate notation (order number, etc.) necessary to locate the material to be corrected or canceled.

4. The Planning Section will maintain a current list of active orders issued by the Superintendent.

E. Indexing and Codes

1. Indexing
   a. Orders will have a numerical designator identifying the originator. It will consist of the:
      (1) Unit code
      (2) Last two digits of the calendar year issued.
      (3) Sequential numbers beginning with 0 for each type of directive issued from the beginning to the end of the calendar year.
   b. Subsequent calendar years will again be numbered consecutively beginning with 01.

2. Example: 100-9801
   a. 100 - Office of the Superintendent
   b. 98 - Year issued
   c. 01 - First order of that type issued that year.

3. Codes
   a. The Planning Section assigns a code number to each NRP unit.
   b. The code numbers are as follows on the next two pages:
### ADMINISTRATIVE COMMUNICATIONS

<table>
<thead>
<tr>
<th>CODE</th>
<th>UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Office of the Superintendent</td>
</tr>
<tr>
<td>105</td>
<td>Special Projects Officer</td>
</tr>
<tr>
<td>110</td>
<td>Executive Assistant</td>
</tr>
<tr>
<td>115</td>
<td>Adjutant</td>
</tr>
<tr>
<td>120</td>
<td>Legislative/Labor Relations Liaison</td>
</tr>
<tr>
<td>125</td>
<td>Public Information Officer</td>
</tr>
<tr>
<td>200</td>
<td>Deputy Superintendent</td>
</tr>
<tr>
<td>205</td>
<td>Internal Affairs Unit</td>
</tr>
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</table>

#### Special Services Bureau

<table>
<thead>
<tr>
<th>CODE</th>
<th>UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>300</td>
<td>Special Services Bureau</td>
</tr>
<tr>
<td>305</td>
<td>Special Operations Division</td>
</tr>
<tr>
<td>310</td>
<td>Criminal Investigations Section</td>
</tr>
<tr>
<td>315</td>
<td>Covert Operations Unit Section</td>
</tr>
<tr>
<td>320</td>
<td>Dangerous Substance Abuse Task Force Unit Section</td>
</tr>
<tr>
<td>325</td>
<td>Response Team Services</td>
</tr>
<tr>
<td>330</td>
<td>Aviation Section</td>
</tr>
<tr>
<td>335</td>
<td>Homeland Security Section</td>
</tr>
</tbody>
</table>

#### Field Operations Bureau

<table>
<thead>
<tr>
<th>CODE</th>
<th>UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>400</td>
<td>Field Operations Bureau</td>
</tr>
<tr>
<td>405</td>
<td>Reserve Officer Program</td>
</tr>
<tr>
<td>410</td>
<td>Eastern Region</td>
</tr>
<tr>
<td>411</td>
<td>Area 1 - Johnson</td>
</tr>
<tr>
<td>412</td>
<td>Area 2 - Hillsboro</td>
</tr>
<tr>
<td>415</td>
<td>Southern Region</td>
</tr>
<tr>
<td>416</td>
<td>Area 3 - Broadneck</td>
</tr>
<tr>
<td>417</td>
<td>Area 4 - Indian Creek</td>
</tr>
<tr>
<td>420</td>
<td>Central Region</td>
</tr>
<tr>
<td>421</td>
<td>Area 5 - Gwynnbrook</td>
</tr>
<tr>
<td>422</td>
<td>Area 6 - Gwynnbrook</td>
</tr>
<tr>
<td>425</td>
<td>Western Region</td>
</tr>
<tr>
<td>426</td>
<td>Area 7 - Echo Lake</td>
</tr>
<tr>
<td>427</td>
<td>Area 8 - Townhill</td>
</tr>
</tbody>
</table>

#### Support Services Bureau

<table>
<thead>
<tr>
<th>CODE</th>
<th>UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>500</td>
<td>Support Services Bureau</td>
</tr>
<tr>
<td>505</td>
<td>Technical Services Division</td>
</tr>
<tr>
<td>510</td>
<td>Supply Services and Safety Ed Unit</td>
</tr>
<tr>
<td>515</td>
<td>Safety Education Section</td>
</tr>
<tr>
<td>520</td>
<td>Marine Maintenance Section</td>
</tr>
<tr>
<td>525</td>
<td>Training and Recruitment Unit</td>
</tr>
<tr>
<td>530</td>
<td>Communications &amp; Planning Division</td>
</tr>
<tr>
<td>535</td>
<td>Comm Center / Planning / Records Unit</td>
</tr>
</tbody>
</table>

(Revised 07/16)
CHAPTER 3 SECTION I
ADMINISTRATIVE COMMUNICATIONS

<table>
<thead>
<tr>
<th>CODE</th>
<th>UNIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>540</td>
<td>Communications Center Section</td>
</tr>
<tr>
<td>545</td>
<td>Planning, Records and Warrants Section</td>
</tr>
<tr>
<td>600</td>
<td>Office of Administrative Services</td>
</tr>
<tr>
<td>605</td>
<td>Personnel Support</td>
</tr>
<tr>
<td>610</td>
<td>Fiscal Support – General Direction</td>
</tr>
<tr>
<td>615</td>
<td>Fiscal Support – Field Operations</td>
</tr>
</tbody>
</table>

4. Receipt or Appraisal of Orders and Manual Revisions. Commanders or their designees will:
   a. Insure that all personnel under their command receive all directives and publications issued by
      the NRP that are directed to those employees.
   b. Institute a system of accountability using Form NRP-512 (Receipt of Materials
      Acknowledgement Form). This will insure that affected employees receive and acknowledge
      receipt of all directives and publications intended for their information.

5. Accountability: An acknowledgment on Form NRP-512 by employees will constitute official
   notification of, and accountability for such communications.

6. All orders shall be maintained by the individual officer.

F. Sample Format for Orders and Detailed Reports

1. General Instructions
   a. Orders will be issued 8 2" x 11" paper.
   b. The first sheet will bear the official NRP letterhead.
   c. Enter the date on the left side of the page, two spaces under the letterhead.
   d. The left margin will be 1.5 inches.
   e. The right margin will not be less than one inch.
   f. Single-space all text.
   g. Double-space all paragraphs.
   h. Number all pages except the letterhead page.
   i. Center page numbers one inch from the bottom of the page.
   j. The final paragraph of an order will reference any order that will be superseded or canceled.

2. Letterhead
   a. Letterhead bearing the DNR logo and title along with “Natural Resources Police,” shall be used
      for issuing official Agency orders and publications.

3. Capitalization and Punctuation
   a. Use capital letters when referring to the Department of Natural Resources or the Natural
      Resources Police.
   b. Use capital letters when referring to the Superintendent or specific bureau chief or commanders
      of units.
   c. Capitalize “State” when referring to Maryland or any other state.
   d. Only capitalize “general order”, “special order” or “memoranda” when referring to a specific

(Revised 07/16)
Chapter 3 Section I
Administrative Communications

Order or memorandum.

e. In an outline, if the heading is a phrase, capitalize the first letter of major words; if the heading is a sentence, follow normal capitalization rules.

f. Period
   (1) To complete a sentence.
   (2) At the end of a list following a colon.

g. Quotation Marks
   (1) A period or a comma is placed within quotation marks.
   (2) A colon or semicolon is placed outside the quotation marks.
   (3) Titles of articles or pamphlets are set off with quotation marks.

h. Underlining
   (1) Titles of books and magazines are underlined.
   (2) Titles and publications frequently used within the NRP are capitalized, e.g. Annotated Code of Maryland, Maryland Department of Natural Resources Laws, Policy, Procedures and Regulations Manual.

i. Usage of “a” and “an”
   (1) Use an “a” before words beginning with a consonant or a consonant sound. A “y” and a “w” require an “a”.
   (2) Use “an” before words and acronyms beginning with a vowel.

G. Letterhead Page Format; General, Special and Personnel Orders

1. The following contains an example of the proper format for letterhead pages for general, special and personnel orders and will be followed by all employees.

2. All NRP orders will follow the format described.

LETTERHEAD

(TWO LINES)

DATE

FOUR LINES)
(SPECIFY TYPE OF ORDER-GENERAL, SPECIAL, OR PERSONNEL) ORDER NO. 00-0000

(ONE LINE)
TO:

(ONE LINE)
FROM:

(ONE LINE)
SUBJECT:

(TWO LINES)
(TAB) BODY

(Revised 07/16)
H. Memoranda

1. Memoranda shall be a formal means of communication within the Agency. The memoranda will:
   a. Direct the action of employee in specific situations or circumstances that do not warrant a General Order or Special Order.
   b. Provide clarification, information, or instructions on compliance with policies, procedures, or regulations.
   c. Not deviate from or conflict with established policies, procedures, or regulations unless approved by the Superintendent or their designee.
   d. Affect the Agency on a statewide basis and will be identified by the unit code number, when prepared by the Superintendent or Deputy Superintendent.
   e. Have a record copy maintained by the originating source.

2. Informal Memorandum Form NRP-510.
   a. Will be used to convey informal information within the NRP or informal communications with another department or agency.
   b. Will be used to announce training schedules, and other assignments.

I. Detailed Reports

1. Detailed reports will be to transmit official information within the Agency on NRP Letterhead and will be initialed in ink by the originator to:
   a. Convey NRP business
   b. Submit a suggestion
   c. Submit a request

J. Routing Slip – Form NRP-511

1. Will be used to track and route written, communications through the chain of command.

2. The routing slip will be completed and the document will be forwarded.

K. Training Publications

1. Training Publications are intended to be informative in nature.

2. A training publication may be used to define or emphasize a policy, procedure, or regulation.

L. Communications Center Manual

1. The Communications Center Manual has been developed by the Communications Center Committee in order to establish standard operating procedures for personnel working in the DNR Communications Center.

2. The Manual shall be distributed to all employees of the Communications Center.

3. Procedures shall be adhered to by all employees of the Natural Resources Police. All changes authorized by the Committee will be distributed, incorporated into the Manual and noted on a change sheet.
CHAPTER 3 SECTION I
ADMINISTRATIVE COMMUNICATIONS

M. Command Staff Meetings

1. Policies, procedures and regulations formulated as a result of command meetings will not be
   disseminated verbally for compliance unless the matter is of such urgency that this course of action is
   necessary.

2. In such instances, an appropriate written order will be prepared and distributed as soon as possible
   following the issuance of such a verbal order.
A. Corporate Purchasing Cards

1. Each card will have an established credit limit of up to $2,500.00 per transaction.

2. Corporate Purchasing Cards shall be used for authorized purposes. Purchases must be in compliance with State of Maryland COMAR requirements.
   a. The Corporate Card may be used for the following fuel Purchases:
      (1) State vehicles while traveling out of State on State business.
      (2) Fueling of State vessels at marinas.
      (3) In an extreme emergency, the card may be used to purchase fuel for the State vehicle. A written explanation must be submitted.
   b. The Corporate Card may be used to purchase tires. Purchaser must ensure that the State contract price is used. Additionally, mounting and balancing of the tires must be charged to the Fleet Card.
   c. Out-of-State Travel
      Training - a copy of the approved application for out-service training authorization and the request for out-of-State travel (form X-3a) must be included with invoices and submitted with the Corporate Purchasing Card Activity Log.
   d. Food
      For meetings and events a list of attendees and agenda must be included with invoices, and submitted with the Corporate Purchasing Card Activity Log.
   e. Data Processing (DP)
      (1) No DP services, hardware or software of any type or dollar value may be purchased on individual corporate purchasing cards. Only DP Contacts may purchase these items.
      (2) Expendable DP supplies such as, SD cards, flash drives, ink or toner cartridges etc. may be purchased on individual corporate purchasing cards with supervisory approval.

3. The Corporate Cards shall not be used for:
   a. Cash advances are strictly prohibited.
   b. The Corporate Card is not to be used in place of the Fleet Card or facilities.
   c. It shall not be used for personal use.
   d. The Corporate Purchasing Card is not to be used in place of the state fuel net facilities.

4. The State Tax Exempt number (30002563) is printed on the Corporate Purchasing Card. It is the cardholder’s responsibility to ensure that sales tax is not included in the Corporate Card Purchase.

5. All purchases and credits must be reported on the Corporate Purchasing Card Activity Log (8-½” x 14” legal size).
   a. The original Corporate Card statement and all receipts in date order are to be paper clipped to the Corporate Purchasing Card Activity Log.
      (1) If an employee does not receive a Corporate Card statement for the period when charges have been incurred, the fiscal officer should be contacted for assistance.
      (2) Not receiving a statement for the period when charges have been incurred on the Corporate
CHAPTER 3 SECTION II  
PROCUREMENT

Purchasing Card does not preclude an employee from completing a Corporate Purchasing Card Activity Log.

3. Under certain circumstances, a copy of the page from the Department’s Corporate Purchasing Card Database (INFOSPAN), outlining the list of charges may be used in place of the missing statement.

b. The Corporate Purchasing Card Activity Log and the Corporate Card statement must both be signed and dated by the cardholder, and the cardholder’s immediate supervisor (Manager’s Signature).

c. The Corporate Purchasing Card Activity Log shall be submitted to the NRP Fiscal Services Section by the 22nd of the month following the month for which the log is completed.

6. If your Corporate Purchasing Card is lost or stolen, you must telephone the toll free 24 hour customer service number and fill out an Exhibit C form to close account.

7. Fill out an Exhibit D form for all Fraud or Disputed charges.

8. Use a black China Marker to cross out all credit card numbers on receipts and statement. Do not use white out.

9. Tape all small receipts to an 8 ½ X 11 piece of paper.

10. For additional information refer to the State of Maryland’s Corporate Purchasing Card Program Policy and Procedures and COMAR, Title 21.
CHAPTER 4

PERSONNEL
CHAPTER 4
PERSONNEL

Sec. I LEAVE
A. Annual Leave (AL)
B. Compensatory Time & Leave
C. Personal Leave (PL)
D. Sick Leave (SL)
E. Bereavement Leave (BL)
F. Regular Day Off
G. Holiday Leave (HL)
H. Military Leave
I. Military Administrative Leave
J. Family and Medical Leave Act (FMLA)
K. Work Related Accident Leave (ASL)
L. Leave Donation & Leave Bank
M. Emergency Conditions
N. Jury Duty
O. Accident Sick Leave (ASL) & Leave Without Pay (LWOP) Reporting Requirements
P. General

Sec. II WORK AND LEAVE RECORDS
A. Workday Time & Attendance Computer Program
B. Request for Leave (Form NRP-207)
C. RMS Officer’s Daily Log
D. Duty Roster Form (Form NRP-307) & Scheduling Guidelines
E. Monthly Record of Approved Leave (Form NRP-308)
F. Minimum Time Off

Sec. III COMPENSATION AND ALLOWANCES
A. Overtime
B. Compensatory Time (CT)
C. Call Out
D. Shift Differential (SD)
E. Clothing Allowance
F. Health Insurance
G. Meals Reimbursement
H. Mileage Reimbursement
I. Advanced Compensation
J. K-9 Officer Compensation
K. Bilingual Pay
L. Release Time

Sec. IV MEDICAL SECTION
A. First Report of Injury – Paid Employees
B. First Report of Injury – Volunteers/Non-Paid Employees (Reserve Officers)
C. Fitness for Duty & Restricted Duty Policy
D. Psychological Referrals
E. Drug Screening
F. Medical Waivers
G. Notification of Illness or Injury
H. Exposure Control Plan
CHAPTER 4
PERSONNEL

Sec. V AWARDS AND RECOGNITIONS
A. Awards Nomination Procedure
B. Incentives
C. Employee of the Month Program

Sec. VI SECONDARY EMPLOYMENT
A. Definitions
B. Request Procedures
C. Limitations Generally
D. Ethical Limitations
E. Specific Job Restrictions
F. Extra Duty Secondary Employment
G. Liability

Sec. VII CHAIN OF EMPLOYMENT
A. Appointment
B. Probation
C. Officer First Class Reclassification / Evaluation
D. Promotions
E. Reassignments
F. Acting Capacity
G. Termination
H. Reinstatement

Sec. VIII EMPLOYMENT SEPARATIONS
A. Employment Separation Procedures – In General
B. Officer’s Supervisor’s Responsibilities
C. Officer’s Commander’s Responsibilities
D. Other Responsibilities
E. Voluntary Separations
F. Involuntary Separations
G. Employment Separation by Death

Sec. IX TRAINING AND CAREER DEVELOPMENT
A. Entrance Level Training
B. NRP Probationary Period
C. Promotional Training
D. Field Training Officer Program
E. In-service Training
F. Nominations to FBI Academy
G. Travel Regulations

Sec. X EMPLOYEE ORGANIZATIONS
A. Collective Bargaining
B. Labor Activities
C. Political Activities

Sec. XI FAIR PRACTICES WORKGROUP
A. Fair Practices Workgroup
CHAPTER 4
PERSONNEL

Sec. XII DISCRIMINATION & HARASSMENT
A. Authority
B. Scope
C. Definitions
D. Policy
E. Responsibilities
F. Reporting Discrimination and/or Harassment Situations
G. Processing Complaints of Discrimination, Harassment, and/or Retaliation
H. Complaints of Discrimination and/or Harassment from Non-NRP Employees

Sec. XIII GRIEVANCE PROCEDURES
A. Grievance Procedures – In General
B. Title 12 Grievance Process
C. Weapons at Office of Administrative Hearings (OAH) Facility
D. Sworn Law Enforcement Officers’ Grievance Process

Sec. XIV LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT
A. Memorandum of Understanding Between NRP & SLEOLA
B. Conflicts Between the NRP Manual of Policies, Procedures, and Regulations and the MOU
C. Relevant Portions of the Memorandum of Understanding
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CHAPTER 4 SECTION I
LEAVE

A. Annual Leave (AL)

1. An employee will begin to accumulate AL on the first day of employment; however the employee will not be entitled to use AL until the seventh month of employment.

2. Annual Leave will be earned and taken in accordance with the State Personnel and Pensions Article, Title 9, Subtitle 3, sections § 9-301 thru § 9-308 of the Annotated Code of Maryland, and COMAR 17.04.11.04.

3. Leave balances can be found and remain current within Workday.

B. Compensatory Time & Leave

1. Under COMAR 17.04.11.02.E nonexempt employees (civilian employees, cadets, PCO’s, and sergeants and below) may earn compensatory time instead of overtime.
   a. The maximum amount of compensatory time which may be accrued and/or paid-out upon leaving State service is:
      (1) Civilians & PCOs: 240 hours.
      (2) Sergeants & below: 480 hours
   b. Non-Exempt employees may carry over their compensatory time when promoted into an exempt employees classification.

2. Under COMAR 17.04.11.02D exempt employees (lieutenants and above) may not receive any overtime pay, but they may receive compensatory time for their overtime work.
   a. There is no maximum amount of compensatory time which may be accrued; however it must be used within 12 months of being earned.
   b. Upon leaving State service, the Regular Compensatory Leave payout will be limited to a maximum of ONLY16 hours as an exempt employee.

C. Personal Leave (PL)

1. Personal Leave is governed by statute, the State Personnel and Pensions Article, Title 9, Subtitle 4, sections § 9-401 thru § 9-404 of the Annotated Code of Maryland.

2. An employee must obtain permission to use PL from an immediate supervisor. A PL request may not be denied to observe a religious holiday, except for essential employees.

D. Sick Leave (SL)

1. Sick Leave is governed by DNR’s Sick Leave Policy which can be found on DNR’s Intranet under Employee Resources. Sick leave is also governed by the State Personnel and Pensions Article, Title 9, Subtitle 5, sections § 9-501 thru § 9-508 of the Annotated Code of Maryland, and COMAR 17.04.11.05.

2. In the event that an officer will not be able to report to work because of an illness, the officer will notify the supervisor or duty officer (whichever is on duty) at least one hour prior to the start of the shift, if possible. The DO/Supervisor will contact the DNR Communications Center. These contacts should be made at a minimum of one hour prior to the employees shift.

3. For an illness or disability of five (5) or more consecutive work days, an employee shall submit an original certificate which authenticates the illness or disability in accordance with State Personnel and
E. Bereavement Leave (BL)

1. Bereavement Leave is governed by COMAR 17.04.11.06

2. BL is administrative leave; therefore, it is given to the employee by the State, and is not charged to the employee’s leave balance.

F. Regular Day Off

Officers must be scheduled for 8 regular days off in a 28-day work period.

G. Holiday Leave (HL)

1. Holiday Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 2, sections § 9-201 thru § 9-205 of the Annotated Code of Maryland, and COMAR 17.04.11.08.

2. For officers and Police Communications Operators, alternate holiday scheduling provides one holiday to be taken each month. However, in a non-election year, 11 holidays are provided. Therefore, a holiday will not be taken in June.

3. Employees must take holiday leave in full days.

4. A holiday shall be scheduled during the month it is earned. If circumstances prevent the supervisor from scheduling the holiday during the month it is earned, the supervisor shall then schedule the holiday within 30 days from the month the holiday was earned. All holidays shall be scheduled and taken before the end of the calendar year that the holiday was earned.

5. A supervisor shall not change an employee’s scheduled holiday unless it is an emergency, as determined by a commander, which requires the call back of personnel to duty.

6. An employee may request a schedule change for a pre-scheduled holiday by submitting a leave request form to their immediate supervisor. If the supervisor approves the requested schedule change, every attempt shall be made to reschedule the holiday in the month earned. In any case, the holiday shall be rescheduled within 30 days.

7. Thanksgiving, Christmas and New Year’s Day are considered premium holidays.
   a. PCO’s and Officers (Sgt. and below) eligible to receive cash overtime shall:
      (1) Enter the appropriate times and codes into the Workday program.
      (2) Be compensated at the rate of time and one-half for the number of hours actually worked on a premium holiday, and
      (3) Be credited with hour for hour compensatory leave for each hour actually worked under 4 hours on a premium holiday, or
      (4) Be automatically credited with 8 hours compensatory leave for actually working more than 4 hours on a premium holiday.
   b. Commissioned officers are only eligible to receive compensatory leave and shall:
CHAPTER 4 SECTION I
LEAVE

(1) Enter the appropriate times and codes into the Workday program.
(2) Be compensated with compensatory leave on an hour for hour basis for the number of hours actually worked on a premium holiday.

c. For PCO’s and all officers
   (1) The premium holidays do not take the place of regularly scheduled holidays for January, November, and December.
   (2) Compensatory leave earned as a result of working on a premium holiday must be taken within one year of the date that it is earned.

8. Holidays are pre-scheduled by the employer for the Natural Resources Police. NRP sworn personnel and Police Communications Operators who are eligible to receive cash overtime and who are required by the supervisor to work a holiday that was designated as pre-scheduled, shall receive payment for the number of hours scheduled at the employee’s regular rate of pay, and shall be compensated at the rate of time and one-half for the number of hours actually worked on a pre-scheduled holiday.

9. Employees, whose holidays are not prescheduled by the employer, are entitled to the following State holidays, or as designated by the Governor.
   a. New Year’s Day
   b. Martin Luther King, Jr. Day
   c. President’s Day
   d. Memorial Day
   e. Independence day
   f. Labor Day
   g. Columbus Day
   h. Election Day (in election year)
   i. Veteran’s Day
   j. Thanksgiving Day
   k. Day after Thanksgiving
   l. Christmas Day

H. Military Leave

1. Military Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 11, sections § 9-1104 of the Annotated Code of Maryland, and COMAR 17.04.11.10.

2. An employee who is a member of a reserve unit of the armed forces or in the organized militia is:
   a. Entitled to leave with pay for military training,
   b. Not more than 15 days annually, and
   c. Without loss of pay or charge against leave.

3. If an employee is on ML for five or more consecutive days, then regular day off must be included in the scheduling.

4. A copy of the military orders shall be submitted and maintained by the employee’s supervisor in order to support the employee’s usage of military leave. While on military leave, a copy of the orders shall be submitted to NRP Personnel Support at the end of each pay period.

I. Military Administrative Leave

1. Military Administrative Leave is governed by the State Personnel and Pensions Article, Title 9,
2. A qualified employee is entitled to Military Administrative Leave in accordance with § 9-1107.

3. A copy of the military orders shall be submitted and maintained by the employee’s supervisor in order to support the employee’s usage of military leave. While on military leave, a copy of the orders shall be submitted to NRP Personnel Support at the end of each pay period.

4. An employee eligible to receive Military Administrative Leave shall elect to use either Military Administrative Leave or Military Leave.

5. If an employee is on Military Administrative Leave for five or more consecutive days, then regular days off must be included in the scheduling.

J. Family and Medical Leave Act (FMLA)

1. Family and Medical Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 10, § 9-1001 of the Annotated Code of Maryland, and COMAR sections 17.04.11.05, 17.04.11.24, and 17.04.11.26.

2. Pursuant to the Family and Medical Leave Act, employees are entitled to:
   a. 12 weeks of unpaid leave in any 12 month period or 480 hours.
   b. Continued subsidized health insurance benefits
   c. Guaranteed return to your previous job or an equivalent position.

3. FMLA may be used for:
   a. The birth of a child or the placement of a child for adoption or foster care within one year following the birth or placement of the child into the employee’s home.
   b. A serious health condition that makes the employee unable to perform the essential functions of their job.
   c. When the employee’s spouse, child, parent, or legal dependent has a serious health condition and the employee is required to provide care.

4. Accrued paid leave must be taken concurrently with FMLA.

5. Employee’s responsibilities when requesting or being placed on FMLA:
   a. When possible, an employee is requested to give their supervisor 30 days notice for FMLA leave
   b. Employee is required to send the DNR FMLA Request and Review Form and the Medical Certification Form with an original signature from their medical practitioner to the Human Resources contact for their Unit within 2 weeks. (Forms can be obtained through the DNR Intranet or Human Resources contact.

6. The NRP Personnel Section retains detailed information regarding FMLA.

K. Work-Related Accident Sick Leave (ASL)

1. Work-Related Accident Sick Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 7, sections § 9-701 thru § 9-705 of the Annotated Code of Maryland, and COMAR 17.04.11.07.
2. The supervisor will contact IWIF at 1-888-410-1400 within 24 hours of the injury and provide the basic and necessary information regarding the injury and provide the policy number 909068.

3. When accident leave is used, the employee must obtain an original doctor’s certificate (Form NRP-496 - Attending Physician’s Certificate) with the doctor’s actual/original signature to be submitted to the NRP Personnel Support section for the pay period the employee begins to use accident leave. The NRP-496 must include a prognosis about the employee's ability to return to full duty.

4. Before an employee may return to full duty, the employee must have their doctor complete Form NRP-496 (Attending Physician’s Certificate) and the doctor must certify that the employee can perform the essential tasks required for full duty status.

5. The NRP Disability Panel must conduct a review and approve an employee’s return to full duty. NRP reserves the right to require an employee be certified by the State Medical Director as a part of the review and approval process.

6. Work related accident sick leave may be granted for up to an additional 6 months according to § 9-702. If the employee is injured to the extent that immediate care is necessary the immediate supervisor will fill out the required documentation. The Supervisor must obtain the First Report of Injury number in accordance with COMAR 17.04.11.07.

7. The designated forms will be filled out and forwarded to the NRP Personnel Support section within two days. The employee must give a detailed written description of the circumstances surrounding the incident to include what part of the body was injured. Witnesses will also be required to complete a detailed account of the incident.

8. Commanders or supervisors must notify the NRP Personnel Support section and the appropriate Bureau Commander when an employee is injured and off duty for an extended period of time.

L. Leave Donations and Leave Bank

1. The Leave Donations and Leave Bank programs are governed by the State Personnel and Pensions Article, Title 9, Subtitle 6, sections § 9-601 thru § 9-607 of the Annotated Code of Maryland, and COMAR sections 17.04.11.22 and 17.04.11.23.

2. Forms related to the Leave Donations and Leave Bank programs may be requested from the NRP Personnel Support section.

M. Emergency Conditions

1. Sworn Personnel
   a. Sworn essential personnel are guided during emergencies by the provisions of Emergency Operations Manual.

2. Civilian Personnel
   a. In accordance with Executive Order 01.01.1981.10 an emergency essential employee is an employee whose duties are of such a nature so as to require the employee to report for work or remain at the work site to continue agency operations during an emergency closing situation. The appointing authority or his designee may excuse personnel from duty, or require their
presence, as circumstances and conditions warrant, in order to maintain minimum staffing requirements for the affected facility.

b. When it is determined that an emergency condition exists, circumstances that would expose State employees to harm or unsafe conditions, an announcement will identify the specific nature of the emergency, the affected geographic areas, and the starting period of the emergency condition. A full day closing, liberal leave, delayed starting time, or early release will be permitted in these extreme circumstances.

N. Jury Duty

1. Jury Duty Leave is governed by the State Personnel and Pensions Article, Title 9, Subtitle 11, § 9-1104 of the Annotated Code of Maryland, and COMAR 17.04.11.12.

2. Explanation to the Employer for the Juror’s Absence Report Form must be obtained from the Court and submitted and maintained by the employee’s supervisor as needed to support the employee’s usage of Jury Duty Leave.

O. Accident Sick Leave (ASL) & Leave Without Pay (LWOP) Reporting Requirements

1. A supervisor who has an employee on Accident Sick Leave (ASL) or Leave Without Pay (LWOP) must call or email the NRP Personnel Section no later than 9:00 AM on the last Tuesday of each pay period, unless requested earlier, and the supervisor must advise the following:
   a. The exact dates and/or number or hours:
      (1) The employee used Accident Sick Leave or Leave Without Pay.
      (2) The employee used “X” days.
      (3) The employee used Holiday Leave.
      (4) The employee actually worked.
   b. For Accident Sick Leave, the supervisor must include in their report the Date of Injury.

P. General

At the end of a calendar year, if the pay period extends into the following year, leave, excluding Holiday Leave, taken during this pay period is counted against the employee’s leave balance from the previous calendar year.
CHAPTER 4 SECTION II
WORK AND LEAVE RECORDS

A. Workday Time & Attendance Computer Program

1. An employee must account for their time and attendance in accordance with the Workday computer program.
   a. An employee’s time must submitted no later than 2359 hrs. on the last day of the pay period.
   b. Supervisors must approve the employee’s time no later than 1200 on the first Wednesday following the end of the pay period.
   c. Contractual Employees: Without the timely submission and approval of a contractual employee’s Workday times, the employee will not be paid.

2. Eight X days must now be shown blank in the Workday system.

B. Request for Leave (Form NRP-207) [SMF-16]

1. An employee must submit a Request for Leave to their supervisor for initial authorization to use annual or compensatory leave. It may also be used to request personal or holiday leave. In authorizing leave, supervisors and commanders shall neither request nor require a reason from the employee as to why the leave is being requested.

2. A supervisor will return the signed leave card to the employee within 10 calendar days indicating the leave is approved or disapproved.

3. Once leave has been approved, it will not be cancelled unless extenuating or emergency conditions are anticipated or exist.

C. RMS Officer’s Daily Log

1. The RMS Officer’s Daily Log replaces the NRP-206 form.

2. The RMS Officer’s Daily Log is to be completed daily by officers holding the rank of Sergeant and below, if related to field operations activities or investigations.

3. This log reflects information regarding an individual officer’s daily activities.

D. Duty Roster (Form NRP-307) & Scheduling

1. Scheduling Guidelines
   a. The establishment of scheduling guidelines is intended to maximize efficiency in the deployment of personnel and to standardize the manner in which the Natural Resources Police Duty Roster is completed.
   b. Scheduling must comply with those rules established in the State Personnel and Pensions Article, and the SLEOLA MOU.

2. The NRP Duty Roster (Electronic Versions)
   a. Distribution of schedules will be limited to NRP sworn personnel, PCO’s, administrative assistants, and cadets.
   b. Lists the name, NRP identification number, home/or state telephone number, and unit number for employees below the rank of Major.
   c. Reflects the work shift, or leave status for each day of a 28 day period for employees below the rank of Sergeant. Sergeants schedules will include leave status.

(Revised 07/16)
CHAPTER 4 SECTION II
WORK AND LEAVE RECORDS

d. Split shifts can be authorized by a supervisor in accordance with the SLEOLA agreement.
e. Reflects the leave status for Sergeants, Lieutenants, and Captains;
f. When Sergeants begin their work day they shall immediately enter the appropriate numerical starting shift on the working schedule on the Website.
g. Area Commanders may designate a work shift for Sergeants based upon their operational needs.
h. Identifies a Duty Officer the rank of Sergeant or above on each day.
i. Identifies specific assignments outside of the patrol function for employees below the rank of Lieutenant.
j. Shall be completed and posted on the Regional/Divisional website for all affected personnel at least one week prior to implementation.

3. Staffing Levels:

a. Minimum staffing levels are established by the Area / Unit and Regional / Divisional Commanders based upon the following criteria:
   (1) Agency priorities.
   (2) Current/historic activity
   (3) Citizen reported violations
   (4) Special events

4. Leave:

a. The usage of leave shall comply with the law as established in the State Personnel and Pensions Article, and the regulations established in Title 17 COMAR and in Chapter Four of this Manual.
b. The use of Regular days off shall be scheduled in the following manner.
c. Exceptions may be made to accommodate specific requests.
d. If requested, employees will be entitled to a second regular weekend off if both weekends are connected to 5 or more consecutive days of approved leave with at least 30 days advanced notice.
   (1) May 1st to September 30th
      (a) Field personnel below the rank of Lieutenant may be scheduled for one weekend off per 28-day period.
   (2) October 1st to April 30th
      (a) Field personnel below the rank of Lieutenant may be scheduled for two weekends off per 28-day period.

E. Monthly Record of Approved Leave (Form NRP-308)

1. Area Commanders shall record approved leave for employees under their command onto the Monthly Record of Approved (NRP-308) or equivalent electronic version.

2. The Monthly Record of Approved Leave will be made available to employees desiring to schedule leave so they can view the Area’s approved leave schedule and select specific dates which will not have an undue impact on the Area’s staffing levels.

3. Before approving an employee’s leave request, the employee’s supervisor shall review the Monthly Record of Approved Leave and discuss the request with the Area Commander to insure that the leave will not seriously harm the Area’s staffing levels.
CHAPTER 4 SECTION II
WORK AND LEAVE RECORDS

F. Minimum Time Off

1. There shall be a minimum of 8 hours between the end of a scheduled shift and the beginning of the next scheduled shift workday.
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CHAPTER 4 SECTION III
COMPENSATION AND ALLOWANCES

A. Overtime

1. Officers through the rank of sergeant must be paid overtime for any hours worked more than 8 during any scheduled workday. (State Personnel & Pensions Article, sections § 8-308 and § 8-309, of the Annotated Code of Maryland.)

2. Overtime is compensated at a rate of 1.5 times the officer's regular pay rate.

3. Overtime must receive supervisory approval before being earned.

4. Under the State Personnel and Pensions Article, § 8-308, of the Annotated Code of Maryland, officers who make an appearance in court on official duty during off-duty hours are entitled to be paid overtime for the greater of:
   a. The hours worked during the off-duty hours; or
   b. 2 hours.

B. Compensatory Time (CT)

1. Officers through the rank of sergeant may accrue CT in lieu of overtime.
   a. CT is accrued at 1.5 times the officer's regular rate of pay for a maximum of 480 hours.
   b. CT must receive supervisory approval before being earned or used.

2. Officers the rank of lieutenant and above, are ineligible to earn monetary payment for overtime worked.

3. Forfeited leave will automatically be placed in the State Employees Leave Bank, unless the employee objects in writing.

C. Call Out

1. Non-Commissioned Officers called to duty at times other than their regularly assigned shift, shall be granted overtime. (State Personnel & Pensions Article, § 8-308, of the Annotated Code of Maryland.

2. Overtime will not be allowed when officers have been given at least 24 hours' notice prior to the effective date of the schedule change.

3. Officers shall be paid a minimum of 4 hours of overtime on a call out.

D. Shift Differential

1. The State shall pay shift differential to designated employees who work a qualifying shift.

2. The State shall pay a separate shift differential to employees who work overtime from a qualifying shift into another qualifying shift, in addition to any overtime payment or compensatory time to which the employee may be entitled.

3. The State shall pay a separate shift differential to employees who work overtime from a non-qualifying shift into a qualifying shift, provided that the employees work at least 1/2 of the qualifying shift, in addition to any overtime payment or compensatory time to which the employee is entitled.
CHAPTER 4 SECTION III
COMPENSATION AND ALLOWANCES

4. The State may not pay shift differential to employees who are on paid leave.

5. Commissioned Officers must obtain approval from their supervisor prior to working a shift differential eligible shift.

6. Shift differential shall be paid to designated law enforcement personnel in accordance with the Memorandum of Understanding between the Natural Resources Police and the State Law Enforcement Officers’ Labor Alliance (SLEOLA).

7. Shift differential shall be paid to designated civilian personnel in salary grades 5 through 17 in accordance with COMAR 17.04.02.04.

E. Clothing Allowance

1. Clothing allowance shall be paid in accordance with the Memorandum of Understanding between the Natural Resources Police and the State Law Enforcement Officers’ Labor Alliance (SLEOLA).

F. Health Insurance

1. Employees, as listed in the COMAR 17.04.13.03, who are regularly paid salary and wages through an official State payroll center are eligible for health insurance coverage.

2. Each employee is eligible for coverage on the first scheduled working day.

3. New employees shall apply for coverage within 60 days of the employment or shall wait for the annual open enrollment period.

4. Normally, open enrollment periods are held once a year. During this time employees may initiate or change their coverage.

G. Meals Reimbursement

1. Meal allowances for employees in travel status are reimbursable at the rates established by the Maryland Department of Budget and Management.

H. Mileage Reimbursement

1. An employee is eligible for reimbursement when personally owned vehicles are used for authorized State business.
   a. A supervisor must authorize the use of a personal vehicle.
   b. Reimbursement is only authorized when a State vehicle is not available for use.

2. The reimbursement rates are determined annually by the Maryland Department of Budget and Management.

3. The form, #COT/GAD-X-5, State of Maryland Expense Account, must be completed to request reimbursement.
CHAPTER 4 SECTION III
COMPENSATION AND ALLOWANCES

I. Advanced Compensation

1. In accordance with the Memorandum of Understanding between the Natural Resources Police and the State Law Enforcement Officers’ Labor Alliance (SLEOLA) the following are advanced compensation programs:

   a. Each day a Field Training Officer (FTO) is assigned a trainee, they will earn an additional stipend per hour to compensate them for their extra duties and training program responsibilities.

   b. Law enforcement officers shall be paid additional compensation based on the highest level of education they possess.

   c. Law enforcement officers shall be paid additional compensation based on the successful completion of the Agency’s physical fitness bonus program.

   d. Law enforcement officers shall be paid additional compensation if their bilingual skills are used in the course of their duty. Officers will confirm a minimum skill level.

J. K-9 Officer Compensation

1. Canine officers will earn ½ hour overtime or comp time on non-working days to maintain their K-9.

2. When a K-9 officer is on leave and their K-9 is in the care of another officer or in a kennel, there is no compensation allowed for the primary / secondary handler.

K. Bilingual Pay

1. Officers are authorized to receive $25 per pay period if they utilize their foreign language or sign language skills in the course of their duties after a minimal proficiency level has been verified.

2. Prior to being authorized to receive bilingual pay, officers will complete and submit the form, NRP-595 (Bilingual Verification Form).

3. To test an officer’s fluency in a foreign language, the officer will take an oral foreign language communication test, known as the Speaking and Listening Assessment (Interactive Voice Response) administered and scored by ALTA Language Services. For more information see the following hyperlink:

   https://www.altalang.com/language-testing/speakinglisten/

4. The Agency will pay for the first oral foreign language test in each specific language, while the officer will be responsible for subsequent tests if they fail to obtain a score of 9 or higher in a specific language.

5. Officers who receive a minimum foreign language proficiency level score of 9 will be authorized to receive bilingual pay upon supervisory approval. Scores are based on the following ALTA proficiency level descriptions:
### Bilingual Proficiency Levels

<table>
<thead>
<tr>
<th>Level</th>
<th>General Descriptions for Foreign Language Proficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>A person at a level 8 can participate in general conversations surrounding routine and topics in most social and work-related settings. They will have trouble with some normal speed conversations and with topics that are more advanced or specialized. They may lack the capability to speak at a normal speed, and will not use advanced grammatical structures or will make many mistakes. A candidate at this level will potentially cause misunderstandings between themselves and the listener based on some lack of ability to convey clearly his/her message.</td>
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<tr>
<td>9</td>
<td>A person at a level 9 can successfully handle in-depth conversations in the target language, on a broad range of subjects and at a normal rate of speech. They will have difficulty understanding some slang or idioms or some advanced grammatical structures, but can figure out what is said by the context of the discussion. When speaking, a person at a level 9 can express themselves over a broad range of topics at a normal speed. They may have a noticeable accent and will make grammatical errors, for example with advanced tenses, but the errors will not cause misunderstanding to a native speaker.</td>
</tr>
<tr>
<td>10</td>
<td>A person at a level 10 can handle all of the tasks that a level 9 can, with the addition of demonstrating skills such as selling and persuasion. They can successfully handle in-depth client questions, and does not require as much contextual support for understanding of slang and idioms. A person at this level is able to select vocabulary that conveys a finer shade of meaning with more precision than a level 9 and can better support his/her opinions. Errors in speech are few, are limited to advanced grammatical situations and do not affect understanding.</td>
</tr>
<tr>
<td>11</td>
<td>A person at a level 11 is nearly fluent. They can handle a wide variety of communicative tasks with finesse. Their communication is close to that of a well-educated speaker, and only encounters difficulty if speech is highly abstract. Errors in speech are very few, are limited to advanced grammatical situations and do not affect understanding.</td>
</tr>
<tr>
<td>12</td>
<td>The level 12 oral skills are equivalent to native fluency. The person can understand everything said in the language and can speak with precision and finesse using the full range of grammar, vocabulary, idioms, and expression.</td>
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</table>

6. To test an officer’s fluency in American Sign Language, the officer will participate in an American Sign Language Proficiency Interview (ASLPI) which is administered and scored by Gallaudet University. For more information see the following hyperlink: [https://www.gallaudet.edu/asl-diagnostic-and-evaluation-services/aslpi](https://www.gallaudet.edu/asl-diagnostic-and-evaluation-services/aslpi)

7. The Agency will pay for the first ASLPI exam, while the officer will be responsible for subsequent exams if they fail to obtain a score of 3+ or higher.

8. Officers who receive a minimum American Sign Language proficiency level score of 3+ will be authorized to receive bilingual pay upon supervisory approval. Scores are based on the following ASLPI proficiency level descriptions:

(See Next Page)
<table>
<thead>
<tr>
<th>American Sign Language Proficiency Levels</th>
<th>General Descriptions for American Sign Language Proficiency Levels</th>
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<tbody>
<tr>
<td>5</td>
<td>Signers at this proficiency level are able to communicate with accuracy and fluency in order to participate fully and effectively in conversations on a wide variety of topics, both formal and informal and from concrete and abstract perspectives. They discuss their interests and special fields of competence, explain complex matters, and provide lengthy and coherent narrations, all with ease and impromptu detail. They present their opinions on issues and provide structured arguments to support those opinions. They are able to construct and develop hypotheses to explore alternative possibilities. They demonstrate no pattern of error in the use of basic structures, although they may make sporadic errors, particularly in low-frequency structures and in complex high-frequency structures. Such errors, if they do occur, do not distract or interfere with communication. They are able to use the language consistently with accuracy, complexity, flexibility, and intuition and incorporate depth and breadth of vocabulary, and pertinent culture references. Comprehension is excellent across a broad spectrum of topics, which includes fully understanding both what is stated, as well as what is inferred.</td>
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<tr>
<td>4+</td>
<td>Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and unfamiliar, formal and informal topics but they are not able to maintain accuracy or complexity for the duration of the evaluation. Such discourse, while coherent, may be influenced by language patterns other than those of the target language. Even with this influence, they are consistently able to demonstrate all of the linguistic features required for high level proficiency. Comprehension is excellent across a broad spectrum of topics, and inferences are understood.</td>
</tr>
<tr>
<td>4</td>
<td>Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and most unfamiliar topics; however, there is incorporation of language patterns other than those of the target language. They are able to use an array of rhetoric (narration, description, argument, and hypothesis) with complex topics in paragraph-length discourse related to employment, current events, and matters of public and community interest. Although they command a good number of grammatical features, they are deficient in some areas such as cohesion, non-manual signals (NMS), and depiction. They are able to present information with sufficient accuracy, clarity, and vocabulary selection to convey intended meaning without misrepresentation or confusion. Comprehension is very good with demonstration of confidence in the discussion of most complex topics.</td>
</tr>
<tr>
<td>3+</td>
<td>Signers at this proficiency level are able to demonstrate spontaneous elaboration on all familiar and some unfamiliar topics with increasing incorporation of language patterns other than those of the target language. When they attempt to perform tasks at the next proficiency level, they exhibit features of breakdown, such as shorter paragraph-level discourse, errors with mapping, cohesion, affect, and non-manual signals (NMS). Despite noticeable imperfections, they are able to present broad vocabulary with sufficient accuracy and clarity. Comprehension is good on all topics, but repetition and/or rephrasing might be needed.</td>
</tr>
<tr>
<td>3</td>
<td>Signers at this proficiency level are able to express language with sufficient structural accuracy and vocabulary to participate in most familiar and unfamiliar topics about practical, social, and professional situations. They can discuss particular interests with reasonable ease. They demonstrate confidence discussing topics at the paragraph discourse level, but exhibit errors and breakdown when in-depth elaboration and detail is requested. Occasional groping for vocabulary can be present. There is good control of grammar but there are some noticeable imperfections and errors which may interfere with understanding. They tend to function reactively by responding to direct questions or requests for information. They are capable of asking a variety of questions when needed to gather information pertaining to certain situations. They may combine and recombine known language elements to create short paragraph length responses. Their language contains pauses and self-corrections as they search for adequate vocabulary and language forms. Comprehension is often accurate with highly familiar and predictable topics although misunderstandings may occur.</td>
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CHAPTER 4 SECTION III
COMPENSATION AND ALLOWANCES

<table>
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<tr>
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<tr>
<td>NOTE:</td>
<td>Except for LEVEL 5, the ASLPI proficiency level received may include the assignment of a plus value (+). This does not represent a midway point between two levels, but may be inferred to indicate that the examinee exceeds the requirements for a particular level but does not satisfy in all respects the requirements of the next higher level.</td>
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</tbody>
</table>

9. The completed NRP-595 (Bilingual Verification Form) and test results will be filed with the NRP Personnel Section.

10. Workday Procedures for Bilingual Pay:
   a. In the FIRST WEDNESDAY of the two-week pay period.
   b. Select “Bilingual Pay” from the Time Entry Code dropdown options.
   c. Enter “1” in the Quantity Box.
   d. In the Work Tag dropdown box select “Manager Approved.”

11. Bilingual pay should only be submitted, if utilized, in the course of the officer’s duties during a specified pay period. Supervisors must approve all entries.

L. Release Time

1. In accordance with the Memorandum of Understanding between the State of Maryland and the State Law Enforcement Officers Labor Alliance, this policy shall set forth the procedures for requesting and approval of Release Time.

2. Definition of Release Time: Release Time is Union requested and Agency approved paid time-off from normal working duties/hours to conduct certain types of Union activities.

3. The types of Union activities for which Release Time may be requested and approved include the following:
   a. **Term Negotiations:** Release Time used by Union Representatives to prepare for and negotiate a basic collective bargaining agreement or its successor.
   b. **Mid-Term Negotiations:** Release Time used to bargain over issues raised during the life of a collective bargaining agreement.
   c. **General Labor - Management Relations:** Release Time used for: meetings between labor and management officials to discuss general conditions of employment, labor-management committee meetings, labor relations training for Union representatives, and Union participation in formal meetings and investigative interviews.
   d. **Dispute Resolution:** Release Time used to process grievances up to and including arbitrations and to process appeals of bargaining unit employees to the various administrative agencies and, as necessary, to the courts.
CHAPTER 4 SECTION III
COMPENSATION AND ALLOWANCES

4. To request Release Time, a Union Representative must utilize the NRP Form, NRP-570 (Request Release Time for Union Activities).
   a. The Union Representative will document on the NRP-570:
      (1) The date(s) that Release Time is requested for a bi-weekly pay period.
      (2) The number of hours that Release Time is requested for a bi-weekly pay period.
      (3) The types of Union activities for which the Release Time is requested.
   b. Once completed, the Union Representative will sign the NRP-570, and forward it to the Union Member whom the Union wishes to receive the Release Time.
   c. The Union Member will sign the NRP-570, and forward it through their chain-of-command to the Superintendent for review and approval. If anyone in the Union Member’s chain-of-command denies the Release Time Request, then they shall provide a reason for their denial.
   d. The Superintendent’s Office shall forward the NRP-570 to DNR Director of Human Resources who will forward the Request to the Department of Budget and Management for final approval.
   e. The Union will provide the Natural Resources Police with the names of its representatives who need Release Time not less than 5 days prior to the date of the meeting. The types of Union activities that require at least 5 days in advance notification include, but not limited to, the following (See the MOU, Article IV – Union Rights, Section 3 – Time Off with Pay During Working Hours):
      (1) Grievance meetings.
      (2) Labor / Management meetings.
      (3) Negotiating sessions regarding supplementation or amendment of this MOU during its term or the negotiation of a successor MOU.
      (4) Committee meetings and activities if such meetings or activities have been jointly established by the parties, or meetings called or agreed to by the Employer.
   f. The Union must submit the NRP-570 at least 15 days in advance of the requested Release Time. The Natural Resources Police has 15 days to respond to the request. The types of Union activities that require at least 15 days in advance notification include, but not limited to, the following (See the MOU, Article IV – Union Rights, Section 4 - Release Time Account for Union Activities):
      (1) State or area-wide committee meeting.
      (2) State or international conventions.
      (3) Preparation time for negotiations.
      (4) Labor Management Committee meetings.
      (5) Union sponsored labor relations training.
      (6) Any other Union business deemed necessary by the Union President.

5. Workday Procedures for Release Time:
   a. Enter Time as you normally would on the day the time was used.
   b. Add the Work Tag “Remote Work Location: Union Business.”
A. First Report of Injury – Paid Employees

1. Immediately, following any job-related injury, accident, incident exposure, or re-injury of a previously reported job-related injury, the employee, or individual acting on the employee’s behalf shall notify a supervisor. The supervisor must call the Injured Workers’ Insurance Fund (IWIF) Injury Hot Line within 24 hours (1-888-410-1400). The supervisor will be asked for the Agency’s policy number, which is #9-0906-8. Following this phone call, the supervisor must send a copy of the information provided to IWIF to the NRP Personnel Support section.

2. The following forms must be completed and forwarded to the NRP Personnel Support section within two (2) days.
   a. Form IA-1 Workers Compensation - First Report of Injury or Illness (NRP-447)
   c. Report of Injury – Supervisor’s Investigation (NRP-448S)
   d. If there were any witnesses to the accident, Report of Injury – Witness Statement (NRP-448W)

3. In addition to the above, any use of accident leave must be reported by telephone or email to the NRP Personnel Support section by 0900 hours on the last day of the pay period. If there is an upcoming holiday, accident sick leave may be requested earlier.

B. First Report of Injury – Volunteers/Non-Paid Employees (Reserve Officers)

1. While this policy specifically refers to Reserve Officers as volunteer non-paid employees, it also includes any other type of volunteer non-paid employee working for the Agency.

2. In accordance with the Annotated Code of Maryland, Labor and Employment Article, Title 9 – Workers’ Compensation, Subtitle 2 – Covered Employees and Employers, § 9-231.1, volunteers for State government, i.e. Reserve Officers, are only covered for medical services and treatment for a compensable injury. Reserve Officers are not eligible for disability benefits or lost wages.

3. Immediately following any job-related injury or illness to a Reserve Officer, or re-injury of a previously reported job-related injury, the Reserve Officer, or an individual acting on the Reserve Officer’s behalf shall notify the closest on-duty Area District Supervisor. If there are no Area District Supervisors available, then the following contact list shall be utilized until first contact and notification is made:
   a. Area Duty Officer
   b. Area Commander
   c. Regional Commander

4. Upon being notified of a job-related injury/illness to a Reserve Officer, the Supervisor shall:
   a. Immediately notify the respective Regional Commander of the injury/illness. The Regional Commander shall relay this information through the chain of command to the Superintendent.
   b. Call the Injured Workers’ Insurance Fund (IWIF) Injury Hot Line within 24 hours (1-888-410-1400) to report the job-related injury/illness. The supervisor will be asked for the Agency’s policy number, which is 9-0906-8.
   c. Contact the NRP Personnel Support section and report the injury. During non-business hours, the supervisor shall leave a voicemail message reporting the job-related injury/illness. Following this phone call, the supervisor must send a copy of the information provided to IWIF to the NRP Personnel Support section.
5. The Reserve Officer and the Supervisor shall complete the followings forms and send them to the NRP Personnel Support section within 24 hours. These forms can be found in Chapter 6 Section II of the Reserve Officers’ Policies and Procedures Manual.
   a. Volunteer Employee’s Proof of Claim – Accident Medical Expense (NRP-450A).
   b. Volunteer Employee’s Statement of Attending Physician (NRP-450B).

6. The Reserve Officer and the Supervisor shall complete the following forms and forwarded them to the NRP Personnel Support section within two (2) days. These forms can be found in Chapter 6, Section II of the Reserve Officers’ Policies and Procedures Manual.
   d. If there were any witnesses to the accident, Report of Injury – Witness Statement (NRP-448W).

C. Fitness for Duty & Restricted Duty Policy

1. Non-Officer Status shall be defined as whenever a sworn law enforcement officer, who continues to be employed by the Agency, is temporarily relieved of law enforcement powers.
   a. As required under COMAR 12.04.01, whenever an officer is placed in non-officer status for more than a thirty (30) day period, the Area/Unit Commander will notify the Training and Recruitment Unit Commander. The Training and Recruitment Unit Commander shall notify the Maryland Police Training Commission (MPTC) of the officer’s status.
   b. Such notification shall be made by the NRP Academy by completing the MPTC Form “Notice of Personnel Action.” This form is available on the MPTC’s web site, at: http://www.mdle.net/forms.htm

2. A police officer, in order to fulfill their sworn duties, must be physically and mentally able to perform all of the tasks associated with the normal police functions. Therefore, any officer who indicates or has documented a physical or mental impairment which restricts their ability to carry out their normal police functions may be relieved of normal duty requirements and placed in a non-officer status. This action will be taken on a case-by-case basis to best meet the needs of the officer, the community, and the Agency.

3. Any officer who has knowledge of or reason to believe that they or any other employee may be suffering from or that they have had a documented physical or mental impairment which may restrict their ability to carry out the normal police functions shall notify their supervisor immediately.

4. In instances where an employee may be restricted in their ability to carry out their duties due to a suspected or documented physical or mental impairment, the Agency reserves the right to refer the employee to the State Medical Director for evaluation of their fitness to perform assigned duties.

5. Fitness for Duty – As described below there are two categories of fitness for duty that are utilized to classify the status of sworn law enforcement officers of the Agency: Full Duty and Restricted Duty.
   a. Full Duty - An officer is able to fully perform all duties and meet all responsibilities required of a sworn police officer.
   b. Restricted Duty - An officer is not able to fully perform all duties and/or meet all responsibilities
required of a sworn police officer. Further, the reason for the incapacitation is determined to be of a temporary nature, generally less than six months. Restricted duty status shall not exceed six months in duration for a specific incident. However, the Superintendent may for cause make an exception to this limitation. Officers in this category must have a moderate level of physical fitness and mental health as determined by a medical authority. Within this category, an officer’s status will be listed as one of the following types:

(1) **TYPE 1 Limited Duty** - The officer can perform most of the duties assigned. However, because of a specific administrative reason or a temporary medical condition, the officer is limited in the type or degree of duties they are physically capable of performing. The medical limitations must be well controlled and present no unreasonable risk to the individual, other employees, or the public during performance of duty.
(a) Officers in a limited duty status will retain their arrest powers and authorization to carry a weapon.
(b) May be subject to a temporary reassignment that has assigned duties and responsibilities consistent with administrative or medical restrictions.
(c) If the limited duty is the result of a temporary medical condition, then the officer must submit a physician’s certification of condition (NRP-496) as required by the Disability Panel.
(d) Before returning to duty, the Agency may refer the employee to the State Medical Director for evaluation of their fitness to perform assigned duties.
(e) Upon return to full duty, the officer will normally return to their regular assignment.

(2) **TYPE 2 Light Duty** - An officer will be placed in a light duty status when the officer is able to report for duty, but is temporarily incapacitated so that they cannot perform all of the duties of their assignment without presenting an unreasonable risk to the health or safety of themselves, other employees, or the public. This status includes, but is not limited to, pregnancy. The following conditions apply to officers in a light duty status:
(a) Is relieved of all law enforcement responsibility.
(b) During this restricted duty period the officer shall be placed in a non-officer status.
(c) May not wear the police uniform for the period of light duty and may not be armed.
(d) Will be required to submit a written certificate from the treating physician stating the prognosis as required by the Disability Panel.
(e) An officer will not be assigned a state vehicle while on light duty status.
(f) May be subject to a temporary reassignment that has assigned duties and responsibilities consistent with medical restrictions.
(g) Officers in a light duty status will be required to submit medical certificates (NRP-496) from their treating physician(s) with the Bi-Weekly Time and Attendance Report unless otherwise directed. For reporting requirements for pregnancy, refer to (4).
(h) Before returning to duty, the Agency may refer the employee to the State Medical Director for evaluation of their fitness to perform assigned duties.
(i) Light Duty status can be re-evaluated at any time by the Agency.

(3) **TYPE 3 Temporary No-Duty** - An officer will be in a temporary no-duty status when they are unable to report for duty and unable to perform the duties of the assignment without presenting an unreasonable risk to the officer, other employees, or the public. Officers on medical leave and who may pose such a risk due to their illness or injury will be in this status. The following conditions apply to officers in a no-duty status:
(a) Officer is relieved of all law enforcement authority.
(b) During this restricted duty period the officer shall be placed in a non-officer status.
(c) The Agency shall require the officer to surrender their badges and issued firearm(s).
(d) The officer shall not wear the police uniform.
(e) Officers in a temporary no-duty status will be required to submit an original signed medical certificate (NRP-496) of illness or disability from their treating physician(s) or medical practitioner(s) which includes a prognosis about the officer’s ability to return to full duty, in accordance with the State personnel and Pensions Article, 9-504, Annotated Code of Maryland. Copies are provided to payroll and to the Disability Panel. The NRP-496 must be submitted with the bi-weekly time and attendance report unless otherwise directed.
(f) Before returning to duty, the Agency may refer the employee to the State Medical Director for evaluation of their fitness to perform assigned duties.
(g) An employee placed in a Type 3 Status by the Agency shall be referred to the state medical director for evaluation of their fitness to perform assigned duties, and paragraph (3)(d), above, does not apply.

4) **TYPE 4 Pregnancy** -
(a) As soon as the pregnancy is verified, the employee should notify her immediate supervisor, in writing, of her condition. In addition, this written notification shall be accompanied by a Physician’s Certificate (NRP-496) that includes the estimated date of delivery.
(b) In accordance with the Annotated Code of Maryland, State Government Article §20-609, which is effective October 1, 2013, the employee’s supervisor will explore with the employee all possible means of providing reasonable accommodations, including:
(i) Changing the employee’s job duties;
(ii) Changing the employee’s work hours;
(iii) Relocating the employee’s work area;
(iv) Transferring the employee to a less strenuous or less hazardous position; or
(v) Providing leave.
(c) The Type 2 Light Duty policy and the reasonable accommodations listed above will apply for pregnant employees, certified by the attending physician, who are no longer able to perform full duty police functions.
(d) Interval reports need not be submitted unless an employee loses time from work, in which case the employee will comply with the usual requirements for physicians’ certificates (NRP-496) due to sick leave usage.
(e) After the employee’s six-week check-up following delivery, she will forward, through channels, a certificate (NRP-496) from her physician indicating the date that she expects to return to full duty. On that date, the employee is normally certified as able to return to duty; if unable to, as certified by the attending physician, the usual requirements for sick leave usage apply.
(f) If the employee must take a protracted period of sick leave before the seventh month of pregnancy or when her sick leave extends beyond the sixth week after the delivery, a physician’s consultation report explaining the need for these extensions must be submitted by the employee to the NRP Personnel Support section.

5) **TYPE 5 Disability** - An officer will be in a disability status when they have sustained an injury, contracts an illness, or developed a mental or physical condition which causes a permanent impairment in their ability to fully perform the duties and responsibilities of a police officer as determined by the Medical Director of the Department of Budget and Management, and, a return to full duty constitutes a health or safety risk to other employees or the public.
(a) Officer is relieved of all law enforcement authority.
(b) During this restricted duty period the officer shall be placed in a non-officer status.
(c) Officer will surrender their badges and issued firearm(s) and may not wear the police uniform.
(d) Options available to a disabled employee are:
   (i) Transfer to another agency - The officer may, at their option, request to be transferred to another agency. Placement is dependent on availability of positions and the ability of the employee to meet the minimum qualifications of the position.
   (ii) Disability retirement - In lieu of transferring to another State agency, a disabled employee may apply for disability. The officer may request the Department of Natural Resources Human Resources office to provide additional assistance in referrals to the Employees Assistance Program and Vocational Rehabilitation.
(e) In the event that the disabled officer does not elect to pursue one of the options available to them, the Agency may exercise its right to file charges for removal, in accordance with Department of Budget and Management regulations.

(6) **TYPE 6 Police Involved Shooting** - An officer will immediately be placed on administrative leave in accordance with COMAR 17.04.11.17 with pay and will remain at home pending the psychological/physical appointment and release by the State Medical Director. Once released by the State Medical Director, the officer will continue on administrative duty at an Area Office or designated location pending the final review of the incident and declination letter from the States Attorney. The following conditions apply to officers involved in police shootings who have been released by the State Medical Director upon first visit:
   (a) Is relieved of all non-life threatening law enforcement responsibility.
   (b) Will not wear the police uniform, but may be armed.
   (c) Will be assigned an unmarked state vehicle.
   (d) Will only be released to full duty after release by State Medical Director, and the internal review is complete.
   (e) Before returning to full duty, the officer will comply with the mandates set forth in this policy and will sign the NRP-838 (Order to Return to Full Duty).
   (f) If the State Doctor recommends the officer have no law enforcement powers and requires follow up appointments, the Officer will be placed on Type 2 Light Duty status and will not carry a weapon or be assigned a state vehicle.
   (g) Administrative Duty status can be re-evaluated at any time by the Agency.

6. An officer requesting to be placed in a Type 1, Type 2, or Type 4 Restricted Duty status for medical reasons must make a request in writing, in the memorandum format, to the Disability Panel through the chain of command.
   a. The request is to include:
      (1) The physician’s prognosis for return to full duty.
      (2) All restrictions subsequent to their temporary medical condition.
      (3) The prognosis must be an original (NRP-496) with an original doctor’s signature.
   b. The request must be accompanied by recommendations of assignment options from the Regional/Area/Division/Unit commander. However, the Disability Panel or the Superintendent may recommend an alternate assignment based on the needs of the Agency.
   c. The number of Restricted Duty assignments which can be accommodated at any given time by the Agency are limited and will vary depending upon the Agency’s needs and available vacancies.
   d. The Disability Panel, under the direction of the Superintendent, shall make the final decision regarding the assignment.
7. Return to Full Duty from Restricted Duty  
   a. A request from the officer, in memorandum format, must accompany a physician’s certification (NRP-496) and be submitted to the Disability Panel through the chain of command prior to an officer returning to full police duty.  
      (1) The certification must include an original doctor’s signature, and  
      (2) State that the officer can return to full duty as a NRP Officer.  
      (3) The memorandum must state that the officer is requesting to return to a full duty status on a specific date.  
   b. The Disability Panel may require:  
      (1) Direction from the Medical Director of the Department of Budget and Management to determine fitness for duty.  
      (2) Additional information from the officer’s doctor.  
   c. The Disability Panel shall submit a recommendation to the Superintendent for approval and advise the NRP Personnel Support section of the final decision.  
   d. An officer may not return to full duty until notified through the NRP Personnel Support section.  

D. Psychological Referrals  

1. A supervisor who believes that a subordinate is displaying conduct that may be symptomatic of emotional and/or behavioral problems has the option of recommending that the employee be referred to the Employee Assistance Program or the State Medical Director. For the purposes of this policy, commander shall be defined as a person holding the rank of Lieutenant or above and supervisor shall be a person holding the rank of Sergeant or above.  

2. It has been recognized that emergency service personnel experience a number of incidents that may produce Post Traumatic Stress Disorders. Civilian employees who work with these emergency service personnel may also be susceptible to these critical incidents. A major concern with these employees is that the effects of the incident may not surface until a later date. The use of peer debriefers has proven effective in dealing with this type of stress. The initial contact with the employee at the request of the commander and/or the employee will be held in confidence and will only be conducted by trained peer debriefers.  

3. Employee Assistance Program (EAP) - Supervisors may elect to refer an employee to the EAP after considering the employee’s work performance and/or work behavior. When the employee’s work performance and/or behavior fails to meet established work performance standards, the supervisor should take those steps necessary to correct the problem. A referral to the EAP may be the step necessary to correct the situation. Participation in the EAP may be voluntary or at the request of management. Referrals can be either voluntary by the employee for mental health issues or initiated through management for job related issues. Participation is always confidential.  
   a. Voluntary Referral - Employees can be advised to contact the EAP on their own for personal or family mental health issues. The initial contact, however, requires a co pay on the part of the employee and the use of the employee’s leave time.  
   b. Job related referrals  
      (1) Employees may be referred to the EAP by a supervisor for problems in work performance, (i.e., tardiness, misuse of sick leave, aberrant behavior in the work place, etc.) The initial assessment interview on this type of referral will be paid for by the State and will not incur any use of the individual’s leave. Subsequent interviews will be at the expense of the
employee.

(2) An employee will only be referred to the EAP after the supervisor has conducted interviews with the employee regarding the particular performance and/or behavior. The employee must clearly know what the expected job standards are for the position and how their performance and/or behavior fails to meet the standards. The questioned behavior and/or performance and the interviews with the employee will be documented by the supervisor. When the supervisor has completed the necessary interviews, the commander will contact the NRP Personnel Support section and request that the employee be referred to EAP.

(3) Documentation of the employee’s performance or conduct is mandatory in these cases. It is also mandatory that records of interviews with the employee concerning these issues are maintained and forwarded to the NRP Personnel Support section.

(4) All information concerning the request for a referral will be sent to the NRP Personnel Support section for further action. Commanders will supply the Personnel Section with whatever additional information is necessary to complete the action.

4. State Medical Director - In many instances, the choice for the employee to receive assistance cannot be voluntary. Such is the case when the employee, through displays of behavior and/or performance, clearly indicates that immediate action is necessary.

a. If the behavior or performance disrupts or threatens the workplace, the commander may direct that the employee be assigned administrative duties pending the action of the State Medical Director.

b. If the employee is a sworn police officer, the officer shall be placed in a Non-Officer Status as defined in this Section under paragraph C., and the officer’s law enforcement powers shall be immediately suspended with pay.

(1) The officer shall be listed in a Type 3 Restricted Duty Status by a supervisor.

(2) The supervisor will notify the commander of the suspension as soon as possible.

(3) The supervisor/commander shall complete form NRP-832 and take the officer’s issued equipment as required on form NRP-832.

c. As soon after the action as practicable, the commander will notify the Personnel Section of the change in status of the employee. The commander will also advise the NRP Personnel Support section that they are requesting a referral to the State Medical Director.

d. The NRP Personnel Support section will advise the commander of the information needed to complete the action. Generally, this will include all documentation concerning the incident or any interviews with the employee concerning their behavior or performance. This information will be transmitted to the NRP Personnel without delay.

5. Post-Traumatic Stress Disorders (PTSD) - Post Traumatic Stress Disorders can affect an employee’s ability to perform their job. Symptoms such as anxiety, sleeplessness, and many others can manifest themselves as the employee tries to deal with the effects of a PTSD. A proven method of dealing with these problems is the use of peer debriefers.

6. Critical Incident Stress Debriefing Teams (CISD) –

a. CISD teams will be formed using volunteer uniform employees of the NRP. These teams will be trained to conduct interviews with employees and will be available for call out as needed. All interviews conducted by these teams will be confidential. The exceptions to confidentiality will be a threat of suicide or injuries to others, admissions or threats of serious unlawful conduct, admissions of child abuse or when ordered to do so by a Court.

b. A roster of available team members will be sent monthly to the DNR Communications Center. All call outs of these members will be through the Communications Center. A request for a
CISD response can be made by the affected employee, the supervisor, or the commander.

c. Participation as a member of the CISD team is voluntary. Team members will receive no additional compensation for this assignment other than overtime for a call out after regular duty hours.

i). An employee who does not respond to a CISD debriefer may request further assistance. The employee, a supervisor or the commander may request that the employee be referred to the State Medical Director. The CISD debriefer may also advise the commander that further assistance is needed. In these instances, the request will be forwarded to the NRP Personnel Support section for further action through the State Medical Director’s office.

E. Drug Screening

1. Executive Order 01.01.1991.16, State of Maryland Substance Abuse Policy, creates a drug and alcohol free workplace.

2. All employees are required to sign a statement stating that you read and understand the policy, and that the signed statement will be posted in your official personnel file.

3. All employees were issued a copy of the Substance Abuse Policy upon signing. The NRP Personnel Support section also maintains a copy.

F. Medical Waivers

1. Officers with documented medical certification from a physician outlining a medical condition that would inhibit compliance with uniform and grooming policies may request an exemption from the applicable general guidelines.

2. Documentation specific to a shaving condition shall include:
   a. The expected duration of the condition.
   b. The specific location affected by the condition.
   c. How often one can shave due to the condition.

3. Requests for exemptions shall be sent through the chain of command, in memorandum format, to the Disability Panel. They will be reviewed on a case-by-case basis and must ultimately be approved by the Superintendent or their designee.

G. Notification of Illness or Injury

1. Employees suffering from illnesses and injuries not incurred while on duty are required to report their use of sick leave to their supervisor. Often the illness may be of long duration, serious, terminal, or personal in nature and one that an employee does not wish to share with the other Agency members. The following guidelines will be followed in these cases.

   a. A supervisor receiving a report of an illness or injury described above will take all of the necessary information to report it to the Natural Resources Police Personnel Section. The supervisor will also determine whether the employee wishes to have Agency personnel notified of the illness or injury and report this information to the Personnel Section.

   b. If the employee does not want the information disclosed, the Personnel Section will regard the
information as confidential.

c. If the employee does wish to share the information with Agency members, the Personnel Section will notify Agency personnel by electronic mail as soon as practical.

d. Under no circumstances will commanders or supervisors make such notification without first reviewing all information of this nature with the Personnel Section.

2. Any officer who has knowledge of or reason to believe that they or another employee may be suffering from or that they have had a documented physical or mental impairment which may restrict their ability to carry out the normal police functions shall notify their supervisor immediately.

H. Exposure Control Plan

1. The purpose of the Bloodborne Pathogens Standard is to reduce occupational exposure to Hepatitis B Virus, Human Immunodeficiency Virus, and other Bloodborne Pathogens.

2. The Agency has implemented the Natural Resources Police Exposure Control Plan to meet the OSHA Bloodborne Pathogens Standard, Codified as 29 CFR 1910.1030.

3. Employees will be provided appropriate treatment and counseling should they be exposed to Bloodborne Pathogens.

4. The Occupational Safety and Health Officer is responsible for overall management of the NRP Exposure Control Plan. The Commander of the Technical Services Division shall hold this responsibility.

5. Employees must:
   a. Know what task or groups of tasks they perform have occupational exposure risk;
   b. Attend the bloodborne pathogens training sessions;
   c. Develop good personal hygiene habits and use universal precautions during operational tasks where bloodborne pathogens exposure may exist;
   d. Plan and conduct all operations in accordance with work practice controls; and
   e. Document all possible exposure incidents.

6. Methods of compliance
   a. Infection Control Techniques
      (1) Universal precautions must be observed. This method of infection control requires the employer and employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV, and other bloodborne pathogens. Where differentiation of types of body fluids is difficult or impossible, all body fluids are to be considered as potentially infectious.
      (2) Universal precautions are methods, measures, or precautions used to prevent or limit the contact and spread of disease. Universal precautions and safe work practices will be observed by all employees to prevent contact with blood or other potentially infectious materials. Examples of universal precautions are:
         (a) Hand washing;
         (b) Gloves;
         (c) Face masks;
(d) Eye protection;
(e) Gowns/aprons; and
(f) Proper cleaning of equipment and disposal of waste.

(3) Body substance isolation (BSI) goes a step beyond universal precautions and considers all body substances potentially infectious. Thus, the following body fluids/substances would also be considered potentially infectious: feces, nasal secretions, sputum, sweat, tears, urine and vomitus.

(4) BSI is generally accomplished through the barrier technique - the use of personal protective equipment to prevent personal contact with blood or other potentially infectious materials.

b. Tasks and Procedures
(1) Tasks and procedures are duties that may cause an employee to experience an occupational exposure. Some examples are:
(a) Cardio-pulmonary resuscitation;
(b) Mouth-to-mouth or mouth-to-nose;
(c) First-response to fire and emergency medical care;
(d) Handling of deceased persons and/or property of the same;
(e) Searches and evidence collection (knives, guns, clothing, etc.);
(f) Handling of contaminated waste;
(g) Contacts with blood or blood-contaminated body fluids;
(h) Crime scenes;
(i) Control of unpredictable, or violent persons;
(j) Fights and assaults;
(k) Airborne particles of dried blood;
(l) Autopsies;
(m) Body cavity searches;
(n) Handling and cleaning equipment;
(o) Fingerprinting suspects; and
(p) Handcuffing or the use of flex cuffs, restraint rope or leg irons.

(2) Any patient care, clean-up activities, and law enforcement activities not addressed above require certain precautions.

(3) All employees will protect broken or abraded skin with occlusive dressing (waterproof if possible) prior to any patient/suspect contact.

c. Personal Protective Equipment (PPE)
(1) Personal protective equipment is used to prevent occupational exposure to infectious materials. It is to be selected based on the level of protection required to perform a particular task or procedure. The Natural Resources Police shall provide the PPE needed to protect against exposure. This equipment includes, but is not limited to:
(a) Gloves - rubber or latex. Hypo-allergenic gloves, glove liners or similar alternatives must be made available to employees who are allergic to gloves that the agency normally uses;
(b) Safety glasses;
(c) Goggles;
(d) Pocket face masks/shields;
(e) Masks; and
(f) Coats/jackets.

(2) Personal protective equipment shall be inspected at least monthly by the employee and every six months by the employee’s supervisor and repaired or replaced as needed to maintain its effectiveness.

(3) Supervisors are responsible for ensuring that all vehicles, vessels, and work areas have the appropriate personal protective equipment available to employees.
7. Hepatitis B Vaccination Program
   a. The Hepatitis B Vaccine and Vaccination Series shall be offered to all employees within ten working days of initial assignment who have occupational exposure to blood or other potentially infectious materials and have completed the required bloodborne pathogens training. The program consists of all medical evaluations including the Hepatitis B vaccine, post exposure evaluation, and follow-up at no cost to the employee.
   b. The Occupational Safety and Health Officer shall coordinate the vaccination program that consists of three inoculations. Employees electing not to participate in the program must sign a Hepatitis B Vaccine Consent/Declination Form. If after signing this declination, the employee decides to take the vaccine, the employee may still participate after signing a revised form.
   c. Notices of vaccination dates and locations will be posted in NRP facilities.

8. Exposure Incident
   a. An exposure incident occurs when an employee experiences a specific eye, mouth, other mucous membrane, non-intact or parenteral contact with blood or other potentially infectious materials that results from the performance of the employee’s duties.

9. Post Exposure Evaluation and Follow-Up
   a. Incidents of exposure or suspected exposure to bloodborne pathogens will be immediately reported by the employee to their immediate supervisor. An incident report number documenting the exposure will be requested by the employee. An employee exposed to potentially infectious material will, as soon as practical, wash the exposed area with soap and water or saline eyewash if the eyes are involved.
   b. Any employee who suffers an occupational exposure to bloodborne pathogens or other potentially infectious materials shall be medically evaluated at a health care facility as soon as possible. If HIV Post-Exposure Treatment is medically indicated it should be initiated promptly, preferably within 1-2 hours after the exposure incident. The medical evaluation and any follow-up required is available at no cost to the employee.
   c. The supervisor shall investigate the exposure or suspected exposure immediately after being notified of the incident and submit a written report containing the following information:
      (1) Employee’s name
      (2) Date and time the incident occurred;
      (3) Where the incident occurred;
      (4) Routes of exposure and how exposure occurred;
      (5) PPE available and being used at the time of the incident;
      (6) Identification of source individual unless infeasible or prohibited by law; and
      (7) Actions taken as a result of the incident such as employee decontamination, cleanup, and disposal of contaminated items.
   d. The supervisor will have the Occupational Safety and Health Officer notified of the incident as soon as possible and immediately send a copy of the report.
   e. The supervisor, after obtaining consent, will have the source individual’s blood tested as soon as possible to determine HIV and HBV infectivity. If consent is not obtained the supervisor will document this. If consent is not required by law the source individual’s blood shall be tested. If the source individual is known to be infected with either HIV or HBV, testing is not required.
   f. The results of the source individuals testing will be made available to the exposed employee and the Occupational Safety and Health Officer. The employee will be informed of the applicable laws and regulations regarding disclosure of the identity and infectious status of the source.
individual.
g. The health care professional medically evaluating an exposed employee will be provided with
the following:
(1) A copy of OSHA standard (29 CFR part 1910.1030);
(2) Exposure Incident Report;
(3) Status of employee vaccinations (obtained from the OSHO); and
(4) Results of source individual’s blood tests, if available.
h. The health care professional will offer the employee the opportunity to have their blood tested
for HBV and HIV serological status.
i. If the employee consents to baseline blood collection, but does not give consent at that time for
HIV serologic testing, the sample will be preserved for 90 days. If, within 90 days of the
exposure incident, the employee elects to have the baseline sample tested, such testing will be
done as soon as feasible. After 90 days the sample will be disposed of in accordance with
established procedures.

10. Health Care Professionals Written Opinion
a. The Occupational Safety and Health Officer will obtain the health care professional’s written
opinion within 15 days of the completion of the evaluation and provide the employee with a copy
of the results.
(1) The written opinion for Hepatitis B Vaccination is limited to whether Hepatitis B
Vaccination is indicated for the employee and whether the employee has received the
Hepatitis B Vaccination.
(2) The written opinion for post-exposure evaluation and follow-up shall be limited to the
employee who has been informed of:
(a) The results of the medical evaluation and
(b) Any medical conditions resulting from the exposure incident that may require further
evaluation or treatment.

11. Notification by Medical Examiner of Possible Exposure
a. Upon receiving notification from the State’s Medical Examiner’s Office or another medical care
facility of the possible exposure of an NRP employee who had contact with a patient or deceased
person determined to have or have had a contagious disease or virus at the time of contact, the
Occupational Safety and Health Officer or designee shall:
(1) Notify the employee verbally and in writing within 48 hours;
(2) Determine if an exposure incident occurred. Based on this information one of the following
will occur:
(a) If an exposure has occurred then the post exposure evaluation process will be initiated;
(b) If an exposure has not occurred this information will be documented and the case closed;
(3) Conduct the notification in a manner that will protect the confidentiality of the person and
employee to the extent possible; and
(4) Maintain all records in regard to this notification.

12. A copy of the complete NRP Exposure Control Plan is on file with the Occupational Safety and
Health Officer.
CHAPTER 4 SECTION V
AWARDS AND RECOGNITIONS

A. Awards Nomination Procedure

1. The Natural Resources Police annually recognizes and awards employees for outstanding performance. Various agencies and organizations also offer recognition awards for exceptional performance in law enforcement, boating safety, or conservation activities. The NRP has established a process for nominating and selecting individuals for the various recognition awards that are available to employees of the Natural Resources Police. The NRP Awards Review Board will consist primarily of personnel at the rank of Lieutenant and any other personnel as assigned by the Superintendent.

2. Officer of the Year Awards
   a. Nominations shall be based on an officer’s performance within a calendar year.
   b. Nominations shall be submitted through the chain of command to the NRP Awards Review Board by February 1st of each year.
   c. Regional / Divisional Commanders are responsible for ensuring that an Officer of the Year nomination is submitted for each Area/Unit under their command for the following four categories:
      (1) Boating Safety Officer of the Year.
      (2) Conservation Officer of the Year.
      (3) NRP Officer of the Year.
      (4) Support Services / Special Services Officer / Employee of the Year.
   d. Area/Unit Commanders are responsible for forwarding all final nominations received from their command to the NRP Awards Review Board, the Officer, and inclusion into the Officer’s Personnel File.
   e. Nominations shall be submitted in the prescribed format stated in this Policy.
   f. The NRP Awards Review Board shall review all of the Officer of the Year nominations from the preceding calendar year and make recommendations to the Superintendent and select worthy candidates for each category. The NRP Awards Review Board shall submit their recommendation for the Officer of the Year awards to the Superintendent by February 20th of each year.
   g. Officer of the Year Nomination Format - Nominations for the five Officer of the Year categories shall include the nominee’s name, assignment, and a descriptive response to the following nomination criteria:
      (1) Quality of work
      (2) Quantity of work
      (3) Judgment
      (4) Initiative and self-reliance
      (5) Attitude, loyalty, and dependability
      (6) Maintenance and care of equipment
      (7) Knowledge of boating safety / conservation practices / public lands
      (8) Outstanding accomplishments.
   h. The NRP Awards Review Board has the latitude to consider a particular nomination in any of the other categories if the nomination warrants consideration. The Superintendent may concur, modify, or reject any nomination for an award.

3. Awards From Other Agencies and Organizations
   a. When an award nomination request from another agency or organization is received by the NRP, the NRP Awards Review Board shall forward the nomination request with a due date and all pertinent information to each Bureau Commander. The Bureau Commander shall be responsible for forwarding the nomination requests to each of their Regional / Divisional Commanders.
   b. Regional / Divisional Commanders are responsible for ensuring that a nomination is submitted if
CHAPTER 4 SECTION V
AWARDS AND RECOGNITIONS

there is an individual under their command that meets the nomination criteria. If appropriate, Regional / Divisional Commanders may use their Officer of the Year selection(s) for the award nomination, but must follow the prescribed format dictated in the nomination criteria.

c. Nominations shall be submitted through the chain of command to the NRP Awards Review Board by the designated due date. A copy will be given to the Officer and inclusion into the Officer’s Personnel File.

d. The NRP Awards Review Board shall maintain a file by calendar year of all nomination requests received, nominees submitted to the Board, and the Board’s selection for each award.

4. Awards From Local Agencies or Organizations

a. Award nomination requests from local agencies or organizations shall be forwarded to the appropriate Regional / Divisional Commander. The Regional / Divisional Commander shall determine the process for the selection of the nominee and be responsible for the submission of the nomination. A copy will be given to the Officer and inclusion into the Officer’s Personnel File.

5. Anyone can recommend an employee, person, unit, or group for one of the following awards. Recommendations will be made through the Regional / Divisional and Area / Unit Commanders. When the recommended employee or person is not affiliated with one of the above, the nomination will be sent directly to the chairman of the Awards Review Board. The Awards Review Board will then make a final recommendation to the Superintendent on what awards if any should be given to the nominee. The Superintendent may concur, modify, or reject any nomination for an award. In the event an officer / employee receives a non-departmental award or ribbon, they may submit the documentation of the award to the Review Board who will recommend to the Superintendent whether the wearing of any ribbons associated with non-departmental awards will be authorized. Awards include:

a. Medal of Valor - The Medal of Valor is awarded to an officer who performs a courageous act far and above the call of duty. During the course of his action, the officer knowingly and voluntarily exposes himself to danger so extreme that death or serious injury, while not expected, is realistically possible. In addition to receiving a medal (Medal of Valor), the officer will also receive a certificate and a ribbon.

b. Award of Merit - The Award of Merit is a certificate and a ribbon awarded to members of this Agency who perform above and beyond the call of duty in a specific incident or situation. The recipient must demonstrate a high level of expertise, initiative and resourcefulness or dedication in the delivery of an important police service or an attempt to save a human life.

c. Superintendent's Commendation - The Superintendent’s Commendation is a certificate and ribbon awarded to members of this Agency who perform above and beyond the call of duty in a specific situation or incident. The Superintendents Commendation is awarded for administrative service, public service, or community relations achievements.

d. NRP Officer of the Year - The NRP Officer of the Year Award (2.c.(3)) is a Natural Resources Police Award that includes a certificate and a ribbon that designates the employee as the Officer of the Year.

e. Boating, Conservation, and Support Services Officer of the Year – Awards that designate the officer of the year in a specific category that includes a certificate. No ribbons will be issued for these categories.

f. Superintendent’s Letter of Appreciation - The Superintendent’s Letter of Appreciation is a certificate issued to an individual or organization for their selfless actions or contributions made to assist the Agency in meeting its overall mission, goals, and objectives.
CHAPTER 4 SECTION V
AWARDS AND RECOGNITIONS

g. 
**Superintendent’s Special Achievement Commendation** - The Superintendent’s Special Achievement Commendation is a certificate awarded to civilian employees for particular or outstanding contributions made to the Agency or public. This annual award is the civilian equivalent of the Officer of the Year Award.

h. 
**Non-Departmental Award** - A Non-Departmental Award is an award and/or ribbon issued to an Agency employee by a civilian or government agency, or organization connected to a police or military service.

B. Incentives

1. The Incentive Awards Program of the State Personnel Management System shall be administered in accordance with the provisions of State Personnel and Pensions Article, Title 10, Subtitle 2, Annotated Code of Maryland.

2. An Innovative Idea Award may be rewarded for an innovative idea which if implemented would result in monetary savings to the State, increased revenues to the State and improved quality of services delivered to the public or any other significant benefit to the State.

C. Employee of the Month Program

The Employee of the Month Program is designed to recognize the outstanding work, performance, and accomplishments of sworn and civilian employees of the Maryland Natural Resources Police in a timely and professional manner. This program is not intended to replace, nor conflict with, the annual nomination and selection of the NRP Officers of the Year.

1. Nomination Criterion:

   Nominations for Employee of the Month will be based on the following:
   a. Consistent exceptional performance for the entire month. (This does not necessarily mean the highest producer or the most recent sensational case).
   b. Rapport with peers and the public.
   c. Attendance and appearance.
   d. Community participation.
   e. Initiation of problem solving strategy

2. Nomination Procedure:

   a. Any employee of the Agency may nominate a co-worker, subordinate, or supervisor for the Employee of the Month Award.
   b. Each Area / Unit will select one employee every month to receive recognition.
   c. First Line Supervisors shall make the nomination.
      (1) The Supervisor of the employee selected will submit on a monthly basis to the employee’s Area / Unit Commander on Agency letterhead through the proper channels.
      (2) The Agency letterhead will be submitted along with monthly reports, to the Area / Unit Commander no later than the 5th of each month.
      (3) Area / Unit Commanders will make the final selection.
      (4) The Employee of the Month shall be recognized in updated postings on the Area/Unit webpage.
      (5) Nominations are valid only for the month submitted.
      (6) Nominations will be given to the employee and submitted for inclusion into their Personnel File and included in the 6 month evaluation.
A. Definitions

1. Secondary Employment is the rendering of any service or participating in any activity for pay or remuneration from any source other than the Department of Natural Resources, including but not limited to any form of self-employment. Off-Duty Secondary Employment: Outside secondary employment wherein the use of law enforcement powers is not a condition of employment.

2. Extra-Duty Secondary Employment: Outside secondary employment wherein the actual or potential use of law enforcement powers is anticipated or whereas vested law enforcement powers are a condition of employment. This includes, but is not limited to, secondary employment as a private police, security guard, or other similarly related occupation.

B. Request Procedures

1. All sworn personnel desiring to engage in secondary employment shall complete a Natural Resources Police Secondary Employment Request Form, NRP-454 and submit an original and two copies to their immediate supervisor for review. A separate request shall be made for each secondary employer.
   a. If the employment request is with another State agency, a Department of Natural Resources Secondary Employment Agreement - Two Maryland State Agencies, form must be submitted along with the NRP 454.
   b. The DNR Secondary Employment Agreement - Two Maryland State Agencies form must be forwarded to the Human Resources Services Office at C-3 Tawes State Office Building.

2. Upon receiving an officer’s NRP-454, the officer’s supervisor shall review and endorse the form. The officer’s supervisor shall forward the request and any comments regarding the request to the officer’s commander for approval.

3. After receiving an employee’s NRP-454 and any written comments from the officer’s immediate supervisor, the commander shall review the officer’s request and either deny or approve the request.

4. Whenever a commander denies an employee’s request, they shall prepare a written memorandum stating the reasons for their denial. The original commander’s memorandum shall be attached to the employee’s original request form.

5. A commander may approve a secondary employment and set forth specific restrictions or conditions. Should an employee fail to adhere to the restrictions or conditions, then the prior approval shall automatically terminate and the employee shall not be authorized to engage in the secondary employment requested.

6. Whether denied or approved, the respective commander will provide a copy for the files at the employee’s Unit/Area office,

7. The Regional Commander will forward the original to the Bureau Commander and any related documents are filed in the Master Secondary Employment File.

8. Approval of secondary employment of a short, spontaneous, temporary duration which requires immediate acceptance by an employee may initially be granted by the verbal approval of an employee’s commander. However, a NRP-454 shall still be initiated, completed, and approved within 72 hours of
obtaining verbal approval from the employee’s commander. In the event that approval of the written request is subsequently denied, the employee will be required to immediately terminate the outside employment in question.

9. An approved secondary employment request authorizes only such work and conditions as are specifically designated on the NRP-454.

10. Approved requests shall be valid for one year unless terminated earlier by the officer or if necessary, the Agency. If at any time, changes occur as to the work or conditions set forth in the original NRP-454, it shall be the officer’s responsibility to submit a new NRP-454 for approval.

11. Officers shall submit a NRP-454 to their supervisor within thirty (30) days of terminating their previously approved secondary employment.

12. If requested by an officer, denied requests for secondary employment shall be reviewed by the officer’s Regional / Divisional Commander for reconsideration. The Commander’s decision shall be final.

13. Employees shall not engage in secondary employment when their duty status is listed as suspended, light duty, extended sick leave, disability leave, accident leave due to an on-duty accident/injury or administrative leave, unless written authorization is obtained from the employee’s commander. In appropriate instances, the commander shall confer with the Disability Panel Chairperson before rendering a decision.

14. The employee shall submit the following documentation to their commander for review when on light duty, extended sick leave, disability leave, accident leave, for a determination of their existing or new secondary employment status.
   a. Employment status (light duty, extended sick leave, etc.)
   b. Name of secondary employer
   c. Number of hours worked per week
   d. Detailed description of the nature of work performed in the secondary employment.
   e. Physicians’ recommendation.

15. Permission for an employee to engage in secondary employment may be denied or revoked where it is determined pursuant to Agency procedure that such secondary employment is not in the best interests of the Agency or due to the secondary employer’s location or nature which may bring disfavor, disrespect, or discredit to either the employee or the Agency.

16. Entrance or re-enlistment into a military reserve component does not require a secondary request form to be filed. Officers on Military Leave must follow general State and Department guidelines already established.

C. Limitations Generally

1. Employees who engage in secondary employment without approval are subject to disciplinary action.

2. In order to be eligible for secondary employment, an employee must not have any “Needs Improvement” or “Unsatisfactory” on their last six-month appraisal.
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

3. In order to be eligible for extra-duty secondary employment, an employee must have successfully completed the requirements for reclassification to Officer First Class.

4. Employees shall not engage in any outside employment that will adversely affect their ability to perform their duties or the quality of their work.

5. Should an employee be off-duty due to the use of sick leave, other than for a documented medical appointment, then the employee shall not engage in secondary employment until they return to regular duty or 24 hours have elapsed since incurring the sick leave, whichever occurs first.

6. In conformance with the Memorandum of Understanding between the Natural Resources Police and the State of Maryland and the State Law Enforcement Officers Labor Alliance (SLEOLA), the following limitations shall apply to secondary employment.
   a. A law enforcement officer may work not more than 40 hours of secondary employment during a workweek that includes two leave days.
   b. Employees must be off-duty at least 8 continuous hours prior to returning to work a regular NRP shift.
   c. Regardless of duty status the next day, employees will only work a maximum of 16 consecutive hours when combining a regularly scheduled shift which includes all hours worked and all off-duty secondary employment hours. On non-duty days employees may work a maximum of 16 hours of off-duty secondary employment.
   d. Officers will report for duty fully rested and alert, capable of performing the essential functions of a Natural Resources Police Officer and other duties as assigned.

7. The forty (40) hour limitation given in paragraph 6a. does not apply when the officer is on approved annual or personal leave.

8. Work hours for all secondary employment must be scheduled in a manner that does not conflict or interfere with the employee’s performance of duty.

9. When sick leave records or other evidence indicates that secondary employment might impair the requesting officer’s ability to meet their Agency obligations, secondary employment will be denied or previous approval withdrawn.

10. A law enforcement officer engaged in any secondary employment is subject to call-out in case of an emergency and may be expected to leave their secondary employment in such situations.

11. While on-duty with the Agency, the employee shall show no preferential coverage to the place of their secondary employment, nor while employed there off-duty shall they encourage visitation by on-duty officers.

12. Employees shall not engage in any secondary employment that requires the wearing or displaying of any part of the Agency uniform unless, specifically authorized by the commander. This does not prohibit the carrying of the issued handgun in an inconspicuous manner or the wearing of the Agency issued body-armor.

13. In the field of sales the officer’s identity as a law enforcement officer of the Department of Natural Resources shall not in any manner enter into such sales.
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

D. Ethical Limitations

1. Employees wishing to work secondary employment shall comply with DNR’s Outside Employment Policy. Relevant portions of the policy are listed below.

   a. Definitions
      (1) “Business” means a license, permit, or authorization issued by the Department to engage in commercial activity for income or profit.
      (2) “Business” includes a license, permit, or authorization that is currently inactive.

   b. Policy
      (1) An employee of the Department may not own, be employed by or have an interest in a business subject to the authority of the Department unless:
         (a) The employee is not part of, or affiliated with, the specific unit within the Department that exercises authority over the employee's business;
         (b) The employee’s Departmental duties do not significantly impact the employee's business; or
         (c) The employee's Departmental duties are ministerial; and
      (2) The employee’s ownership of, employment by, or interest in the business does not create a conflict of interest or the appearance of a conflict of interest.

   c. Application
      (1) The following examples illustrate application of this policy:
         (a) An employee of the Fisheries Service, which regulates commercial fishing in Maryland, may not hold a tidal fish license, fishing guide license, or an aquaculture permit;
         (b) An employee of the Forest Service, which administers regulatory and landowner assistance programs, may not engage in a private forestry consulting business involving applications to the Service; and
         (c) A member of the Natural Resources Police force, which enforces the conservation laws, may not hold a commercial hunting or fishing license.
      (2) The examples listed in this section are representative but not inclusive of the situations to which this policy applies.

   d. Procedures
      (1) An employee who
         (a) Owns, is employed by, or has an interest in a business subject to the authority of the Department; or
         (b) Proposes to own, become employed by, or have an interest in a business subject to the authority of the Department
      (2) Shall:
         (a) Not engage in the proposed business, or
         (b) Notify the employee's unit or program director of the employee's decision to discontinue the business effective sixty (60) days from the date of notification; or
         (c) Request a review of the application of this policy to the employee’s business by providing the employee’s unit or program director with a detailed description of the employee's business or proposed business.
      (3) If the employee elects to request the review provided by paragraph (d)(2)(c) of this section, the unit or program director shall provide the employee’s description to the Secretary, who shall determine whether the employee’s proposed or current business complies with the terms of this policy. The Secretary may gather additional information in order to make this
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

determination.

(4) If the Secretary determines that the employee’s business does not conform to this policy, the employee may not engage in or continue to engage in the business.

2. Employees shall not engage in any secondary employment where such employment would create a conflict of interest or the appearance of conflict. See Executive Order 01.01.2015.08 for additional guidance.

E. Specific Job Restrictions

1. Employees shall not engage in secondary employment in any capacity for any business establishments which sell illicit pornographic books, magazines, videos, sexual devices or otherwise provides illicit entertainment or services of a sexual nature.

2. Employees shall not engage in secondary employment, in any capacity, for any gambling establishments not exempted by law.

3. Employees shall not engage in secondary employment, in any capacity, for any business that sells, dispenses or handles alcoholic beverages, with the following exceptions and conditions:
   a. An employee may work for a motel, hotel, country club, or similar establishment as a security person, desk clerk or similar capacity provided no parts of their specific duties are related to or involve the restaurant/bar area where alcoholic beverages are sold or dispensed.
   b. An employee shall not seek employment or work at any business establishment or on any portion of such a business property, where the primary duties of the employee would be to sell, serve, or dispense alcoholic beverages.
   c. An employee shall not seek employment or work in any capacity where it could be reasonably construed that the duties are that of a “bouncer”.

4. Employees shall not engage in any secondary employment which involves quasi-police type functions such as serving civil processes, collecting bad checks or bad debts, working as a repossession, conducting private investigations as or for a licensed private investigator or in any other employment in which law enforcement authority might tend to be used to collect money or merchandise for private purposes.

5. Employees shall not engage in secondary employment while in uniform to make endorsements, speaking engagements, commercials, etc., for their secondary employer.

6. Employees shall not engage in secondary employment for a business or labor group that is on strike, nor, shall they work as a private police or security guard at the scene of a labor strike.

7. Employees shall not engage in secondary employment working for or as the defense under the following conditions:
   a. Shall not engage in such employment that might require or call upon the skills or expertise of a law enforcement officer to assist in the case preparation for the defense in any criminal or civil action or proceeding.
   b. Shall not engage in such employment to conduct investigations or surveillance for the defense in any criminal or civil action or proceeding.
   c. Shall not work as the defense when to do so would be in violation of The Maryland Lawyers’ Rules of Professional Conduct as found in the Annotated Code of Maryland.
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

8. Employees shall not engage in any secondary employment that would involve the use of Agency records, documents, or files.

9. Employees in the performance of their secondary employment shall not take advantage of any services provided by the Agency unless in the performance of legitimate law enforcement action.

10. Employees shall not engage in any secondary employment that could result in the employee being required to disseminate information obtained from the Agency’s computer systems. The National Crime Information Center computer system or the computers of the Criminal Justice Information System (CJIS). Under the CJIS law, it is a violation to disseminate criminal records information to non-criminal justice agencies or to anyone when not in the scope of official business. When working within the capacity of secondary employment the obtaining of any information, criminal or non-criminal, can only be done in the same capacity as a private citizen.

F. Extra Duty Secondary Employment

1. Officers may participate in extra duty employment if specifically authorized by the Superintendent.

2. Agency uniforms, insignias, or equipment may be utilized while engaged in extra-duty secondary employment only upon the approval of the Superintendent or their designee. Officers requesting approval for the use of Agency uniforms, insignias or equipment shall give the following information on their NRP-454.
   a. The exact duties of the secondary employment.
   b. The specific type of uniform, insignia, or equipment requested.
   c. Whether the usage of such uniform, insignia, or equipment is a requirement of the secondary employer.

3. Officers working extra-duty employment shall, within one (1) hour prior to starting the extra-duty employment notify the Headquarters Communications Center and provide the following information for the purpose of opening a CAD incident:
   a. Date and time extra duty employment is to begin and the expected ending time.
   b. All work locations anticipated.
   c. Whether or not working in uniform
   d. General duties of the job.
   e. Contact phone number or pager number.

4. Officers working extra-duty employment shall immediately after ending the extra-duty employment notify the DNR Communications Center and provide the following information for the purpose of closing the CAD incident:
   a. Date and time extra-duty employment actually ended.
   b. Unusual or significant incidents occurring while working extra-duty employment.
   c. Generate an RMS report for all incidents requiring such a report.

5. Law enforcement officers shall submit an incident report to their immediate supervisor within 24 hours whenever any of the following conditions occur as a result of secondary employment:
   a. Incidents involving the use of law enforcement powers.
   b. Incidents involving the use of force.
   c. Incidents resulting in the injury of the officer or others.
   d. Incidents that will result in a court appearance by the officer.
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

6. Officers required to appear in court as a result of actions arising from extra-duty employment shall do so on off-duty time and any compensation received for that time will be paid by the secondary employer. Supervisors will make every effort consistent with manpower requirements to accommodate an officer’s court commitments.

7. Officers do not have to fill out a NRP-454 when the agency has entered into an agreement with a government, profit making, or nonprofit making entity and the Superintendent has given their written authorization for the performance of these services. All affected Unit / Regional Commanders shall be provided with the Superintendent’s written authorization.

G. Liability

1. The Agency will not assume any liability including Worker’s Compensation for any injury, damages, or civil action incurred by personnel while they are performing secondary employment activities unless there is a legal obligation to do so. Thus, unless there is a legal obligation placed upon the Agency, any injury or illness arising from secondary employment is not compensable by the State and employees have only personal or job insurance and State sick and vacation leave on which to rely for income while ill or injured. Serious illness or injury may result in the employee being disqualified to resume State employment.

2. The Agency will not provide a legal defense for legal claims arising from secondary employment activities of a law enforcement officer unless there is a legal obligation to do so.
CHAPTER 4 SECTION VI
SECONDARY EMPLOYMENT

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CHAPTER 4 SECTION VII
CHAIN OF EMPLOYMENT

A. Appointment

1. Candidates appointed as officers shall receive entrance level training at the NRP Training Academy.

2. Cadets serve an initial six months probationary period. Once a cadet is reclassified to candidate, the two year probationary status begins effective with the change.

B. Probation

1. All NRP officers serve a two-year probationary period, which begins on the first day of employment.

2. Appointed candidates who are not currently employed by NRP shall serve a two-year probationary period in accordance with NR Article 1-203(e).

3. All employees, in general, who are promoted or moved into a new job classification, will serve a six-month probationary period in accordance with Title 7, Subtitle 4, of the State Personnel and Pensions Article, Annotated Code of Maryland.

C. Officer First Class Reclassification/ Evaluation

1. The Natural Resources Police Officer First Class rank is a non-competitive promotion classification.
   a. Non-competitive promotions are promotions by which employees advance from trainee to full performance levels in a classification series without changing position identification numbers (pin) and without a competitive process.
   b. Employees in the NRP Officer First Class rank should be performing their full range of duties with complete independence.

2. A NRP officer candidate becomes fully certified by the Maryland Police and Correctional Training Commission (MPCTC) as a law enforcement officer when the officer graduates from the NRP Training Academy.
   a. The date that an officer becomes eligible for reclassification to Officer First Class is one year from the date of the officer’s graduation from the NRP Training Academy.
   b. Officers who have one year of experience as a certified Natural Resources law enforcement officer are eligible for reclassification to the rank of Officer First Class upon successful completion of the Field Training Officer (FTO) Program.
   c. Prior to an officer requesting reclassification to Officer First Class, the officer must have successfully completed the FTO Program and successfully completed the Officer First Class Performance Evaluation.

3. Reclassification to Officer First Class is not automatic; it is the officer’s responsibility to request the reclassification.
   a. Once an officer has met the prerequisite requirements, including completing all phases of the FTO Program, the officer shall request a performance evaluation.
   b. The request for the Officer First Class Performance Evaluation must be made in writing by the officer, and submitted to the officer’s supervisor.

4. The immediate supervisor shall conduct the performance evaluation for the Officer First Class candidate within fourteen calendar days of receiving the written request for the Officer First Class Performance Evaluation.
   a. If the immediate supervisor is not available, the Officer First Class candidate’s Area/ Division
CHAPTER 4 SECTION VII
CHAIN OF EMPLOYMENT

Commander shall arrange for another supervisor to conduct the performance evaluation.

b. The fourteen-day requirement may be waived, if both the Officer First Class candidate and the immediate supervisor agree to the performance evaluation being conducted beyond the fourteen calendars day period. However, the initial Officer First Class Performance Evaluation shall be conducted no later than ten weeks prior to the end of the officer’s initial probation period.

c. The agreement to waive the fourteen-calendar day requirement shall be in writing, and signed by the Officer First Class candidate, the immediate supervisor, and the Area/Division Commander.

5. The performance evaluation is administered to determine if the officer is performing the full range of duties with complete independence.

a. The performance evaluation shall be conducted at the candidate’s work site during a typical day on the job, and should be completed within four hours.

b. The Area Commander shall serve as the monitor, and shall be present during the evaluation process to ensure the consistency of the evaluations.

c. Supervisors shall complete an Officer First Class Performance Evaluation Check List (Form NRP-709) for each candidate evaluated and shall review the outcome of the evaluation with the candidate at the conclusion of the demonstration.

d. The candidate shall be provided with a copy of the evaluation within 24 hours of the completion of the performance evaluation.

6. In order to receive a positive recommendation for the rank of Officer First Class, the candidate must demonstrate an acceptable level of performance in all areas of the performance evaluation. Any performance found to be unacceptable by the supervisor must be fully explained to the candidate to include suggestions for improvement, and shall be documented in the comments section of the performance evaluation checklist.

7. A reevaluation of the unacceptable performance shall be conducted by the supervisor within fourteen calendar days of the first evaluation.

a. Upon reevaluation, if the candidate’s demonstrated performance is still found to be unacceptable, the evaluator and monitor shall immediately prepare a detailed written description of the unacceptable demonstrated performance and forward it to the Commander of the Training/In-Service Program Unit. The candidate shall be referred to the Commander of the Training/In-Service Program Unit for mandatory remedial training.

b. Upon completion of the mandatory remedial training, the Officer First Class candidate shall submit a written request for reevaluation to the candidate’s supervisor.

c. The supervisor has fourteen calendar days from the date the written request for the Officer First Class Performance Evaluation is received, to conduct the performance evaluation.

8. Once the performance evaluation is successfully completed, the Officer First Class Performance Check List and a cover letter of recommendation from each supervisor in the officer’s chain of command shall be forwarded through the appropriate chain of command as a complete packet to the Superintendent.

9. The effective date for the reclassification to the rank of Officer First Class:

a. An officer is eligible for reclassification to Officer First Class one year from the date of the officer’s graduation from the NRP Training Academy. The one year anniversary date of the officer’s graduation shall be the effective date of the reclassification to Officer First Class, if the Officer First Class Performance Evaluation has already been completed. If the performance evaluation has not been successfully completed prior to the one year anniversary date of the officer’s graduation, the effective date for reclassification to Officer First Class shall not be until...
CHAPTER 4 SECTION VII
CHAIN OF EMPLOYMENT

the date the Officer First Class Performance Evaluation is successfully completed.

b. The effective date for the reclassification to Officer First Class for those officers who had one year of MPCTC certified experience as a commissioned Natural Resources law enforcement officer shall be the date the Officer First Class Performance Evaluation is successfully completed.

D. Promotions

1. A promotional examination will be used for the ranks of Corporal, Sergeant, Lieutenant, and Captain. The promotional exam for each rank may consist of any single, or combination of, written, interactive video, personal interview, or essay, component(s), chosen at the discretion of the Superintendent or their designee.

2. For all NRP promotional exams, a raw point score is converted to a 100 point scale. Additional points are added to the final scores for Maryland residency (5 points) and for State seniority (.25 points per year, up to 5 points for 20 years of service). Points for being a veteran are not awarded to current State employees on promotional exams (State Personnel and Pensions, Section 7-207).

3. After the promotional examination is administered, scored, and the documentation is forwarded, all candidates will receive a letter providing them with their eligibility category on the promotional examination. Any officer requesting any information on their test performance must do so in writing to the NRP Human Resource Service Contact through the Chain of Command within 60 days of receiving their letter.

4. When a position is to be filled through a combination of outside recruitment and internal promotion, a written examination will be administered. However, before proceeding to the interview, candidates not employed by NRP will be required to sign a conditional offer of employment that includes successful completion of all segments of a background investigation.

5. After taking a promotional examination, officers will be placed on an eligibility list.
   a. Based on the officer’s test score, the promotional candidate is placed in one of the following categories: best qualified (100-90), better qualified (89-80), and qualified (79-70).
   b. Within each category, candidates are placed on the list in random order (State Personnel and Pensions, Section 7-208).
   c. Eligibility lists normally expire after one year, but may be extended for a maximum of 6 months.

6. The Superintendent will make the final determination regarding whether to select a reassignment candidate or to consider a promotional candidate based on a review of the promotional eligibility list, list of reassignment candidates, the needs of the Agency, and in accordance with the Agency’s Affirmative Action plan and any other legal requirements.

E. Reassignments

1. A reassignment shall be defined as the lateral movement of an employee from one Area/Unit/Region/Division/Bureau to another Area/Unit/Region/Division/Bureau. Reassignments can be based on an Officers request or the needs of the Agency.

   a. To be eligible for a reassignment, the employee shall:
      (1) Meet the minimum qualifications for the vacant position within the appointing authority’s jurisdiction.
CHAPTER 4 SECTION VII
CHAIN OF EMPLOYMENT

(2) Possess the same grade as the vacant position.

b. For reference, personnel are directed to the Annotated Code of Maryland, State Personnel and Pensions Article, §7-602 and COMAR 17.04.03.19 and .20.

c. Reassignments of employees is a recognized right of management and will be based primarily on the Superintendent’s prerogative to assign personnel to best suit the needs of the agency.

d. The Superintendent has the authority to reassign, employees of the NRP as needed to best serve the needs of the Agency. The superintendent may direct the reassignment review board to rank candidates based on the following criteria: Experience & Knowledge, personnel file, special skills/extra duties, seniority in rank, geographic needs, and supervisor comments and recommendations.

2. Reassignment Requests

a. Non-Commissioned Officers’ (sergeants and below) Requests for Reassignment Consideration (Form NRP-466-R) may be submitted by qualified officers. An officer may submit a Request for Reassignment Consideration and resume at any time. The most recently dated requests will supersede previously documented requests.

b. Commanders’ (captains & lieutenants) Requests for Reassignment Consideration (Form NRP-466-C) may be submitted by qualified commanders. A commander may submit a Request for Reassignment Consideration and resume at any time. The most recently dated requests will supersede previously documented requests.

c. All Requests for Reassignment Consideration (NRP-466-R & NRP-466-C) shall be accompanied by the NRP-466-T (Resume) and shall be forwarded to NRP Personnel Support section.

d. An officer may submit up to three specific locations where they wish to be reassigned.

e. All Requests for Reassignment Consideration are purged from the active file at the end of the calendar year.

f. To ensure frequent operational consideration of reassignment requests within Bureaus, Divisions, and Regions, the respective Bureau, Regional, or Divisional Commanders may meet quarterly to review the reassignment request forms and make recommendations to the Reassignment Review Board.

g. The Reassignment Review Board shall consist of the following personnel who will meet as needed to submit recommendations on the NRP-466-S (Reassignment, Acting Capacity, Extra Duty Assignment, Scoring Chart) to the Superintendent if requested:

- (1) Deputy Superintendent
- (2) All Majors
- (3) Chief Administrative Services Bureau

h. When directed by the Superintendent for selecting reassignment requests among competing candidates, the Reassignment Review Board shall utilize the following rating criteria on the NRP-466-S. Point values will be scaled for items (1)-(5) below and will be based on the number of participants (e.g., 4 participants, point scale will range from 4-1 in each of the below listed criteria. One numerical value will be assessed to each participant in descending order 4,3,2,1.
CHAPTER IV SECTION VII
CHAIN OF EMPLOYMENT

The highest point value will aid in determining the participant selected.

(1) **Experience & Knowledge** - Officer’s written resume which summarizes their qualifications, training, and education which are pertinent to the job they are seeking.

(2) **Officer’s Personnel File** - Any positive or negative material for the past five years, excluding appraisal reports.

(3) **Special Skills & Extra Duties** - On the job extra duties which may include training, committee membership, etc.

(4) **Seniority in Rank**

(5) **Geographic Needs**

(6) **Current Supervisor Comments & Recommendation**

The following are the point values that are utilized when assessing a participant related to the current supervisor’s comments and recommendations in category (6) only. Same point values can be applied to multiple participants in this category.

(a) **Superior (Point Value – 4)**: The candidate possesses skills found in the top percentage of employees who now do the same type and level of work for which the board is selecting.

(b) **Above Satisfactory (Point Value – 3)**: The candidate is more than acceptable.

(c) **Satisfactory (Point Value – 2)**: The candidate possesses just enough knowledge, skills, and abilities to do an acceptable job.

(d) **Not Fully Satisfactory (Point Value – 1)**: The candidate does not have enough of the skill, knowledge, and ability to do an acceptable job.

(e) **Unsatisfactory (Point Value – 0)**: The candidate is so deficient in the skills, knowledge, and abilities that he could not do the job.

3. Oral interviews or a fitness test may be used for positions within the Agency as needed and will be included in the announcement in advance.

4. Before an existing vacancy or new position vacancy is filled, active requests for reassignments may be considered based on the criteria described above.

5. The Superintendent will make the final determination regarding whether to select a reassignment candidate or to consider a promotional candidate.

6. After notification of reassignment, the reassigned officer shall report to the Regional / Division Commander on the effective date of the reassignment. The Regional / Division Commander will determine and review with the officer the officer’s new duties and responsibilities.

7. Reassignments at the Officer First Class level within the Natural Resources Police will be at the discretion of the Superintendent.

8. Requests for transfer from candidates employed in law enforcement positions in the Maryland State Police may be accepted for vacancies in specialized positions.

9. Due to the difference in the salary structure between NRP positions and all other State law enforcement positions, transfers may not be possible due to the State of Maryland salary rules. With the exception of the Maryland State Police, which have the same salary structure, all transfers would receive a salary increase, and as such be determined promotions requiring candidates to test and compete at the entrance level.

10. Any transfer candidates from another Maryland law enforcement agency will serve a two-year probation period, in accordance with NRP Article Section 1-203(e).
F. Acting Capacity

1. An employee designated by an appointing authority (or their designee) to perform on a temporary basis all the duties of a position in a classification that has a rate of pay which is higher than that of the employee’s classification shall be paid additional compensation, known as acting capacity pay, in accordance with guidelines adopted by the Office of Personnel Services and Benefits. The amount of the acting capacity pay shall be the amount, which the employee would be paid if permanently promoted to the higher classification unless otherwise provided by law.

2. An employee may be designated to perform in an acting capacity for any of the following reasons:
   a. The temporary absence of an incumbent.
   b. A vacancy exists for which recruitment is underway;
   c. Unusual circumstances which necessitate assignment of duties at a level higher than that of the employee’s classification;

3. An employee designated to receive acting capacity pay must meet the minimum qualifications of the higher classification and any special requirements of the position. (The appointing authority under special circumstances may waive this requirement.)

4. Payment for acting in a higher classification shall be paid for the period in excess of 20 continuous workdays.

5. For the ranks of Corporal, Sergeant, and Lieutenant, the following procedures shall be utilized:
   a. Regional / Division Commanders will consider the anticipated length and reason for an incumbent’s absence, and will then submit a written recommendation to their Bureau Commander on whether to leave the position vacant or to fill the vacancy with an acting capacity position.
   b. Upon approval to fill the vacancy with an acting capacity position, the Regional / Division commander will solicit interest in writing from qualified (one who meets minimum education and experience requirements for the next higher rank as identified on the State of Maryland Classification Specification Sheets developed by the Department of Budget and Management) employees within the affected District / Section / Area / Unit. If there is no interest or eligible candidate within the affected District / Section / Area / Unit, then it may be offered within the Unit / Area / Region / Division / Bureau. It may also be offered statewide, if determined to be in the best interest of the Agency.

6. If there are competing candidates for the acting capacity position, then Commanders shall utilize the NRP-466-S in making their initial selection. The highest scoring candidate will serve first in the acting capacity position.

7. Whenever possible, a rotation list of qualified employees shall be utilized. This list shall be updated each time qualified personnel are reassigned into or out of the affected temporary acting capacity assignment.

8. Upon selection of an employee designated for acting capacity, the Commander will complete the MS-345 - Designation of Employee to Function in an Acting Capacity form and submit through the chain of command to the NRP Personnel Section along with all the supporting documentation.(ADD Acting/Reassignment FORM # here)
CHAPTER 4 SECTION VII
CHAIN OF EMPLOYMENT

9. Natural Resources Police personnel will be limited to no more than a 6 month period of acting capacity at a time. Requests to extend a person’s acting capacity beyond the 6 month period must be approved by the Superintendent. All efforts will be made to limit acting capacities to 9 months maximum rotations. Commanders shall submit all requests to extend a person’s acting capacity in writing justifying the need and reasons to the Superintendent, through the chain of command.

10. All State rules and regulations governing this issue shall be adhered to (COMAR 17.04.02.06).

11. The above paragraphs do not apply to the ranks of Captain, Major, or Lieutenant Colonel, and acting capacity positions, these ranks shall be determined and appointed at the sole discretion of the Superintendent.

G. Termination

1. Involuntary terminations for permanent sworn employees will be conducted in accordance with the Law Enforcement Officers’ Bill of Rights, and the State Personnel and Pensions Article, Annotated Code of Maryland.

2. Retirement of sworn employees will be in accordance with Title 21, of the State Personnel and Pensions Article.

3. Resignation will be submitted to the Superintendent. The officer’s commander will by endorsement to resignations summarize the employee’s performance, work attitude, work habits, suitability for reinstatement or rehiring. Resignations are not effective until accepted by the Superintendent.

H. Reinstatement

1. An individual previously certified as a police officer in Maryland who has been separated in good standing from a law enforcement unit for less than three years may be recertified as a police officer and is not required to meet the entrance level training standards of the Maryland Police and Correctional Training Commission.

2. A former non-temporary State employee who returns to State employment in a position in the State Personnel Management System within three years from separation is reinstated.

3. When a vacancy exists and that vacancy has been authorized to be filled, the Superintendent may reinstate or rehire any former sworn employee who meets all requirements for initial appointment.
CHAPTER 4 SECTION VIII
EMPLOYMENT SEPARATIONS

A. Employment Separation Procedures – In General

The NRP has developed the following procedures to insure a consistency of process and organizational effectiveness in documenting and controlling Agency employment separations. This process is intended to help with the transition of an employee from employment to separation and will serve as a guide to both the Agency and the employee.

B. Officer’s Supervisor’s Responsibilities

Upon being notified that an officer is separating their employment with the Agency, the departing officer’s supervisor shall:

   a. Prepare the Officer Information section on the NRP-490C.
   b. Forward the NRP-490C through chain to the following for proper completion:
      (1) Commander – Supply Services & Safety Ed Unit
      (2) Commander – Special Operations Division
      (3) Commander – Homeland Security & Investigations Unit
      (4) Commander – Internal Affairs Unit.
      (5) Administrative Services Bureau - Personnel Support Section
   c. Upon completion of Parts I through Part IV of the NRP-490C, the supervisor shall forward to the Support Services Bureau Commander for completion of Part V.

2. Ensure all Agency property is returned.

3. Conduct an investigation when an officer has not properly cleared the Agency or retains Agency property.

4. Ensure that employee’s final work hours have completed in the Workday program and approved.

5. Upon collecting the items listed in Part I, Sections A – C, of the NRP-490C, make disposition of the items as follows:

<table>
<thead>
<tr>
<th>ITEM(S)</th>
<th>DISPOSITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handgun &amp; Ammo</td>
<td>Return to the lead Firearms Instructor for the Area Office or Unit. Then ultimately the Firearms Control Officer.</td>
</tr>
<tr>
<td>All Magazines &amp; Ammo</td>
<td></td>
</tr>
<tr>
<td>Shotgun &amp; Ammo</td>
<td></td>
</tr>
<tr>
<td>Rifle &amp; Ammo</td>
<td></td>
</tr>
<tr>
<td>Vehicle &amp; Equipment</td>
<td></td>
</tr>
<tr>
<td>Portable Radio</td>
<td>Return to Area/Unit Commander for reassignment. Phone goes to IT. Computer goes to LE Tech Support for reassignment.</td>
</tr>
<tr>
<td>Cellular Telephone</td>
<td></td>
</tr>
<tr>
<td>Laptop Computer</td>
<td></td>
</tr>
<tr>
<td>Fuel System Card</td>
<td>Return to NRP Fleet Manager</td>
</tr>
<tr>
<td>Corporate Credit Card</td>
<td>Return to NRP Fiscal Support</td>
</tr>
<tr>
<td>State I.D. Card</td>
<td>NRP Personnel Support</td>
</tr>
<tr>
<td>USF&amp;W Deputy ID</td>
<td>NRP Personnel Support</td>
</tr>
<tr>
<td>Officer ID</td>
<td>Police Academy</td>
</tr>
<tr>
<td>MPCTC ID</td>
<td></td>
</tr>
<tr>
<td>JEA NMFS Deputy ID</td>
<td>JEA Coordinator</td>
</tr>
<tr>
<td>Task Force ID</td>
<td>SOD Commander</td>
</tr>
<tr>
<td>Covert Ops. ID</td>
<td></td>
</tr>
<tr>
<td>2 Breast Badges</td>
<td>Police Academy / Quartermaster</td>
</tr>
</tbody>
</table>

(Revised 07/16)
**ITEM(S)** | **DISPOSITION**
--- | ---
1 Wallet Badge | 
**Warning / Citation Books**
DNR Citations | Return all warning books to the Area/Unit Commander. Unused warning books may be reassigned.
DNR Warnings | 
Criminal Citations | 
Motor Vehicle Citations | 
Juvenile/Civil Citations | 
Uniform Mun. Civ. Citations | 
**Other Books**
Order of Driver Suspension | Return all citation books and other books to the DNR Records Section.

C. Officer’s Commander’s Responsibilities

1. Monitor and insure that all employment separation requirements have been met and all associated reports have been completed.

2. If appropriate, schedule, conduct, and document an exit interview with the officer.

D. Other Responsibilities

1. When the Support Services Bureau Commander receives a completed NRP-490C, they will make recommendations and sign the report regarding the separation status and the issuance of retirement credentials. This report will then be forwarded to the Superintendent for their approval.

2. If the employee has a Security Clearance, it is their responsibility to notify the issuing agency (DHS, FBI, or DOD) of their employment separation as well as the Commander of the Special Operations Division. The Special Operations Division Commander will ensure the information was forwarded to the appropriate agency.

3. The approved report will be sent to the Personnel Support Section for inclusion into the separated person’s personnel folder.

E. Voluntary Separations

1. Voluntary Separation means one of the following types of employment separations:
   a. Retirement
      (1) Service Retirement
      (2) Ordinary Disability Retirement
      (3) Accidental Disability Retirement
   b. Resignation
      (1) General Resignation
      (2) Leave of Absence
         (a) 30 day Leave of Absence
         (b) 6 month leave of Absence
         (c) Two year leave of Absence

2. For all voluntary separations, officers shall notify the Superintendent of their intent to end their employment with the Agency by completing and forwarding through their chain-of-command NRP Form NRP-490N (Employment Separation Notice). When considering a general resignation or a leave
CHAPTER 4 SECTION VIII
EMPLOYMENT SEPARATIONS

of absence, the employee should meet with the NRP’s Personnel Support Section to weigh all options available. The Personnel Support Section will provide information pertaining to reinstatement rights and benefits that may be available to the officer.

3. For all employment separations by retirement, the officer must submit their NRP-490N at least thirty (30) days before their last working day with the Agency. Failure to submit the NRP-490N at least thirty (30) days before the officer’s last working day may result in the officer being ineligible to receive any retirement mementos; including, but not limited to, retirement badge and retirement identification card. An officer’s eligibility for retirement mementos will be evaluated on a case by case basis.

4. For all employment separations by resignation, the officer should, whenever possible, submit their NRP-490N at least thirty (30) days before their last working day with the Agency.

5. Upon an officer giving notice of their employment separation, the officer’s commander will make arrangement to place the officer on administrative duties during the last thirty (30) days of their law enforcement employment. This thirty (30) day period of administrative duties will be at the discretion of the Regional/Divisional Commander.
   a. During this 30 day period, the officer’s supervisor will complete their separation processing.
   b. While assigned to administrative duties, the officer’s commander will insure that the officer is assigned to an unmarked patrol vehicle.
   c. The commander will advise and encourage the officer to refrain from becoming involved in any new investigations or cases, so as to insure an efficient separation process.

6. Exit Interviews:
   a. In all cases of voluntary separations, the officer’s commander will offer to schedule and conduct an exit interview.
   b. The purpose of an exit interview is as follows:
      (1) To develop information that may be useful for developing and enhancing employment practices, NRP policy, legislative proposals, training needs, employee development programs, etc.
      (2) To identify the specific reason(s) for employment separation.
      (3) Obtain information from retiring personnel based upon their experience with the NRP.
   c. The following topics are offered as issues for general discussion during an exit interview. Any one item or an accumulation of items may have contributed to a resignation or be a concern of the retiree, and upon identification, should be thoroughly explored.
      (1) Administration
      (2) Continuing Education
      (3) Employee Benefits
      (4) Employee Recognition
      (5) Intra-NRP Communication
      (6) Job Satisfaction
      (7) Motivation
      (8) Other Employment
      (9) Personal Problems
      (10) Personnel Practices
      (11) Salary
      (12) Training

4 VIII 3 (Revised 07/16)
d. Exit interviews will be documented as follows:
   (1) The officer’s commander will prepare a detailed report regarding the results of the interview
       and the information obtained. The report will be forwarded through the chain-of-command
to the Office of the Deputy Superintendent for review.

7. Retirements:

   a. Retirements shall be governed by the applicable provisions of the State Personnel and Pensions
      Article, Annotated Code of Maryland.

   b. Official Retirement Mementos - If an officer is eligible to receive retirement mementos, the
      Superintendent, or their designee, shall secure and present the following to personnel retiring in
      good standing:
         (1) Retirement Badge
         (2) Retirement Identification Card
         (3) Governor’s Citation
         (4) Senate and House Resolutions.

   c. Agency Issued Handgun – In accordance with the Public Safety Article, §2-415(c) and §3-501,
      Annotated Code of Maryland, an officer who has or is about to retire in good standing may
      purchase their issued handgun from the Agency by following the procedures detailed below.

         (1) If a retired/retiring officer wishes to purchase their issued handgun, then they must submit
             the following completed documents to their Area/Unit Commander, through the chain of
             command:

             (a) Retiree’s Issued Handgun Purchase Form (NRP-490H).
             (b) A Maryland State Police Application and Affidavit to Purchase a Regulated Firearm, Parts I
                 & II (MSP Forms 77R-1 & 77R-2), along with a $10.00 MSP application fee.

         (2) The retiring officer’s Area/Unit Commander shall review the NRP-490H and the Maryland
             State Police forms, and forward all of (a) and (b) above to the Agency Armorer.

         (3) Upon receipt of the items from the Area/Unit Commander, the Agency Armorer shall:

             (a) Insure that the NRP-490H and the appropriate Maryland State Police forms have been
                 properly completed, and the MSP application fee has been attached.

             (b) Make arrangements with the retiring officer to inspect the handgun and determine its
                 condition and replacement dollar value. The condition and replacement value can be
                 determined by one of the following methods.

                 (i) The Agency Armorer may consult the most recent publication of the “Blue Book of Gun
                     Values,” which is published by Blue Book Publications, Inc. or by searching online at:
                     http://bluebookofgunvalues.com/

                 (ii) The Agency Armorer may consult with a valid Federal Firearms Licensed (FFL) dealer. The
web link listed below can be utilized to check the status and validity of an FFL Dealer License.

https://www.atfonline.gov/fflezcheck

(c) Once the Agency Armorer has determined the condition and replacement value, they shall notify the retired/retiring officer of the replacement value. Upon receiving the replacement value monies from the retired/retiring officer, the Armorer shall:

(i) Complete “Handgun Condition & Value” section of the NRP-490H, and forward the packet of materials to the Agency’s Inventory Control Officer at the Matapeake facility.

(ii) Forward the replacement value monies received from the retired/retiring officer to the NRP Administrative Services Bureau, Fiscal Support, Field Operations Section, for deposit into the appropriate Agency account.

(4) The Agency’s Inventory Control Officer shall prepare and process the necessary documents to have the handgun declared as excess property. Once officially declared as excess property, then the Inventory Control Officer shall sign the NRP-490H and forward the packet of materials to the Support Services Bureau Commander.

(5) The Support Services Bureau Commander shall determine if the retired/retiring officer has or is retiring from the Agency in good standing, and if so, then sign the NRP-490H. Once signed, the Bureau Commander will forward to the Superintendent for their signature. Upon the signature of the Superintendent, the Bureau Commander will forward the packet to the Agency Armorer.

(6) The Agency Armorer shall review the NRP-490H and insure that all authorizing signatures have been completed.

(7) The Agency Armorer shall send the completed MSP Forms, along with the application fee to MSP for transfer approval.

(8) Upon MSP approval, and once all documents have been properly signed and completed, the Agency Armorer shall take the necessary steps to have the handgun transferred to the retired/retiring officer. The Agency Armorer may transfer the handgun themselves, or they may have the retired/retiring officer’s Area Commander make the transfer.

(9) Upon transfer of the handgun to the officer, the NRP official making the transfer shall sign and date the NRP-490H in the places provided.

(a) After the handgun has been transferred to the officer and all documents have been completed, the NRP official making the transfer shall forward the following documents as described below:

(i) NRP-490H:
   Forward the original to the Agency Armorer. Copies to be sent to the Agency Inventory Control Officer and Area/Unit files.

(ii) MSP 77R-1 & 2
   Forward original MSP Copy to MSP. Transferor Copy to Agency Armorer. Transferee
CHAPTER 4 SECTION VIII
EMPLOYMENT SEPARATIONS

Copy to the retired or retiring officer

(10) Upon receiving the preceding documents from the NRP official making the handgun transfer, the Agency Armorer shall insure that the handgun is removed from the Agency’s inventory as directed in the Firearms Policy, Chapter 8, Section VII, of this Manual.

8. Resignations:

a. Within 5 days of being notified of an officer’s resignation, the officer’s commander shall forward a detailed report regarding the following through the chain-of-command, to the Personnel Support Section Staff, which will be included in the officer’s official personnel file:
   (1) A summary of the officer’s work performance, habits, and attitudes. This summary will be primarily based upon the officer’s most recent appraisals.
   (2) A statement and/or explanation as to the officer’s suitability for reinstatement or rehire.
   (a) If a commander does not recommend an officer for rehire, then the commander shall give specific detailed information for their recommendation.

F. Involuntary Separations

1. Involuntary Separation shall mean a separation from employment which is the result of the Agency taking action to terminate the officer’s employment.

2. Involuntary Separations shall be in accordance with NRP policy, the Law Enforcement Officers’ Bill of Rights, and the State Personnel and Pensions Article, Annotated Code of Maryland.

3. Recommendations for terminating an officer’s employment with the Agency can be initiated from one of the entities listed below:
   a. Supervisor,
   b. Commander, or a
   c. Hearing Board

4. Recommendations for terminating a probationary officer may be initiated at any supervisory level.
   a. Recommendations for terminating an officer shall be made by a detailed report submitted through the chain-of-command to the Superintendent.
   b. All levels of command in agreement with the recommendation will endorse the report. Any level of command not in agreement with the recommendation shall prepare a separate detailed report explaining their disagreement.

5. Supervisory or commander recommendations for termination will be initiated when it is determined that an officer is incompetent, unfit, or unable to properly perform the job, and all efforts (e.g. training, counseling, retraining, personalized instruction, etc.) taken to correct the situation have proven to be ineffective.

6. Supervisor or commander reports recommending termination shall contain detailed information citing specific examples of unacceptable behavior that substantiate the recommendation for termination, supported by the following evidence:
   a. Documents
   b. Witness Statements
   c. Dates
   d. Times
e. Results of any administrative or criminal investigations.
f. Test results (PBT, Breathalyzer, Chemical, etc.), photographs, etc.

7. In addition to citing the inadequacies:
   a. All efforts and activities taken to modify or correct the shortcomings will be thoroughly explained.
   b. Each level of command will prepare a report detailing their involvement and/or participation in correcting the unacceptable performance.

8. Hearing Board recommendations for an officer’s termination shall follow the established procedures enumerated in Chapter 6 of this manual.

The Superintendent shall render the final decision as to an officer’s termination.

9. Whenever an officer is involuntarily separated from employment, the Superintendent shall direct a letter to the officer containing the following:
   a. Reason for separation.
   b. Effective date of separation.

10. Whenever an officer is involuntarily separated from employment, staff from the NRP Personnel Support Section will ensure the Officer is explained the following during a scheduled clearance interview:
    a. Statement of the status of fringe and retirement benefits after dismissal.
    b. Summary of benefits that may continue after the separation.
    c. Points of contact for add-on programs or benefits.

G. Employment Separation by Death

1. Following an officer’s death, the officer’s commander will, at the appropriate time, make every effort to secure the officer’s equipment and various identification cards from the family or survivors of the deceased.

2. Commanders will insure that the NRP-490C is completed along with the proper endorsements.

3. For deceased officer’s in good standing, the Superintendent or their designee will secure and present the following to family or survivors of the deceased:
   a. Certificate of Appreciation for the deceased officer’s service.
CHAPTER 4 SECTION IX
TRAINING AND CAREER DEVELOPMENT

A. Entrance Level Training

1. A police officer shall attend an entrance level training program approved by the Maryland Police and Correctional Training Commission (MPCTC) and successfully complete the program before certification as a police officer.

2. Entrance-level program standards can be found in COMAR 12.04.01.09.

3. Minimum performance objectives are composed and sanctioned by the MPCTC.

B. NRP Probationary Period

1. All NRP Officers shall remain in a probationary status for a period of two years from the date of initial appointment to the Natural Resources Police Force.

2. Refer to Department of Budget and Management Regulations 17.04.03.17, for complete information on Probationary Periods.

C. Promotional Training

Within one year of the date of promotion to Sgt./1st line Supervisor or Lt./Management, the following training will be conducted.

1. Sgt.- First Line Supervisor Training – Typically a 10 day course that includes problem solving exercises focusing on the fundamental skills required of first line supervisors and is taught to both law enforcement and correctional officers.

2. Lt. - First Line Administrators Training – Typically 6.5 day course that facilitates the understanding of effective management and leadership. Instructors guide students through scenario-based learning, role player activities and problem identification and resolution geared to either law enforcement or correctional officers.

D. Field Training Officer Program

1. The Field Training Officer Program has been developed and implemented to meet the high standards of professionalism within NRP. The program is a function assigned to the Training and Recruitment Unit.

2. The trainee checklist and standardized evaluations guidelines are integral features of the program providing a sound structure and basic foundation for the learning process that each trainee will undergo. The standards of proficiency set by the Field Training Officer Program are meant to ensure that each officer completing the training has received the necessary instructions and guidance under field conditions.

E. In-service Training

1. A certified police officer at or below the rank of first line supervisor must complete a minimum of 18 hours of in-service training each calendar year as approved by the MPCTC.
F. Nominations to FBI Academy

1. Purpose - The F.B.I. Academy conducts a program of approximately 11 weeks in duration, four times a year, for select members of law enforcement agencies from the United States and several foreign countries. Attendees are individuals who have demonstrated a marked potential for promotion or assignment as administrators or executives of both civilian and military law enforcement agencies. The program graduates approximately 1000 students each year, and the NRP is only able to obtain one position every three or four years, although longer intervals are possible.

2. Applications will only be accepted from officers holding the rank of Lieutenant or above. Applications on file should be resubmitted annually.

G. Travel Regulations

Expenditures for official travel may be considered as reimbursable only if incurred in accordance with COMAR 23.02.01.
CHAPTER 4 SECTION X
EMPLOYEE ORGANIZATIONS

A. Collective Bargaining

As defined in the State Personnel and Pensions Article, Title 3, Collective Bargaining, all sworn law enforcement officers within the Agency from the rank of Sergeant and below, have the right to engage in collective bargaining through their exclusive representative and enter into a memorandum of understanding with the Agency relating to wages, hours, and other terms and conditions of employment.

B. Labor Activities

1. An officer has the right to join labor or fraternal organizations.

2. An officer shall not engage in a strike or job action to include but not be limited to the concerted failure to report to duty, willful absence from one’s position, unauthorized holidays, sickness unsubstantiated by a physician’s statement, stoppage of work. Officers will not abstain in whole or in part for the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

C. Political Activity

1. Except as noted in this section, employees have the same rights to engage in political activities as any other citizen.

2. Politically active employees should familiarize themselves with and will be governed by Election Law Article of the Annotated Code of Maryland.

3. Employees involved in political activity on the federal level will be governed by the Hatch Act.

4. Employees may engage in any political activity not prohibited by local, State, or federal statutes.

5. The Code of Ethics in Title 15, State Government Article, Annotated Code of Maryland, does not prohibit state employees from seeking elective office in a partisan election.

6. State employees should be sensitive to ethical considerations in their initial decisions to seek political office and the conduct of their campaigns, including any action during the course of a campaign that may violate the “conflicts provision” of Title 15, State Government Article.

7. Employees will not use their official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office.

8. Employees will not directly or indirectly coerce, attempt to coerce, command, advise, or promise to reward state or local officer or employee to pay, lend or contribute anything of value to political party, committee, organization, agency or person for political purposes.

9. Employees may not engage in political activity while wearing any portion of the official issued uniform, equipment or while using an official NRP vehicle.
A. Fair Practice Work group

1. The NRP has established the Fair Practices Work group as a mechanism within the Natural Resources Police that will provide the employee with an avenue of communications and means of resolving issues concerning any unfair practices by management.

2. The mission of the Fair Practices Work Group shall be to review Agency Policies and Procedures, and any other concerns related to the issue of fair practices.
   a. The work group will be responsible for identifying those issues that may give the appearance or perception of being biased or otherwise prohibited by administrative policy, executive order, regulation, or law.
   b. Upon identifying the aforementioned concerns or practices, the Work Group will advise the Fair Practices officer and the Superintendent of its findings, along with any recommendations for eliminating such bias.

3. When Natural Resources Police personnel are confronted with problems that they prefer not to discuss with their immediate supervisor, this work group provides employees with a method of resolving their concerns.

4. This ability of employees to openly and freely communicate concerns to their work group representatives, and the ability of work group members to discuss topics with their peers is a key to the success of the mission of the Fair Practices Work group.

5. All Natural Resources Police personnel shall render the requested assistance and cooperation necessary to ensure that the Fair Practices Work group is able to accomplish its assigned task.

6. Members of the Fair Practice work group will be rotated on a five year term so that various members of the agency have an opportunity to participate.
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CHAPTER 4 SECTION XII
DISCRIMINATION & HARASSMENT

A. Authority

Discrimination and/or harassment, based on age, ancestry, citizenship, color, creed, gender identity, marital status, mental or physical disability, national origin, pregnancy, race, religious affiliation, belief or opinion, sex or sexual orientation, or union membership in the workplace, is prohibited by one or more of: Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e); Code of Federal Regulations Section 1604.11; Maryland Human Relations and Discrimination Laws Article 49B, Annotated Code of Maryland; Executive Orders of the Governor, Executive Order 01.01.1995.19 - Code of Fair Employment Practices and EEOC Policy Guidance on Sexual Harassment, Number N-915 - 050 (03-19-90).

B. Scope

The policies and procedures contained in this section apply to all employee-to-employee and employee-to-citizen contacts as listed in subsection D2a through D2c of this section.

C. Definitions

1. Discrimination includes those acts prohibited by State and federal law. It may include discrimination based on:
   a. All forms of illegal prejudice.
   b. Expressions of racial/ethnic/religious insults and epithets.
   c. Gender based derogatory comments.
   d. Sexual harassment.
   e. Retaliation against a complainant for filing a complaint of discrimination.

2. Harass means to disturb or irritate persistently. Harassment may be present in varying degrees and is generally applied or defined by the individual or group affected. The term “harass” is the most commonly applied term in a discriminatory matter, however, other terms, i.e., hound, badger, bother, pester, plague, bait, torment, etc. may easily be substituted. Harassment may include but is not limited to:
   a. Using words, phrases, or gestures which may be interpreted as derogatory or demeaning.
   b. Posting/distributing literature, bulletins, cartoons, or other written material which may be interpreted as derogatory or demeaning.
   c. Mimicking, imitating or miming oral or physical characteristics considered stereotypical of individuals or groups of individuals which may be interpreted as derogatory or demeaning.
   d. Participating in and/or encouraging any retaliatory acts directed at individuals or groups exercising these rights against such discriminatory acts.
   e. Condoning any such activities.
   f. Retaliating against a complainant for complaining of being harassed.

3. Retaliation means that no action shall be taken against the employee because they have opposed any unlawful employment practice, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under 42 U.S. C. Section 2000e - 3(a).

4. Sexual Harassment

   a. Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:
      (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an
individual’s employment.
(2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
(3) Such conduct has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

b. Sexual harassment is an infringement of an employee’s right to work in an environment free from unwanted sexual attention and sexual pressure of any kind.

c. Sexual demands in the work place especially between a supervisor and a subordinate may sometimes threaten a person’s economic livelihood and create an atmosphere that is not conducive to maximum productivity.

d. Sexual harassment need not necessarily involve a male supervisor and a female subordinate. It may also apply in reverse. Pressure can be directed by a person of either sex against a person of the opposite or same sex or from a co-worker or a supervisor.

e. The victim need not be the person harassed, but could be anyone affected by the offensive conduct.

f. The following is a partial list of the types of activities which could be considered sexual harassment depending on the facts and circumstances:
(1) Unwanted or offensive physical touching.
(2) “Off color” jokes.
(3) Unwanted, unwelcome and unsolicited propositions.
(4) Offensive language.
(5) Holding up to ridicule a member of one sex to others.
(6) The placement of sexually explicit material in the work areas, desks, etc.
(7) Notes and other messages either signed or anonymous placed on bulletin boards, in lockers, in desks, etc.
(8) The required wearing of particular types of clothing or the inference that wearing particular types of apparel will enhance one’s career.
(9) Attempted transfer, demotion, dismissal, etc. after refusing or resisting sexual advances.
(10) Requesting or ordering employees to perform tasks which are not part of their job specifications, such as:
(a) Making coffee.
(b) Obtaining lunch.
(c) Doing personal shopping for supervisors.
(11) Demeaning comments or actions.
(12) Unwanted, unwarranted, and unsolicited advances, on or off-duty, when such action relates to the employee-employer relationship.
(13) Non-verbal suggestive or insulting noises, leers, whistles, or gestures.

D. Policy

1. A policy of fair practices supports the NRP belief that employees must treat each other with mutual trust, respect, fairness, and dignity. The strength of the NRP in accomplishing its mission depends on the ability of its employees to communicate and function effectively. A work environment that nourishes respect and fairness among co-workers enhances morale and encourages similar relationships with the public.

2. Incidents of sexual harassment, discrimination, and/or harassment based on age, ancestry, color, creed, marital status, mental or physical disability, national origin, race, religious affiliation, belief or opinion, sex, sexual orientation, or any other non-merit factor, are prohibited. This policy shall apply in all situations where personnel interact with others, and:
CHAPTER 4 SECTION XII
DISCRIMINATION & HARASSMENT

a. The employee is acting as a representative of the NRP;
b. The employee is on duty or during work hours; or
c. Where the individual’s actions or comments may be interpreted as those of an NRP employee or the NRP itself.
d. Brings disrepute upon the agency either on-duty or off-duty.

3. Any form of retaliation for reporting discrimination, harassment, or gender bias will not be tolerated. Threats or acts of retaliation against witnesses reporting, testifying, or supporting a complaint of discrimination, harassment or gender bias are prohibited. Violations will result in disciplinary action as appropriate, which may include termination.

4. This policy shall prevail in all matters of employee relations, including, but not limited to: opportunities for employment, promotion, transfer, education and training; supervision; performance appraisals; internal investigations; and the processes for discipline, demotion and termination.

5. Victims and/or persons who have knowledge of a discrimination, harassment, or sexual harassment incident/situation are encouraged to initiate the appropriate action to address the situation.

E. Responsibilities

Persons in authority, e.g., supervisors, commanders, etc. who have knowledge of a discrimination, harassment, or sexual harassment incident/situation will initiate action or ensure that the appropriate actions relative to such an incident are taken. Failure to take the appropriate actions will result in disciplinary action.

F. Reporting Discrimination and/or Harassment Situations

1. Incidents of discrimination harassment and/or retaliation for filing a complaint will be promptly reported in accordance with established procedures. Attempts will be made to address the circumstances at the lowest possible level with the intent to immediately correct the situation and prevent further occurrences.

2. Reporting Options:
   a. Informal Action:
      (1) An employee subjected to, or having knowledge of a suspected harassment situation may personally confront the antagonist and make it understood that the behavior(s) or activities are considered to be a form of harassment, are unwanted, and must cease. If resolved satisfactorily, no further action is necessary.
      (2) If the circumstances are such that direct confrontation with the alleged antagonist would further aggravate the situation, the victim may discuss the situation with:
         (a) A representative of the NRP Fair Practices Workgroup. The Fair Practices Workgroup Representative may give counsel and guidance to the victim in how they may proceed.
         (b) A representative of the DNR Office of Fair Practices (OFP).
CHAPTER 4 SECTION XII
DISCRIMINATION & HARASSMENT

b. Formal Action - Within the NRP

(1) Notification, written or verbal, may be made to:
   (a) A supervisory employee (victim’s, aggressor’s or other);
   (b) A commander (victim’s, aggressor’s or other); or,
   (c) The NRP Internal Affairs Unit (IAU).

c. Formal Action - Outside the NRP

(1) Reports of harassment situations may be reported directly to:
   (a) The Department of Budget and Management;
   (b) The Baltimore District Office of the Equal Employment Opportunity Commission; or
   (c) The Maryland Commission on Human Relations.

   (2) Reports to these departments have separate filing requirements.

G. Processing Complaints of Discrimination, Harassment and/or Retaliation

1. Except in those cases where the circumstances are settled directly between the victim and the alleged aggressor, the victim should complete an NRP Form NRP-480 (Discrimination & Harassment Incident Report), immediately after the incident occurred or is reported.

   a. In those instances where a victim fails to complete an NRP-480, and reports the incident to a supervisor or commander, then the supervisor or commander shall insure that an NRP-480 is completed.

2. Anytime a report of a discrimination or harassment incident is made to a supervisor or commander, they shall insure that the incident is appropriately documented and filed according to procedures contained in Chapter 6, Sections VI, IX, XIV, XV, XVII, and XVIII, respectively titled, Processing Administrative Complaints, Investigative Procedures, Disciplinary Matrix, Law Enforcement Officers’ Bill of Rights, Civilian Disciplinary Procedures, and State Personnel and Pensions.

3. Commanders shall forward a completed NRP-480 directly to:
   a. The NRP Internal Affairs Unit (IAU); and,

4. If some information is not known at the time the NRP-480 is filed, the Form 480 will still be forwarded immediately to the IAU and OFP. An NRP Form NRP-510 (Memorandum, will be forwarded when the additional information is known. No copies of the NRP-480 will be made or retained by a supervisor or commander.

5. Both IAU and OFP will notify the submitting party when the original NRP-480 is received.

6. The OFP will follow their internal procedures to invest any discrimination or harassment complaint. The OFP will keep IAIU informed of their investigation, and they will notify IAIU of their findings.

7. Requests to review an NRP-480 in NRP’s possession must be approved by the Superintendent.

8. Quarterly, the IAU will generate a statistical report of discrimination and harassment incidents for distribution to the Superintendent, Bureau Chiefs, and the chairperson of the NRP Fair Practices
9. When a complaint of discrimination, harassment, sexual harassment and/or retaliation is made, IAU along with Senior Command will ensure that a supervisor at the appropriate level:
   a. Will review the proper reporting procedure with the aggrieved employee and the accused employee’s supervisors.
   b. Have an obligation to make an immediate preliminary inquiry (in no case greater than 10 days) when there are reports of discrimination, harassment and/or sexual harassment. If the behavior complained of constitutes discrimination, harassment and/or sexual harassment or other serious misconduct, the commander will assure that an investigation is conducted and, if appropriate, disciplinary actions are taken as provided in Chapter 6, dealing with administrative complaints and discipline.
   c. Will assure that supervisory contact with the accused is made to prevent a potential continuing course of unwanted conduct. During this contact the supervisor will:
      (1) Advise the accused that if the alleged conduct/behavior is occurring, that it is not appropriate and must cease immediately.
      (2) Caution the accused against retaliatory acts.
   d. Will monitor personnel affected by the investigation to prevent continuation of the conduct in question, or retaliation for actions taken to resolve it.
   e. Will maintain personal contact with the victim to alleviate fear and to assure that everything possible is being done to resolve the complaint.
   f. Will contact the victim at frequent intervals (no greater than 15 days) to inform of case progress and upon completion of the investigation, its disposition.
   g. After disposition, will make follow-up contact with the victim within 60 days, to ensure that there has not been continuation of improper conduct, threats of retaliation, or retaliation.
   h. Employees who fail to document and follow these guidelines will be subject to disciplinary action.

H. Complaints of Discrimination and/or Harassment from Non-NRP Employees

1. All Complaints against personnel from non-NRP employees which originate from situations listed in subsection D2a through D2c of this section shall be investigated.

2. Complaints against sworn personnel will be processed under the procedures listed in Chapter 6 Section VI (Processing Administrative Complaints) of this Manual.

3. Complaints against civilian personnel will be processed under the procedures listed in Chapter 6, Section XVII (Civilian Disciplinary Procedures) of this Manual, Title 11, State Personnel and Pensions Article, Annotated Code of Maryland, and COMAR 17.04.05.
CHAPTER 4 SECTION XII
DISCRIMINATION & HARASSMENT

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CHAPTER 4 SECTION XIII
GRIEVANCE PROCEDURES
A. Grievance Procedures – In General

1. In order to resolve disputes at the lowest level between and an employee and management regarding the interpretation and/or application of a policy, procedure, or regulation, an employee may file a grievance in an attempt to resolve the dispute.

2. The method and procedures that an employee must follow to file a grievance will depend on the employee’s classification and the nature of the grievance.

   a. An employee may file a grievance under Title 12 of the State Personnel and Pensions Article, Annotated Code. This statute follows a three step grievance process.

   b. An employee may file a grievance utilizing a process authorized in their collective bargaining agreement. The number of steps involved in the grievance process is dependent on the employee’s collective bargaining agreement.

B. Title 12 Grievance Process

The following is a synopsis of the Title 12 Grievance Procedures. For detailed listing of the procedures, the reader is directed to the State Personnel and Pensions Article, Title 12, Subtitle 2, sections § 12-201 thru § 12-205, Annotated Code of Maryland.

1. Title § 12-101 Definitions:

   a. Employer means:
      (1) An employee’s appointing authority,
      (2) An employee’s principal unit; or
      (3) The Department of Budget and Management.

   b. Grievance means a dispute between an employee and the employee’s employer about the interpretation of and application to the employee of:
      (1) A personnel policy or regulation adopted by the Secretary; or
      (2) Any other policy or regulation over which management has control.

   c. Grievance does not include a dispute about:
      (1) A pay grade or range for a class;
      (2) The amount or the effective date of a statewide pay increase;
      (3) The establishment of a class;
      (4) The assignment of a class to a service category;
      (5) The establishment of classification standards; or
      (6) A mid-year performance appraisal; or
      (7) An oral reprimand or counseling.

2. Under Title § 12-102, all employees, except for those that are specifically excluded, may file a grievance.

   a. Those employees specifically excluded from the Title include, but are not limited to:
      (1) An employee who is appointed by the Governor whose appointment requires the Governor’s approval;
      (2) An employee in the executive service of the State Personnel Management System;
CHAPTER 4 SECTION XIII
GRIEVANCE PROCEDURES

(3) A temporary employee;
(4) An employee who is subject to a collective bargaining agreement that contains another
  grievance procedure.

3. Under § 12-103, an employee with a grievance or the grievant’s representative may present the
  grievance free from coercion, discrimination, interference, reprisal, or restraint.

4. Unless another procedure is provided for, the grievance procedure of Title 12 is the exclusive
  remedy through which a non-temporary employee in the State Personnel Management System may seek
  an administrative remedy for violations of the provisions of this article.

5. § 12-105 Representation:
   a. For Grievant - A grievant may choose any person to assist or represent the grievant at any time
      during the grievance process and shall notify the employer of that choice.
   
   b. For Employer - The appointing authority, the head of the principal unit or the Secretary may
      designate an individual to assist or represent them at any step of the grievance process and shall
      notify the grievant of that designation.

6. Under § 12-109 each party to a grievance shall make every effort to resolve the grievance at the
  lowest level possible.

7. Under § 12-106, if a grievant fails to appeal a decision to the next step, then the grievant is
  considered to have accepted the decision.

8. Under § 12-106, if the appointing authority fails to decide a grievance at any step, then it is
  considered a denial from which an appeal may be made.

9. Under § 12-107, the parties may agree to waive any time limitations specified.

10. Title § 12-201 Grievance Procedures:

    Unless an employee elects to appeal through the Peer Review Process, a covered employee (see State
    Personnel and Pensions Article, § 12-102) may file a grievance in the following manner:

    § 12-202 before initiating the grievance procedure, the employee shall present the matter orally to
    the employee’s supervisor for informal discussion.

    a. § 12-203 Step One: Initiation of grievance proceedings

    Within 20 calendar days after the alleged cause of complaint, or within 20 calendar days after the
    employee reasonably became aware of the alleged cause of complaint, the employee must present
    the grievance in writing to the appointing authority and their supervisor.

    The appointing authority shall hold a conference with the employee within 10 calendar days after
    receipt of the written grievance and they shall attempt to resolve the grievance.

    Within 10 days after the conference, the appointing authority shall issue a written decision to the
grievant and may grant any appropriate remedy under §12-402(a) of this title.

b. §12-204 Step Two: Appeal to Administrative Head

If the employee is not satisfied with the decision in Step One, the employee or the employee’s designated representative may appeal in writing to the head of the principal unit or designee within 10 calendar days after receipt of the Step One written decision. The appeal shall include a copy of the decision being appealed.

Within 10 calendar days after receiving the appeal, the head of the principal unit or a designated representative shall review the grievance record and confer with the grievant and they shall attempt to resolve the grievance.

The head of the principal unit or designee shall issue a written decision to the grievant and may grant any appropriate remedy under §12-402(a) of this title within 10 calendar days after the conference.

c. §12-205 Step Three: Appeal to Secretary

If the employee is not satisfied with the decision in Step Two, the employee or the employee’s designated representative may appeal in writing to the Secretary of the Department of Budget and Management (DBM) within 10 calendar days after receipt of the Step Two written decision. An appeal shall include a copy of the decision being appealed and any prior decisions.

Within 30 days of receipt of the employee’s appeal, the Secretary of DBM or their designee shall review the grievance record and may confer with the parties and attempt to resolve the grievance. If a settlement is not reached, the Secretary of DBM or their designee shall forward the appeal to the Office of Administrative Hearings.

Within 45 days of the close of the hearing record, the Office of Administrative Hearings shall issue a written decision to the parties. The disposition of the appeal by the Office of Administrative Hearings is the final administrative decision.

C. Weapons at Office of Administrative Hearings (OAH) Facility

1. The Maryland Office of Administrative Hearings (OAH) does not permit weapons in any of its hearing facilities. Individuals who legally possess the right to wear and carry firearms will be directed to secure the weapon in his/her vehicle prior to entering an OAH facility.

2. Exceptions to OAH’s weapons policy will be for the following circumstances:
   a. An NRP police officer in uniform, acting in his/her official capacity, who has been summoned to appear as a witness for a hearing at the OAH and/or who is on official duty and representing the Agency in an Administrative Hearing.
   b. An NRP police officer not in uniform, who is acting in his/her official capacity as a representative of the Agency in a hearing, will display his/her badge of authority and conform to the Agency’s policy on the wearing and carrying of firearms.

D. Sworn Law Enforcement Officers’ Grievance Process

1. In conformance with the Memorandum of Understanding (MOU) between the Natural Resources
CHAPTER 4 SECTION XIII
GRIEVANCE PROCEDURES

Police (NRP) and the State Law Enforcement Officers’ Labor Alliance (SLEOLA), NRP law enforcement officers may file a grievance regarding a dispute over the interpretation or application of the MOU.

2. Subject to any limitations of existing law, a complaint is defined as a dispute concerning the application or interpretation of the terms of the MOU. The provisions of this procedure shall be the only procedure for complaints concerning interpretation or application of the MOU. Disciplinary appeals or grievances otherwise appealable through procedures established by law or regulation are not subject to this procedure.

3. Complaints regarding the MOU shall be presented and adjusted in the following manner:

   a. **Step One**
   Within 15 days after the event giving rise to the complaint or within 15 days following the time when the employee should reasonably have known of its occurrence, the employee aggrieved and/or the Union representative shall discuss the dispute with the employee’s immediate supervisor. The Supervisor shall attempt to adjust the matter and respond orally to the employee and/or the Union representative within three (3) days.

   b. **Step Two**
   If the dispute has not been settled at step one, a written complaint may be filed and presented to the employee’s appointing authority and/or designee within seven days after receiving the step one response. A Union representative must sign the complaint. The appointing authority or designee shall meet with the employee and the employee’s Union representative and render a decision in writing no later than twenty (20) days after receiving the complaint.

   c. **Step Three**
   If the complaint has not been settled at step two, a written complaint may be filed with the Head of the Principal unit within seven days after receipt of the answer at step two. The Head of the Principal unit or designated representative shall meet with the employee and the Union representative and render a written decision within twenty (20) days after receiving the written appeal. When the appointing authority is also the Head of the Principal unit, this step shall be skipped and the step two decision shall be appealed directly to step four.

   d. **Step Four**
   If the dispute has not been settled at Step Three, SLEOLA’s President, or designee, may file a written complaint with the Secretary of the Department of Budget and Management, or designee, within thirty (30) days of the Step Three response. If the Secretary, or designee, does not concur with the decision rendered at Step Three of the procedure, the Secretary, or designee, shall render a decision that is binding on the unit. If the Secretary, or designee, concurs with the Third Step decision, the Secretary, or designee, may refer the matter to fact-finding within thirty (30) days. The Union can appeal to fact-finding the decision of the Secretary, or designee, within thirty (30) days of the Secretary’s, or designee’s, decision.

When fact-finding is invoked, the Union and the Employer shall jointly request a list of seven (7) neutral fact-finders from the FMCS. The parties will meet within fifteen (15) days of receipt of the FMCS list to seek agreement on one of the listed fact-finders. This meeting may take place on the telephone. If the parties cannot agree on a fact-finder, the Employer and the Union will alternately strike one name from the list until a single name remains. A flip of the coin shall determine who
GRIEVANCE PROCEDURES

shall strike the first name.

The fact-finder shall resolve all questions related to the procedure. Upon mutual agreement of the parties, threshold issues may be resolved prior to the parties proceeding with the substantive issues involved in the case. The cost of the fact-finder shall be shared equally by the parties.

4. Appeal Of Fact-finder’s Decision

If the Employer or the Union disagrees with the fact-finder’s decision, an appeal may be filed with the State Labor Relations Board within thirty (30) days of receipt of the decision in accordance with the Board’s regulations. Only the Union’s President or the Governor’s designated collective bargaining representative may appeal a fact-finder’s decision.

5. General Provisions

a. As used in this Article, “days” means calendar days. If the last day a response or action is due falls on a Saturday, Sunday, or State holiday, the deadline shall be extended to the next non-holiday weekday. All deadlines in this Article may be extended by mutual agreement. Time limits for the processing of complaints are intended to expedite dispute resolution and, if not extended, must be strictly observed. If the matter in dispute is not resolved within the time period provided for in any step, the next step may then be invoked. If the employee or Union fails to pursue any step within the time limits provided, he/she shall have no further right to continue to seek resolution of that dispute.

Failure by management to provide a response in the time required shall be deemed a denial of the complaint. A failure to appeal such denial within ten (10) calendar days of the date a response was due shall constitute a withdrawal of the complaint except that the Union shall have thirty (30) days from the date the response was due to invoke step four. The Employer shall ensure that its supervisors and representatives do not repeatedly fail to respond to complaints in a timely manner and shall also ensure that its designees are authorized to settle matters subject to the complaint.

b. If a dispute arises from the action of an authority higher than the immediate supervisor, such dispute may be initiated at the appropriate step of this procedure.

c. Each agency shall provide the Union with a list (including telephone number, fax number, and mailing address) of its appointing authorities and Heads of Principal units (or designees).

d. Only designated Union representatives may represent employees or file appeals under this procedure. For purposes of this Article, stewards, Union staff, and Union officers shall be considered designated Union representatives. The Union will provide a list of the names of the aforementioned (to include telephone numbers, fax numbers, and mailing addresses) to the Executive Director of the Office of Personnel Services and Benefits. An employee’s complaint must be signed by a Union representative of SLEOLA.

e. Stewards and Union representatives referred to in this procedure shall be granted reasonable time off with pay to process grievances pursuant to this Article during working hours. Meetings scheduled pursuant to this Article shall be scheduled at a mutually agreeable time during the regular working hours of the Union representative and Employer representative, if possible, but
such meetings may be waived by mutual agreement. If the Union and Employer representative do not work on an overlapping schedule, the meeting shall be scheduled during regular day shift hours and, upon request of the Union representative, his/her schedule shall be adjusted if it is consistent with operational needs of the agency. There shall be no overtime or compensatory time earned for the processing of a complaint or attendance at a meeting under this Article.

f. A written complaint shall state the issues including a citation to the relevant portion of the MOU allegedly being violated.

g. Each party shall make every effort to resolve a dispute at the lowest level possible.
A. Memorandum of Understanding Between NRP & SLEOLA

In order to promote efficiency and to insure uniform application of officers’ rights and benefits under the Memorandum of Understanding (MOU) between the Maryland Natural Resources Police and SLEOLA (State Law Enforcement Officers Labor Alliance), the following is a compilation of relevant sections of the MOU.

Since only relevant portions of the MOU are reproduced in this manual, bracketed notations “[ ]” will be used to direct the reader to information or sections contained in the full-text version of the MOU. Employees wishing to obtain or examine a full-text version of the MOU should contact their SLEOLA representative or Area Commander.

Once a ratified copy of the MOU has been obtained by the Superintendent, the Superintendent will make a copy available to the Planning, Records, and Warrants Section. The Manual will then be updated with the most recent MOU.

B. Conflicts Between the NRP Manual of Policies and Procedures and the MOU.

Every effort has and will be made to insure that this Manual has incorporated in its policies, procedures, and regulations all collectively bargained items of agreement. In those instances where this Manual is in conflict with the collectively bargained items of agreement, then the agreement shall prevail.

C. Relevant Portions of the Memorandum of Understanding, excluding appendixes and selected sections

PREAMBLE

This Memorandum of Understanding (“MOU”) is entered into by the State of Maryland (“Employer”) and the State Law Enforcement Officers Labor Alliance (“Union”), and has as its purpose the promotion of harmonious relations between the Employer and the Union; the establishment of an equitable and peaceful procedure for the resolution of differences without disruption in the workplace; and includes the agreement of the parties on the standards of wages, hours and other terms and conditions of employment for the Bargaining Unit employees covered hereunder. The Employer recognizes the commitment of the Union and employees to organizational efficiency and high quality services and will actively encourage the sharing of concerns regarding management practices, policies and procedures. This MOU, including any appendices hereto, applies to all departments / agencies of the State whose employees are in the Bargaining Unit covered by this MOU, except as to those provisions of this MOU that are expressly limited to a particular department / agency.

It is understood that agreements on issues requiring approval by the General Assembly of Maryland are tentative pending approval of the General Assembly of Maryland. The provisions of this MOU shall in no way diminish or infringe any rights, responsibilities, power or duties conferred by the Constitution of the State of Maryland and the Annotated Code of Maryland, including Title 3, State Personnel and Pension Article (the State Employee Collective Bargaining Law), as amended, and all laws are hereby incorporated in this MOU as if fully set forth herein and, except as provided in Article III, in the event of a conflict between this MOU and the law, the law shall prevail.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

ARTICLE I – RECOGNITION

Section 1. Exclusive Representation
Pursuant to the Collective Bargaining Law (Title 3, State Personnel and Pensions Article), the Employer recognizes the Union as the sole and exclusive representative in all matters establishing and pertaining to wages, hours and other terms and conditions of employment for all employees in Bargaining Unit I. The Employer will not negotiate with any other union or employee organization on matters pertaining to wages, hours and other terms and conditions of employment for all employees in the Bargaining Unit. The employer will not allow non-exclusive representatives or other employee organizations to address new employees at orientation meetings.

Section 2. Integrity of the Bargaining Unit
In the event the Employer proposes to use non-bargaining unit individuals to displace continuing bargaining unit positions, it will provide the Union with notice at the earliest opportunity, but normally at least 75 days in advance. Commanders will not be assigned bargaining unit work for the purpose of limiting overtime opportunities for bargaining unit employees except when fiscal or operational exigencies necessitate.

Section 3. Inclusion / Exclusion of Existing and New Classifications
If it is believed that the bargaining unit status of a classification has changed, the Employer or the Union, whichever is proposing the change, shall notify the other. Following such notice, the parties shall meet and attempt to resolve any disagreements about the issue. The Employer will promptly notify the Union of all decisions to establish new classifications. If a new classification is a successor title to a classification covered by this MOU with no substantial change in duties, it shall become part of this bargaining unit. Where the Union believes a new classification contains a significant part of the work done by any classification in this bargaining unit or shares a community of interest with classifications in this bargaining unit, the Union may notify the Employer, within 30 days of receiving notice of the new classification, that it believes the classification should be in this bargaining unit. The parties will then meet to review the classification specifications and attempt to resolve the issue.

ARTICLE II – NON-DISCRIMINATION

Section 1. Prohibition Against Discrimination
It is the policy of the State to prohibit discrimination in employment against any employee or applicant for employment because of race, age, color, religion, creed, sex, sexual orientation, political affiliation, country of national origin, ancestry, genetic information, gender identity or expression, mental or physical disability, marital status, or labor organization affiliations, and to promote and implement a positive and continuing program of equal employment opportunity.

It is the policy of the Union that it shall not discriminate against any employee or cause or attempt to cause the State to discriminate against any employee because of race, age, color, religion, creed, sex, sexual orientation, political affiliation, country of national origin, ancestry, genetic information, gender identity or expression, mental or physical disability, marital status or labor organization affiliation.

Section 2. Union Activity
Each employee shall have the right to join and while off work or on official release time, assist the Union freely, without fear of penalty or reprisal, and the Employer shall assure that each employee shall be protected in the exercise of such right.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Section 3. Equal Employment / Affirmative Action / Americans with Disabilities Act
The parties agree to comply with applicable Federal and Maryland Equal Employment laws, Affirmative Action laws and the Americans with Disabilities Act.

Section 4. Representation
The Union recognizes its responsibility as the exclusive bargaining representative for this unit and agrees to fairly represent all employees in the bargaining unit.

ARTICLE III – MANAGEMENT RIGHTS

The Employer retains the sole and exclusive authority for the management of its operations and, except as expressly limited by a specific provision of this MOU, may exercise all rights, powers, duties, authority and responsibilities conferred upon and invested to it by all laws including, but not limited to, Title 3, State Personnel and Pensions Article.

Except as provided above, it is agreed by the parties that any section of this MOU that conflicts with current law, in particular Title 3, State Personnel and Pensions Article and Title 2, Public Safety as it applies to the Maryland State Police, can be changed by management after negotiations with the Union to the extent required by Article XVII (Mid-Contract Negotiations).

It is understood and agreed by the parties that the Employer possesses all other power, duty and right to operate and manage its departments, agencies and programs and carry out constitutional, statutory and administrative policy mandates and goals.

ARTICLE IV – UNION RIGHTS

Section 1. Access
The Employer agrees that local representatives, officers and Union staff representatives shall have reasonable access to the premises of the Employer with prior notice and approval by the Employer for the reason of administration of this MOU. The Union agrees to notify the Employer at least five days in advance of a non-emergency, mass meeting. In emergency situations, the Union may call a meeting during work hours to prevent, resolve or clarify a problem with prior reasonable notice to and approval by the Employer. In addition, upon reasonable notice to and approval by the Employer and consistent with security and public service requirements, Union representatives shall have access to the Employer’s premises for the purpose of membership recruitment. Approval for access described in this section shall not be unreasonably denied.

Section 2. Stewards
The Employer will recognize stewards designated by the Union who will be responsible for investigating and processing grievances and participating in any hearings or conferences related to the grievance. A grievance will have no more than one steward investigating or processing the grievance, or in attendance at grievance hearings. Each installation (a work location; commonly a barrack, division, section or unit) shall have one steward designated by the union, except that for Maryland State Police (MSP) Field Operations Bureau, Department of General Services (DGS) and Department of Labor, Licensing & Regulation (DLLR) installations, an alternate shop steward may be designated. It is understood that shop stewards assigned to the same installation will not be absent from duty concurrently as a result of his / her responsibilities as a steward. For bureaus or divisions where an installation is not clearly defined (e.g., a task force) and the union believes it is reasonable and necessary to have a steward designated at the operation, the matter will be referred to the Labor
MANAGEMENT COMMITTEE (LMC) for resolution. In the event the LMC is unable to agree, the issue will be submitted to the State’s Chief Negotiator and the President of the Union for final action.

The Union will notify the Employer in writing of the names of the designated stewards prior to them assuming any duties. Designated stewards shall be allowed a reasonable amount of duty time without charge to pay or leave to handle grievances. To the extent necessary to participate in grievance hearings, the Employer shall take reasonable steps to adjust a designated steward’s shift so that such participation is on official duty time. Release from duty and shift adjustments will not be unreasonably denied and will be consistent with the operational needs of the Employer.

Section 3. Time Off With Pay During Working Hours
The Employer shall grant time off with pay, consistent with the operational needs of the Employer, including reasonable travel time when necessary, during work hours, the total of which on a daily basis will not exceed the employee’s normally scheduled workday, to attend grievance meetings, labor / management meetings, negotiating sessions regarding supplementation or amendment of this MOU during its term or the negotiation of a successor MOU, committee meetings and activities if such meetings or activities have been jointly established by the parties, or meetings called or agreed to by the Employer, if such employees are entitled and required to attend the meetings by virtue of being Union representatives time off with pay will not be unreasonably withheld. The Union will normally provide the Employer with the names of its representatives who need release time not less than five days prior to the date of the meeting.

Union representatives shall be allowed work time to complete assignments that have been assigned by the LMC. The Employer shall determine when the time can be taken.

The practices described in §12-405 of the State Personnel and Pensions Article shall apply to grievants, witnesses and Union representatives.

Section 4. Release Time Account For Union Activities
On July 1 of each year, the Employer shall credit the Union’s release time account with one day for every 15 bargaining unit members. Union representatives will be allowed time off with pay charged against the account consistent with the operational needs of the Employer for Union business such as state or area-wide committee meetings or state or international conventions, preparation time for negotiations or LMC meetings, and union sponsored labor relations training, and any other SLEOLA business deemed necessary by the President, provided such representative provides reasonable notice to his / her supervisor of such absence. Reasonable notice for Union sponsored meetings and conventions (listed above) is at least 15 days and the Employer shall respond within 15 days of receiving the representative’s notice. Such time off will not be detrimental in any way to the employee’s record and will be specifically taken into account when applying performance standards relating to quantity and timeliness of work. Time may be used in one hour increments. Time off with pay will not be unreasonably withheld.

SLEOLA shall receive a quarterly itemized tracking sheet from the Department of Budget and Management’s Office of Personnel Services and Benefits that shows the amount of release time used and balance of time in the Union Release Time Account.

In addition to the release time described above, the Union is entitled to release time for nine bargaining unit members (one from each member organization plus two SLEOLA officers) for all negotiation sessions and as is necessary to participate in internal union caucuses that are approved by the State during the pendency of negotiations. Such caucuses may be held on days when bilateral negotiations
are not scheduled. It is understood that such release time may on occasion need to be rescheduled because of emergency circumstances. Release time for negotiations will be allowed consistent with the operational needs of the Employer and will not be unreasonably denied.

Section 5. Meeting Space
Union representatives may request the use of state property to hold union meetings. Upon prior notification, the Employer will provide meeting space where feasible. Such meetings will not interrupt state work.

Section 6. Routine Office Supplies
Union representatives are authorized to make reasonable use of copiers and fax machines pursuant to Departmental policy, provided that such use does not interfere with departmental operations and is used for legitimate business purposes. If such equipment is not used consistent with these requirements, the Employer may revoke such privileges after notifying SLEOLA of its intent to revoke such privileges and identifying in writing for SLEOLA, the specific usage(s) which is the basis for the revocation of such privileges. The Employer reserves the right to charge a reasonable fee per copy. Union representatives and appropriate fraternal organizations may continue to use the MILES / METERS system to announce meetings consistent with existing policies and procedures.

Section 7. Bulletin Boards
The Employer shall provide lockable bulletin boards at each work location in areas mutually agreed to on a local basis, for the exclusive use of the Union. The Union shall be responsible for all items posted on the bulletin board. Each item posted shall be dated and initialed by the Union official approving the posting. The Union shall ensure that items are not illegal, defamatory, political, or partisan and that no item is detrimental to the safety and security of the institution. At the time of posting, the Union shall provide a copy of all items to the Employer.

Section 8. Mail Service and Computer Mail
The Union shall be permitted to use internal state mail systems, including computer / electronic mail / fax, for membership and bargaining unit mailings. The use of computer/electronic mail / fax is subject to the same rules of use as described in Section 6. Alternate means of electronic distribution of information (such as the MSP Data Management System or any successor systems) shall be permitted upon reasonable notice to the Employer. Confidentiality shall be maintained subject to the Employer’s security needs. Union mass mailings by internal state mail will be limited to six times per calendar year. Such mass mailings may be individually addressed or distributed by work assignment or facility location. The Union shall give the Employer reasonable notice in advance of mass mailings. The Union and the Employer shall develop a system for these mailings.

Section 9. Distribution of Union Information
At non-secure facilities, the Union shall be permitted to place and distribute materials at mutually agreed upon locations frequented by employees, before and after work, and during breaks and meal periods.

At secure facilities, the Union shall be permitted to place informational materials for employees at the worksite. The placement shall be limited to the area designated as the police officer’s room commonly used to distribute inter-office mail. The information shall be placed in the area designated by the Employer and may have a sign of identification. This placement must be done by a police officer designated by the Union who holds the appropriate security credentials. Distribution of materials will be done in a non-secure area during non-work hours.
Section 10. New Employee Orientation
The Employer will provide the Union with an opportunity to address each new recruit class. Where an agency is too small to have a recruit class, the Employer will notify the Union of any formal orientation meetings. The Union will be advised of the time and location of orientation meetings as soon as such meetings are scheduled. In the event a formal orientation meeting is not given, the Employer shall allow the Union representative and the employee(s) to meet during duty hours at a mutually agreed to later time for 20 minutes. At the conclusion of all formal orientations, the Union will be permitted to give a 20 minute presentation, which may include an enrollment in supplemental union benefits.

Section 11. Agreement Orientation
The parties recognize that it is important for employees covered by this Agreement to understand all of its terms and conditions as well as the contract administration matters that may occur during its duration. Accordingly, the Union shall provide an annual orientation on the Agreement to all current employees at all agencies and during the annual in-service training provided by each agency. This orientation shall be conducted during the lunch break. Employee attendance is voluntary.

Section 12. Information Provided to the Union
The Department of Budget and Management shall provide to the Union a list of information, to include: new hires, separations, promotions, transfers and reclassifications (including name, agency code, position numbers involved, classifications, grades, effective dates, for all bargaining unit employees. New hire employee information will be provided at the beginning of each month and will include actions processed during the preceding month. Other personnel actions listed above will be provided to the Union on a quarterly basis. The above information shall be provided in an electronic format convenient to the Employer.

In accordance with SPP §3-208, the Employer shall provide, upon the written request of the Union, for each employee in the bargaining unit employee represented by the Union:
   a. Name;
   b. Position classification;
   c. Bargaining unit;
   d. Home and work site addresses where the employee receives interoffice or US Mail; and
   e. Home and work site telephone numbers.

The Union may present a written request for employee information twice every calendar year. The Employer may charge the Union a fee not to exceed the actual cost of providing a list of employees’ names, addresses, telephone numbers and work information to the Union. Employees may notify the Employer that they do not want the information described in this section released to the Union in accordance with SPP §3-208(d). The Union shall abide by the restriction concerning the use of information as provided for in SPP §3-208 (e), (g) and (h). Additional information, such as work e-mail address will be made available to the Union by each Department to the extent such information is readily available in an automated fashion. The Union shall treat the information as confidential.

Upon request by the Union, the Employer will provide, within a reasonable amount of time, any other information and documents that the Union is entitled to as the exclusive representative of bargaining unit employees.

Nothing herein shall be construed to restrict the Union’s right to request and receive information in accordance with applicable public information acts.
Section 13. Release From Duty Issues
The parties recognize their respective obligations to appropriately administer the MOU in an efficient manner in the context of effective and efficient government operations. To this end, the Employer and the Union shall each designate a person to discuss and resolve issues associated with release from duty or time off with pay. The Employer may require requests for release time from duty or time off with pay to be in writing. When the Employer denies time off based on operational needs in accordance with this MOU, it shall, upon written request of the Union, provide the reasons in writing and shall advise the representative when he/she can obtain the time off.

Section 14. Exclusivity
No organization other than the exclusive representative shall have access to worksites or otherwise be provided with access to facilities and services of the employer unless they are doing business with the State or except as required by State or federal law.

Section 15. Manuals
The Employer will provide the Union with one copy of each agency’s Administrative and Operational Manuals, and will provide, in a timely fashion, copies of any changes to said documents. If these Manuals are available via an electronic system (e.g., PowerDMS), the Employer will provide the Union with access to the system. The Employer will also provide the Union with an initial issue of the State Personnel and Pension Article of the Annotated Code of Maryland. The Union will be charged for copies of subsequent revisions. Specific unit standard operating procedure manuals will be released as agreed at agency LMC meetings.

Section 16. Check-Off of Dues
Upon the presentation by SLEOLA of a list of the individual employees covered by this MOU for each of whom SLEOLA certifies to have on file a written authorization for dues deduction executed by the employee, SLEOLA shall be entitled to have such employees’ membership dues deducted from their pay checks on a bi-weekly basis and remitted to SLEOLA on a bi-weekly basis.

Section 17. Service Fee
A. Implementation of Service Fee
All employees who are covered by this MOU but who are not members of SLEOLA shall pay to SLEOLA their fair share of the cost of services rendered by SLEOLA that are chargeable as a service fee. Employees in the unit who choose not to become members of SLEOLA within 30 calendar days of employment or 30 calendar days of the signing of this MOU shall be required to pay the service fee. The determination of the fee, collection, escrow, disputes, and other procedures relating to the service fee shall comply with all legal requirements and be governed by the terms and conditions described in Appendix A-1 of this MOU. The service fee shall not exceed the amount of dues uniformly required of SLEOLA members.

B. Amount and purpose of Representation Fee
On or before July 1 of each fiscal year, SLEOLA will determine, pursuant to the criteria contained in Appendix A-1 of this MOU, its calculation of the service fee based on a percentage of its regular expenses; said percentage to represent the cost of all services performed by SLEOLA under Title 3 of the State Personnel and Pensions Article, Annotated Code of Maryland or otherwise lawfully chargeable to employees covered by this MOU who are not members of SLEOLA.

C. Notice to Employees
Before each fiscal year, SLEOLA will send a written notice to each employee in the unit who is required to pay a service fee.

D. Collection of Fee
The State shall automatically withhold from the bi-weekly salary of each employee who is not a member of SLEOLA the service fee as calculated. Such involuntary deduction shall remain in effect until the legal authority for the deduction no longer exists. The State is not required to take any action to collect a service fee from any employee in any given pay period except to the extent that such employee earns wages from the State in that pay period.

E. Conscientious Objectors
An employee whose religious beliefs are opposed to joining or financially supporting any collective bargaining organization is not required to pay a service fee but is required to pay an amount equivalent to the service fee required of employees who are covered by this MOU but who are not members of SLEOLA, to any charitable organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code. It shall be the sole obligation of any such employee to furnish to SLEOLA and to the Department of Budget and Management written proof that charitable contributions contemplated hereby have actually been made and that said employees are not subject to a service fee involuntary deduction.

F. Indemnity
SLEOLA shall indemnify and save the State harmless and shall provide a defense of any and all claims, grievances, demands, actions, suits, costs, expenses, or other forms of liability or damages, including attorney’s fees and costs, that arise out of or by reason of any action taken or not taken by the State, its officers, agents, employees or representatives for the purpose of complying with any of the provisions of this section; or that arise out of or by reason of the State’s reliance on any notice, letter, or authorization forwarded to the State by SLEOLA pursuant to this section. SLEOLA assumes full responsibility for the disposition of the funds deducted under this section as soon as they have been remitted by the State to SLEOLA. In addition, if an employee who is required to pay a service fee, make a contribution to a charity, and/or provide written proof of a charitable contribution fails to do so, it is solely the responsibility of SLEOLA to take appropriate steps to collect the amount or otherwise enforce the requirement in question.

ARTICLE V – LABOR / MANAGEMENT COMMITTEES

Section 1. Labor / Management Committee
The parties recognize that the holding of periodic meetings for the exchange of views and information contributes to the effectiveness of the labor / management relationship. Therefore, the parties shall establish a Labor / Management Committee (LMC) in each agency covered by this MOU, in accordance with the provisions in this Article and as elsewhere described in this MOU, for the purpose of addressing matters of concern in the areas of personnel policies, practices, conditions of employment, and other matters affecting employees. Each LMC will be co-chaired by one member from labor and one member from management.

Section 2. State Labor / Management Committee
SLEOLA shall participate on any State LMC and will have one member appointed to such State LMC.

Section 3. Training
The State LMC will develop a training program for all LMC’s. The training program may be in conjunction with the Federal Mediation and Conciliation Service or the LMC’s may supplement such training by mutual agreement at no cost to the Employer.

ARTICLE VI – SALARY, COMPENSATION & PAY PLANS
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Section 1. Salary Plans & Bonus
All salary plans for bargaining unit members will consist of a base salary and 18 additional steps, which will be designated 1 through 18.

Section 2. MSP / NRP Salary Schedules
MSP Troopers and NRP Officers shall be covered by the Salary Schedules attached to this MOU as Appendix A-4 beginning on July 1, 2014.

[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 3. DNR Rangers
DNR Rangers shall be covered by the Salary Schedule attached to this MOU as Appendix A-7.

Section 4. OSFM Salary Schedules
[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 5. Police Officer Salary Schedules
All other Police Officers represented by SLEOLA shall be covered by the Salary Schedule attached to this MOU as follows: Appendix A-6 beginning on January 1, 2014.

Section 6. Within Grade Step Increases
Effective April 1, 2016, within grade step increase shall be reinstated. All employees who are otherwise eligible shall receive a within grade step increase effective during the pay period that includes April 1, 2016. Future within grade step increases shall be based on the implementation rules adopted by the parties on July 1, 2000. In general terms, these rules provide that employees whose Entry on Duty date falls from January 1 through June 30 will receive their annual step increase each year effective on January 1 and employees whose Entry on Duty date falls from July 1 through December 31 will receive their annual step increase each year effective on July 1. After April 1, 2016, all Bargaining Unit employees shall continue to receive step increases as described in this section.

Section 7. Shift Differential
Effective the second full pay period in December 2015, all bargaining unit employees shall receive two dollars ($2.00) per hour shift differential for qualifying shifts as defined in State regulations (COMAR) in effect as of the date of this MOU.

Section 8. Clothing Allowance
All bargaining unit employees shall receive $1,500 per fiscal year for clothing allowance. The clothing allowance shall be payable in installments at the rate of one-half of the total amount in the first full pay period in July and one-half of the total amount in the first full pay period in January. The current payment schedule used for NRP shall be maintained.

Section 9. Differential for Field Training Officers
Bargaining unit members who are requested to serve as Field Training Officers (FTO) by a supervisor shall receive an additional $2 per hour pay differential for hours worked in an FTO capacity.

Section 10. State Police Classifications and Pay Grades
[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 11. Natural Resources Police Classifications and Pay Grades
Two new classifications of Natural Resources Police employees, Officer Candidate and Senior Officer, were created on June 30, 2011. The new classification of Master Officer shall be created on July 1,
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

2014. The base salary for an Officer Candidate will be $40,000 until graduation from the Natural Resources Police Academy.

An Officer Candidate is an employee of the Maryland Natural Resources Police who has been hired to be a Natural Resources Police Officer from the day he/she enters the Natural Resources Police Academy until the day before he/she graduates from the Natural Resources Police Academy.

An Officer is defined as a sworn member of the Natural Resources Police from the time he/she has graduated from the Natural Resources Police Academy until the time that he/she is promoted to the rank of Officer First Class.

An Officer First Class is defined as a sworn member of the Natural Resources Police who has completed one year of employment as a commissioned natural resources law enforcement officer with the Natural Resources Police and has been promoted to this rank by the Colonel or Superintendent. The years of employment experience shall include any time that the member was employed as a LEO Park Ranger.

A Senior Officer is a sworn member of the Natural Resources Police who has completed 10 years of employment as a commissioned natural resources law enforcement officer with the Natural Resources Police and has been promoted to this rank by the Colonel or Superintendent. The years of employment experience shall include any time that the member was employed as a LEO Park Ranger.

A Master Officer is defined as a sworn member of the Natural Resources Police who has completed 15 years of employment as a commissioned natural resources law enforcement officer with the Natural Resources Police, has satisfied the established requirements for this rank and has been promoted to this rank by the Colonel or Superintendent. The years of employment experience shall include any time that the member was employed as a LEO Park Ranger.

<table>
<thead>
<tr>
<th>Prior to July 1, 2014</th>
<th>As of July 1, 2014</th>
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<tbody>
<tr>
<td>Class</td>
<td>Grade</td>
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<tr>
<td>Officer Candidate</td>
<td>1080</td>
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<tr>
<td>Officer</td>
<td>1081</td>
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<td>Officer First Class</td>
<td>1082</td>
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<td>Chief</td>
<td>1089</td>
</tr>
<tr>
<td>Superintendent</td>
<td>0090</td>
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</tbody>
</table>

Section 12. Deputy Fire Marshals Classifications and Pay Grades
[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 13. Bilingual Pay
Where the Employer currently pays bilingual pay or bonuses, it shall continue to do so. The Employer retains discretion to initiate bilingual pay or bonuses. The minimum bilingual bonus or hourly equivalent is $25 per pay period. The Employer may not require an employee to use bilingual skills without paying the appropriate bonus or pay.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Section 14. Pension
The State will maintain in effect the current provisions of the State Police Retirement System and the Law Enforcement Officers’ Pension System (LEOPS).

Section 15. State Police Aviation Command Sworn Personnel - Flight Pay
[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 16. Interest Arbitration
The parties agree to the interest arbitration procedures attached to this MOU as Appendix A-3.

Section 17. Errors in Pay
When an employee is underpaid as a result of an Employer error, the Employer shall provide the employee with an advance check to offset the underpayment.

When an employee is overpaid as a result of an Employer error, the employee shall be responsible for reimbursing the Employer for the overpayment. If the overpayment exceeds $100, the employee shall be given the opportunity to make arrangements for a repayment plan. The Employer shall attempt to structure the repayment plan in a manner that does not place a financial hardship on the employee. If the employee fails to repay the overpayment or follow a repayment plan, the State may take appropriate measures to collect the funds owed.

Section 18. Work Schedules
For purposes of this Agreement, "work schedules" are defined as an employee's assigned work hours and days of the week. Except for NRP Officers, where work schedules vary, they will be deemed to be “set” at least 28 calendar days in advance unless the current practice is for a longer posting period, in which case the longer posting period will be maintained. Except for NRP Officers, regular leave days will be deemed to be “pre-approved” leave when taken in connection with other approved paid leave or when such regular leave days were specifically requested by the employee to be “locked in” as days off. No additional compensation will be paid to an employee whose schedule is changed within the 28 day period unless another section of the MOU applies.

Section 19. Fitness Bonus
Beginning on July 1, 2015, all bargaining unit members will be eligible for an annual $1000 fitness bonus. The payment of this bonus will be contingent upon the employee passing an annual fitness test. Participation in the annual fitness program is voluntary, except as provided elsewhere in this MOU. The components of the annual fitness program will be determined by each employer and employees of each represented agency via their respective Labor Management Committee. There shall be no discipline or sanctions connected with this program. The fitness bonus shall be payable in installments at the rate of one-half of the total amount in the first full pay period in April and the first full pay period in October.

Section 20. Compensation for Formal Education
Beginning on October 1, 2015, all bargaining unit members will be eligible for additional compensation based on their level of formal education. The payment of this additional compensation will be contingent upon the employee having an official transcript from an accredited college or university to the employer. An accredited college or university is one that is found in the US Department of Education Database of Accredited Postsecondary Institutions and Programs. The transcript must indicate that a degree was awarded. The additional annual compensation will be as follows:
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

<table>
<thead>
<tr>
<th>Degree Type</th>
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<td>Associate’s Degree</td>
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<tr>
<td>Bachelor’s Degree</td>
<td>$250</td>
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<td>Master’s Degree</td>
<td>$375</td>
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<tr>
<td>Doctorate</td>
<td>$500</td>
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Employees who have earned more than one degree may only receive compensation for one degree. This additional compensation will be payable in the first full pay period of January 2016 and in the first full pay period of December in each subsequent calendar year.

ARTICLE VII – INSURANCE AND BENEFITS

Section 1. Medical Plans
The Employer agrees to maintain the current medical plan (including vision) and prescription drug benefits in effect as of July 1, 2011 for the active employees in Bargaining Unit I. The Employer shall contribute 75% of the premium charge for PPO plans, 78% of the premium for the POS plans, 80% of the premium for the EPO plans, 80% of the premium for the prescription drug plan and 50% of the premium for the dental plans.

Section 2. Expanded Dependent Coverage
Effective July 1, 2008, the State shall offer dependent health benefits up to the age of 25, provided that the child dependent is either:
   A. The natural child, stepchild, adopted child or grandchild of the insured;
   B. A child placed with the insured for legal adoption;
   C. A child who is entitled to dependent coverage under IN §15-403.1; or
   D. A dependent within the terms or COMAR 17.04.13.03B(11) but for the age limitation.

Section 3. Term Life Insurance
The Employer will maintain and make available to full-time and part-time employees, the current term life insurance plan as set forth in the document "Summary of Health Benefits, Maryland State Employees."

Section 4. Health Insurance Portability and Accountability Act of 1996
The Employer shall not elect to be excluded from subparts 1 and 2 of the Health Insurance Portability and Accountability Act of 1996.

Section 5. Transit Subsidy Program
The Employer agrees to provide a free transit program for employees covered under this MOU. This program will include all Baltimore / Metro buses, Light Rail, Subway and Commuter Bus Lines No. 120, 150, 160 and 210 and all other systems and lines included in the current program.

ARTICLE VIII – DISPUTE RESOLUTION PROCEDURE

[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Subject to any limitations of existing law, disputes concerning the interpretation or application of this MOU (including appendices hereto) involving employees of any other State departments / agencies covered by this MOU will be resolved pursuant to the following dispute resolution procedure:

Section 1.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Subject to any limitations of existing law, a complaint is defined as a dispute concerning the application or interpretation of the terms of this MOU. The provisions of this procedure shall be the only procedure for complaints concerning interpretation or application of the MOU. Disciplinary appeals or grievances otherwise appealable through procedures established by law or regulation are not subject to this procedure.

Section 2. Procedure

Complaints regarding the MOU shall be presented and adjusted in the following manner:

Step One
Within 15 days after the event giving rise to the complaint or within 15 days following the time when the employee should reasonably have known of its occurrence, the employee aggrieved and/or the Union representative shall discuss the dispute with the employee’s immediate supervisor. The Supervisor shall attempt to adjust the matter and respond orally to the employee and/or the Union representative within three days.

Step Two
If the dispute has not been settled at step one, a written complaint may be filed and presented to the employee’s appointing authority and/or designee within seven days after receiving the step one response. A Union representative must sign the complaint. The appointing authority or designee shall meet with the employee and the employee’s Union representative and render a decision in writing no later than 20 days after receiving the complaint.

Step Three
If the complaint has not been settled at step two, a written complaint may be filed with the Head of the Principal Unit within seven days after receipt of the answer at step two. The Head of the Principal Unit or designated representative shall meet with the employee and the Union representative and render a written decision within 20 days after receiving the written appeal. When the appointing authority is also the Head of the Principal unit, this step shall be skipped and the step two decision shall be appealed directly to step four.

Step Four
If the dispute has not been settled at Step Three, SLEOLA’s President, or designee, may file a written complaint with the Secretary of the Department of Budget and Management, or designee, within thirty (30) days of the Step Three response. If the Secretary, or designee, does not concur with the decision rendered at Step Three of the procedure, the Secretary, or designee, shall render a decision that is binding on the unit. If the Secretary, or designee, concurs with the Third Step decision, the Secretary, or designee, may refer the matter to fact-finding within 30 days. The Union can appeal to fact-finding the decision of the Secretary, or designee, within 30 days of the Secretary’s, or designee’s, decision.

When fact-finding is invoked, the Union and the Employer shall jointly request a list of seven neutral fact finders from the Federal Mediation and Conciliation Service (FMCS). The parties will meet within 15 days of receipt of the FMCS list to seek agreement on one of the listed fact-finders. This meeting may take place on the telephone. If the parties cannot agree on a fact-finder, the Employer and the Union will alternately strike one name from the list until a single name remains. A flip of the coin shall determine who shall strike the first name.

The fact-finder shall resolve all questions related to the procedure. Upon mutual agreement of the parties, threshold issues may be resolved prior to the parties proceeding with the substantive issues involved in the case. The cost of the fact-finder shall be shared equally by the parties.
Appeal of Fact-finder’s Decision
If the Employer or the Union disagrees with the fact-finder’s decision, an appeal may be filed with the State Labor Relations Board within 30 days of receipt of the decision in accordance with the Board’s regulations. Only the Union’s President or the Governor’s designated collective bargaining representative may appeal a fact-finder’s decision.

Section 3. General Provisions
A. As used in this Article, “days” means calendar days. If the last day a response or action is due falls on a Saturday, Sunday, or State holiday, the deadline shall be extended to the next non-holiday weekday. All deadlines in this Article may be extended by mutual agreement. Time limits for the processing of complaints are intended to expedite dispute resolution and, if not extended, must be strictly observed. If the matter in dispute is not resolved within the time period provided for in any step, the next step may then be invoked. If the employee or Union fails to pursue any step within the time limits provided, he/she shall have no further right to continue to seek resolution of that dispute.

Failure by management to provide a response in the time required shall be deemed a denial of the complaint. A failure to appeal such denial within 10 calendar days of the date a response was due shall constitute a withdrawal of the complaint except that the Union shall have 30 days from the date the response was due to invoke step four. The Employer shall ensure that its supervisors and representatives do not repeatedly fail to respond to complaints in a timely manner and shall also ensure that its designees are authorized to settle matters subject to the complaint.

B. If a dispute arises from the action of an authority higher than the immediate supervisor, such dispute may be initiated at the appropriate step of this procedure.

C. Each agency shall provide the Union with a list (including telephone number, fax number and mailing address) of its appointing authorities and Heads of Principal units (or designees).

D. Only designated Union representatives may represent employees or file appeals under this procedure. For purposes of this Article, stewards, Union staff and Union officers shall be considered designated Union representatives. The Union will provide a list of the names of the aforementioned (to include telephone numbers, fax numbers and mailing addresses) to the Executive Director of the Office of Personnel Services and Benefits. An employee’s complaint must be signed by a Union representative of SLEOLA.

E. Stewards and Union representatives referred to in this procedure shall be granted reasonable time off with pay to process complaints pursuant to this Article during working hours. Meetings scheduled pursuant to this Article shall be scheduled at a mutually agreeable time during the regular working hours of the Union representative and Employer representative, if possible, but such meetings may be waived by mutual agreement. If the Union and Employer representative do not work on an overlapping schedule, the meeting shall be scheduled during regular day shift hours and, upon request of the Union representative, his/her schedule shall be adjusted if it is consistent with operational needs of the agency. There shall be no overtime or compensatory time earned for the processing of a complaint or attendance at a meeting under this Article.

F. A written complaint shall state the issues including a citation to the relevant portion of the MOU allegedly being violated.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

G. Each party shall make every effort to resolve a dispute at the lowest level possible.

ARTICLE IX – LEAVE WITH PAY

Section 1. Personal Leave
Employees shall be entitled to 48 hours of personal leave each calendar year. For the calendar year in which new employees begin employment, the number of personal leave days will be prorated according to applicable law.

Section 2. Annual Leave
Employees shall earn annual leave in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Days Earned Per Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5</td>
<td>Up to 10</td>
</tr>
<tr>
<td>5 – 10</td>
<td>Up to 15</td>
</tr>
<tr>
<td>11 – 19</td>
<td>Up to 20</td>
</tr>
<tr>
<td>20 or more</td>
<td>Up to 25</td>
</tr>
</tbody>
</table>

Section 3. Accumulated Annual Leave
Any days of annual leave not used at the end of a year may be carried forward into the next year. Employees may accumulate unused annual leave and may carry over from one year to the next up to 600 hours in accordance with the State Personnel & Pensions Article §9 -304.

If an employee is denied the opportunity in a calendar year to use annual leave in excess of 600 hours, the head of the employee’s principal unit may allow the employee compensation, at the employee’s regular rate of pay, for those excess leave days.

The head of a principal unit may approve a request for compensation only if:
A. The appointing authority documents the unusual administrative reasons for having denied the employee the use of annual leave; and
B. Funds are available for that purpose.

Section 4. Payment Upon Separation
An employee or an employee’s estate, will be paid for:
A. The number of days of annual leave, not exceeding 400 hours that were accrued at the end of the previous calendar year and that remain unused; and
B. The number of days of annual leave that accrued during the calendar year in which the employee’s State employment terminates and that remain unused upon termination of state service at the time that the employee receives his / her pay check for the final period of work or the next pay period.

Section 5. Sick Leave
Employees shall earn 120 hours of sick leave each year. Employees shall earn 1.5 hours of sick leave for every 26 hours worked in non-overtime status. For this purpose, all paid leave will be considered work time. There is no limit on the number of days of sick leave an employee can accrue.

Section 6. Accrued Sick Leave
Accrued sick leave shall be used as a service credit toward the employee’s retirement benefit in accordance with current statute and regulations. Employees may not use accumulated sick leave to qualify for retirement or to become vested in the retirement system.
Section 7. Jury Duty Leave
An employee who is on jury duty is entitled to leave with pay when the employee’s jury service occurs on the employee’s scheduled workday. Employees who are scheduled on other than a day shift shall be reassigned to a day shift. If, after reporting for jury duty, the employee is dismissed for the day, the employee shall return to work if time permits. An employee who is selected for jury service shall notify the Employer as soon as practical.

Section 8. Bereavement Leave
A maximum of five working days may be charged to sick leave in the event of the death of one of the following members of the immediate family: spouse, children, foster-children, step-children, parents, step-parents, foster-parents of employee or spouse or others who took the place of parents, legal guardians of employee or spouse, brothers and sisters of employee or spouse, grandparents and grandchildren of employee or spouse, other relatives living as a member of the employee’s household.

A maximum of one working day may be charged to sick leave in the event of the death of one of the following relatives: aunts and uncles of employee or spouse, nephews and nieces of employee or spouse, brothers-in-law and sisters-in-law of employee’s spouse and sons-in-law and daughters-in-law.

The employee may elect to receive up to three days of bereavement leave in lieu of three of the five sick days upon the death of the following family members: spouse, children, foster-children, step-children, parents, stepparents, foster-parents, brothers or sisters, or grandparents and grandchildren of the employee.

If additional time is required by the employee, the Employer shall make reasonable efforts to arrange the work that the employee may take other accrued leave for this purpose.

Section 9. Military Leave
Any employee who is a member of a reserve component of the Armed Services or in the organized militia shall be permitted military leave with pay for up to 15 working days per year for training or active duty. In addition, any employee who is a member of a reserve component of the Armed Services and is ordered to active duty for more than 15 days shall receive paid leave in accordance with State Personnel and Pensions Article §9-1107. Also, any employee who is a member of the organized militia and is ordered to active duty for more than 15 working days shall receive paid leave in accordance with Public Safety Article §13-707. To be eligible, the employee must provide the employing agency with a copy of the orders from his / her unit.

Section 10. Salary Reduction Days
In accordance with Executive Order 01.01.2010.11, all bargaining unit members who were affected by the Fiscal Year 2011 State Employees’ Furlough and Temporary Salary Reduction Plan will be credited with Administrative Leave Days on June 30, 2011 as follows:

A. Members who were earning less than $40,000 in Fiscal Year 2011 will receive three Administrative Leave Days.
B. Members who were earning $40,000 or more in Fiscal Year 2011 will receive five Administrative Leave Days.

Due to statewide Service Reduction Days in Fiscal Years 2013 and 2014, all bargaining unit members will receive five days of Administrative Leave on July 1, 2012, and five days of Administrative Leave on July 1, 2013.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Use of Administrative Leave shall require prior supervisory approval. The use of such Administrative Leave shall be authorized in a manner that minimizes the use of overtime at each agency. This Administrative Leave may be used at any time prior to the employee’s separation from employment with the State. Employees are not entitled to compensation for unused administrative leave.

ARTICLE X – LEAVE WITHOUT PAY

Section 1. Injury / Illness Leave
A. Employees may be granted a leave of absence without pay for a documented temporary illness or disability when there is medically documented evidence that the employee can return to his/her full range of duties within six months. The Employer will grant or deny such request on a fair and equitable basis. Such employees will not be separated from the payroll and will be restored to their positions within the six-month period.

1. Employees may also be granted a leave of absence without pay for up to six months when there is medically documented evidence that an immediate family member for whom the employee is needed to provide direct care has a catastrophic illness or injury.
   a. Immediate family member will include the spouse of the employee; children including foster and stepchildren of the employee; parents, stepparents, or foster parents of the employee; brothers and sisters of the employee; and grandparents and grandchildren of the employee.
   b. Catastrophic illness or injury means a condition that is incapacitating or life threatening as certified by a health care provider, as defined in the Family and Medical Leave Act.

B. If after the initial six months, the employee is still unable to return to his/her full range of duties, because of the employee’s illness or disability, an additional six months of leave without pay may be requested. Such employees will be separated from the payroll at this time and will be entitled to reinstatement to any available current vacancy, with their former Appointing Authority, for which they qualify at their current, or lower classification.

If a vacancy does not exist at the time the employee is ready to return to work, or within 60 days of notifying the Appointing Authority of their ability to return to work, they shall be placed on the State’s reinstatement list for all classes for which the employee qualifies for the remainder of their reinstatement period. The Employer will grant, or deny, such request on a fair and equitable basis.

Section 2. Suspension Without Pay
The State agrees to reimburse any bargaining unit member who is charged with a felony and suspended without pay in the event the felony criminal charges are disposed of by a court with a finding of not guilty or where the prosecutor declines to further pursue all of the felony charges by way of a nolle proseque. This section will not apply in cases where: (1) a plea bargain reduces the original felony charge to a misdemeanor; or (2) the employee is terminated via the administrative disciplinary process as a result of the initial felony charge. Reimbursement will not occur prior to the conclusion of the administrative disciplinary process.

ARTICLE XI – HOLIDAYS

This Article governs holidays except as otherwise authorized by law. The following holidays will be observed:

- New Year’s Day
- Dr. Martin Luther King, Jr.’s Birthday
- Memorial Day
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

- Independence Day
- Veteran’s Day
- President’s Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- American Indian Heritage Day (Day After Thanksgiving)
- Each Statewide Election Day
- Christmas
- Any other day proclaimed as a holiday or non-working day by the Governor of the State of Maryland or the President of the United States of America.

Except for employees required to work on a holiday, when a holiday falls on a Sunday, the holiday is observed on the following Monday and when a holiday falls on a Saturday, the holiday is observed on the preceding Friday. A holiday will commence at 12:01 a.m. and end at 12:00 Midnight. Upon request, an employee may observe a religious holiday provided that the time off is charged to vacation, compensatory time, personal leave, or leave without pay, at the employee’s choice.

ARTICLE XII – SAFETY

Section 1. General Duty
The Employer will provide, to the extent possible, safe, secure, healthful working conditions for all employees. The Employer agrees to comply with the Federal Occupational Safety and Health Act (OSHA) and all applicable federal, state, and local laws and regulations, and departmental safety rules and regulations. All employees shall comply with all safety rules and regulations established by the Employer.

Section 2. Unsafe Condition
Where an unsafe condition is alleged to exist, the affected employee shall first notify his / her immediate supervisor who shall take whatever necessary corrective action the supervisor deems appropriate. Where an unsafe condition is alleged to exist by the Union on behalf of affected employees, or the matter referred by the employee to the supervisor is not resolved to the satisfaction of the employee, the matter will be submitted to the next LMC for discussion. Nothing in this Article requires the Employer to take any corrective actions, and matters raised herein are not subject to the Dispute Resolution Procedures.

ARTICLE XIII – REDUCTION IN FORCE

Section 1.
Reduction in force will be conducted pursuant to applicable laws. The Employer agrees that prior to deciding a layoff or a separation for lack of appropriations, the Employer will consider all of its reasonable alternatives. Prior to imposing a layoff or a separation for lack of appropriations, the Employer will meet with the Union in an effort to develop appropriate arrangements for affected employees.

Section 2.
Through the term of this Memorandum of Understanding, there shall be no (a) layoff, as described in the State Personnel and Pension Article, Title 11, Subtitle 2, of bargaining unit employees; (b) termination or separation from State service as described in the State Personnel and Pensions Article, Title 11, Subtitle 3, of bargaining unit employees; or (c) furlough
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

ARTICLE XIV – MISCELLANEOUS

Section 1. MOU
To the extent that this MOU addresses matters covered by existing or future administrative rules, regulations, guidelines, policies or practices, that are mandatory subjects of bargaining, management agrees to make any necessary changes in the rules, etc. to be consistent with this memorandum.

Section 2. Preservation of Benefits
The Employer agrees not to make changes to State statutes, administrative rules, regulations, guidelines, or policies that are mandatory subjects of bargaining per the law until negotiated in accordance with the article on Mid-Contract Negotiations, Article XVII.

Section 3. Vehicle Location Information
The information generated by a Global Positioning System (GPS) or Automatic Vehicle Location (AVL) system in any State-owned vehicle will not be used as the sole basis to initiate disciplinary action. This does not preclude the use of GPS / AVL data to verify information from other sources when deemed necessary by the appropriate investigatory authority.

ARTICLE XV – WORK STOPPAGES

It shall be a violation of this MOU for the Union to engage in a strike or work stoppage against the State of Maryland. The Union shall forfeit its status as the exclusive representative of employees in this bargaining unit if the Union engages in a strike or work stoppage against the State of Maryland.

ARTICLE XVI – PERSONNEL FILE

Section 1. Official Personnel File
Only one official personnel file shall be kept for each employee at the appropriate personnel office. The Employer may also maintain employee files in the Internal Affairs Unit, the Motor Vehicle Division and the Professional Policing Division. Records of previous discipline not found in the Internal Affairs Unit, the Motor Vehicle Division, the Professional Policing Division and the official personnel file cannot be used against an employee in any future disciplinary proceedings. Grievances shall not be kept in the employee’s official personnel file. Employees shall be informed as to where their personnel file is maintained.

Section 2. Access
An employee and, with the employee’s written authorization, the employee’s representative(s) shall have the right to review his / her personnel files upon request, during normal business hours, with no loss of pay. An employee has the right to copy any documents in his / her file. The employee may be required to assume reasonable costs of copying.

Section 3. Notification
From the effective date of this MOU, any derogatory material to be placed in an employee’s personnel file will be initialed and dated by the employee and a copy will be provided to the employee. If the employee refuses to sign such material, that material shall be placed in the file with a note of the employee’s refusal. The employee’s initials indicate simply that he / she has seen the material and is not to be construed as agreement with its content. In addition, any derogatory material which is placed in an employee’s personnel file without following this procedure will be removed from the file and returned to the employee.
CHAPTER 4 SECTION XIV
LAW ENFORCEMENT OFFICERS’ BARGAINING AGREEMENT

Section 4. Anonymous Materials
Other than routine personnel forms, no anonymous materials shall be placed in an employee’s official personnel file.

Section 5. Rebuttal
Employees shall have the right to respond in writing and / or through the grievance procedure to any materials placed in their official personnel file. Any written response by the employee shall be appended to the appropriate document.

Section 6. Work Files
Supervisors may keep working files, but records of previous discipline not found in the Internal Affairs Unit, the Motor Vehicle Division, the Professional Policing Division or the official personnel file cannot be used against an employee in any future disciplinary proceedings.

ARTICLE XVII – MID-CONTRACT NEGOTIATIONS

Section 1.
The Employer and the Union acknowledge their mutual obligation to negotiate as defined and required by law over Employer proposed changes in wages, hours and other terms and conditions of employment affecting bargaining unit employees not specifically covered by this MOU. The Union’s ability to negotiate does not provide the Union with a “veto” power over Employer initiated changes and shall not unduly delay the implementation of Employer initiated changes. The Employer expressly agrees not to propose changes in working conditions that are mandatory subjects of bargaining to the General Assembly that have not been subject to the bargaining process described in this Article.

Section 2.
The obligation to bargain is limited to those changes that will substantially affect the working conditions of bargaining unit employees. The minimum notice to the Union of an intended change in working conditions is 30 days. If required to meet a legislative mandate or an emergency situation, management will notify the Union as soon as possible. The Union may request bargaining within this 30-day period and shall submit proposals in response to the Employer’s intent to change working conditions within 10 days of its request to bargain.

Section 3.
The Employer may implement its proposed change even if after the conclusion of good faith negotiations there has not been mutual agreement, or as required to meet a legislative mandate; or in an emergency situation declared by the Governor.

ARTICLE XVIII – PROVISIONS APPLICABLE TO PARTICULAR AGENCIES

Section 1.
[See original MOU for the full-text version of the MOU and all sections and appendixes.]

Section 2. Provisions Applicable to the Natural Resources Police

A. Labor Management Committee
   (1) Will schedule meetings at least monthly with any variance to that schedule being mutually agreed upon by the Union and the Employer.
(2) An equal number of Union and Employer members will be present at each meeting unless mutually agreed upon by the Union and the Employer prior to the start of the LMC meeting.

(3) SLEOLA will designate Union representatives from its affiliated organization(s).

(4) SLEOLA will designate Co-Chair of Committee.

(5) Members will be deemed in duty status while attending LMC (no overtime).

B. Study Committees
The parties will establish an ad hoc committee as a work group of the LMC to discuss the feasibility of an alternative work schedule. The Committee shall hold its first meeting no later than August 1, 2012. Recommendations from the committee will be submitted to the Colonel within five months of the ad hoc committee’s first meeting.

C. Overtime
Cash overtime employees may elect compensatory time in lieu of cash payment subject to the Employer’s approval. The Employer agrees to continue the practice of permitting the employee, with the approval of the Employer, the right to earn compensatory time and cash overtime during the same pay period, provided that the employee may not earn compensatory time and cash overtime on the same day.

D. Safety and Health
The Employer shall provide the employees with information of potential health hazards to which they may have routine workplace exposure including communicable diseases and infestations. Information provided to employees shall include the symptoms of the diseases, modes of transmission, methods of self-protection, special precautions and recommendations for immunization where appropriate.

(1) The Employer will make available through Health Insurance, or other means, the testing for exposure to and vaccination for the following occupational diseases: Lyme’s Disease, Rabies, Hepatitis B and HIV.

(2) The Employer will provide each employee insect repellant and sun block lotion.

(3) All marked marine outboard vessels will be equipped with adequate sunscreens (e.g., T-tops or canopies).

E. Police Work
The Employer agrees that officers will not be required to do maintenance on vehicles or vessels that is normally performed by specially trained and / or certified personnel. However, officers will perform pre-patrol and safety checks on assigned vehicles/vessels. All vehicles and vessels are to be maintained in such a manner as to be ready for emergency responses at any time.

F. Uniforms

(1) The Employer agrees to provide an initial supply of uniforms at no cost to the employee which shall include:
   a. Three Long Sleeve Shirts
   b. Three Short Sleeve Shirts
   c. Three Winter Pants and three Summer Pants (or six Mid-Weight Pants if approved)
   d. Four Long Sleeve Utility Shirts
   e. Four Short Sleeve Utility Shirts
   f. Four Utility Pants

(2) The Employer agrees that after the first 18 months of employment and upon request, the Employer will provide up to two replacement complete replacement sets (2 pants and 2 shirts) of
each of the uniform sets (classes) approved by the agency to wear. If the agency approves the mid-weight pants in lieu of summer and winter pants, 4 pairs will be issued as replacements. All uniform exchanges per year will be at a one for one exchange at no cost to the employee. The Employer may provide additional uniform replacements upon request if there is a need, beyond the standard two sets (e.g., a size change).

(3) The Employer agrees to continue the practice of providing each employee with three departmental badges: two shirt badges and one flat wallet badge.

(4) The Employer agrees to have the uniform vendor sew patches, with the exception of the name patch, on the uniforms.

(5) The Employer shall inspect all body armor annually, and any body armor that is identified to be defective or unserviceable, shall be replaced. Body armor will routinely be replaced in accordance with manufacturer’s specifications. The Employer agrees that the body armor vendor will provide fittings of ballistic vests for employees who request fittings.

G. Alternative Work Days

(1) An employee may elect to split a shift subject to the approval of his/her supervisor. When the shift is split, the employee will not be paid for any time not actually worked between shifts.

(2) The Employer agrees that it will consult with the Union before implementing any change to its current policy on flexible shifts. All flexible shift arrangements are subject to supervisor approval.

(3) Schedules will not be changed to avoid paying overtime for an appearance in court on official duty, unless the employee agrees to the change.

H. Field Enforcement Functions

The Agency LMC will review, as needed, and upon the request of either party the current policy of requiring employees to work with non-employees or non-sworn police officers while performing field law enforcement functions. The issues to be reviewed will include, but not limited to, appropriate service needs, operational needs and safety needs.

I. Secondary Employment

(1) A law enforcement officer may work not more than 40 hours of secondary employment during a workweek that includes two leave days.

(2) Employees must be off-duty at least eight continuous hours prior to returning to work a regular NRP shift.

(3) Regardless of duty status the next day, employees will only work a maximum of 16 consecutive hours when combining a regularly scheduled shift which includes all hours worked and all off-duty secondary employment hours. On non-duty days employees may work a maximum of 16 hours of off-duty secondary employment.

(4) Officers will report for duty fully rested and alert, capable of performing the essential functions of a Natural Resources Police Officer and other duties as assigned.

J. Take Home Vehicles

The Employer will provide each sworn bargaining unit member a vehicle that is appropriate for the employee’s duty assignment based on vehicle availability. Off-duty usage, other than for commuting purposes or as specifically approved by the Superintendent or his designee, will not be permitted. This section will not be construed to limit the Employer’s right to restrict or eliminate off-duty or commuting vehicle use for a specific employee for disciplinary or performance reasons.

K. Union Pin

The SLEOLA Union pin may be worn on the official uniform with the Employer’s approval.
ARTICLE XIX – SAVINGS CLAUSE

Should any part of this MOU be declared invalid by operation of law or by a tribunal of competent jurisdiction, the remainder of the MOU shall not be affected but shall remain in full force and effect. In the event any provision is thus rendered invalid, upon written request of either party, the Employer and the Union shall meet promptly and negotiate a substitute for the invalid Article, Section or portion thereof.

ARTICLE XX – PUBLICATION OF AGREEMENT

This agreement will be distributed by SLEOLA to SLEOLA members electronically.

ARTICLE XXI – DURATION

Except as otherwise provided herein, this Memorandum of Understanding shall become effective on July 1, 2015 and remain in effect until June 30, 2016. In the event that there is a change in law affecting the legally permissible scope of bargaining, either party may reopen this MOU to negotiate the newly negotiable matters.
CHAPTER 5

PATROL OPERATIONS
### Chapter 5

**Patrol Operations**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. I</td>
<td>Definitions</td>
</tr>
<tr>
<td>Sec. II</td>
<td>Power of Arrest</td>
</tr>
<tr>
<td>A.</td>
<td>Introduction</td>
</tr>
<tr>
<td>B.</td>
<td>Authority to Arrest</td>
</tr>
<tr>
<td>C.</td>
<td>Arrest Without a Warrant</td>
</tr>
<tr>
<td>D.</td>
<td>Arrest With a Warrant</td>
</tr>
<tr>
<td>Sec. III</td>
<td>Arrest / Charging Document Procedures</td>
</tr>
<tr>
<td>A.</td>
<td>Precautionary Measures</td>
</tr>
<tr>
<td>B.</td>
<td>Citation Preparation</td>
</tr>
<tr>
<td>C.</td>
<td>Citations</td>
</tr>
<tr>
<td>D.</td>
<td>Process for Filing Charges Against a Corporation</td>
</tr>
<tr>
<td>E.</td>
<td>Uniform Criminal Citations</td>
</tr>
<tr>
<td>F.</td>
<td>Search Incident to Arrest</td>
</tr>
<tr>
<td>G.</td>
<td>Transportation / Care of Prisoners</td>
</tr>
<tr>
<td>H.</td>
<td>Fingerprints</td>
</tr>
<tr>
<td>I.</td>
<td>Filing of Charging Documents</td>
</tr>
<tr>
<td>J.</td>
<td>District Court Commissioner</td>
</tr>
<tr>
<td>K.</td>
<td>Custody</td>
</tr>
<tr>
<td>L.</td>
<td>Detention Procedures</td>
</tr>
<tr>
<td>M.</td>
<td>Arraignment</td>
</tr>
<tr>
<td>N.</td>
<td>Court Attendance</td>
</tr>
<tr>
<td>O.</td>
<td>Extradition of Prisoners</td>
</tr>
<tr>
<td>Sec. IV</td>
<td>Juveniles</td>
</tr>
<tr>
<td>A.</td>
<td>Definitions</td>
</tr>
<tr>
<td>B.</td>
<td>Custody</td>
</tr>
<tr>
<td>C.</td>
<td>Non-Secure Custody</td>
</tr>
<tr>
<td>D.</td>
<td>Records</td>
</tr>
<tr>
<td>E.</td>
<td>Charges</td>
</tr>
<tr>
<td>F.</td>
<td>Interrogations</td>
</tr>
<tr>
<td>G.</td>
<td>School Notification of Arrest</td>
</tr>
<tr>
<td>Sec. V</td>
<td>Field Operations</td>
</tr>
<tr>
<td>A.</td>
<td>Use of Force</td>
</tr>
<tr>
<td>B.</td>
<td>Firearms Discharge and Procedures</td>
</tr>
<tr>
<td>C.</td>
<td>Departmental Shooting Incident Process</td>
</tr>
<tr>
<td>D.</td>
<td>Deadly Force Review Board</td>
</tr>
<tr>
<td>E.</td>
<td>Warrant Procedure</td>
</tr>
<tr>
<td>F.</td>
<td>Motor Vehicle Traffic Code</td>
</tr>
<tr>
<td>G.</td>
<td>Vehicle and Vessel Stops</td>
</tr>
<tr>
<td>H.</td>
<td>Pursuit of Vehicle/Vessels</td>
</tr>
<tr>
<td>I.</td>
<td>Game, Fisheries, and Sobriety Checkpoints</td>
</tr>
<tr>
<td>J.</td>
<td>Assistance to Disabled Vessels</td>
</tr>
<tr>
<td>K.</td>
<td>PFD Enforcement</td>
</tr>
<tr>
<td>L.</td>
<td>Marine Sanitation Devices (MSD)</td>
</tr>
<tr>
<td>M.</td>
<td>Hydrographic Operations Service Requests</td>
</tr>
<tr>
<td>N.</td>
<td>Firefighting</td>
</tr>
<tr>
<td>O.</td>
<td>Injured, Sick, Nuisance, or Dangerous Animal Incidents</td>
</tr>
</tbody>
</table>

*Chapter 5 Index 1 (Revised 12/17)*
CHAPTER 5
PATROL OPERATIONS

P. Captive Wildlife Inspection Procedure
Q. Aversive Conditioning of Black Bears
R. Catch a Poacher
S. Enforcement Guidelines For Imported Crabs
T. Conditional Shellfish Harvesting Area Closures
U. Pfiesteria and Other Related Organism Toxic Activity
V. Media Relations
W. Response to Security Alarm Calls on Areas Managed by Maryland Department of Natural Resources
X. MSP Aviation Requests Under MSP Memorandum of Understanding (MOU)
Y. Civil Marijuana Violations
Z. Investigation Procedures for Boat Excise Tax
AA. District Court Booking Forms

Sec. VI AGREEMENTS
A. Memorandum of Understanding - Coordination of Aerial Search & Rescue Services and Airborne Law Enforcement Services - Between the Department of State Police and Department of Natural Resources / Natural Resources Police
B. Memorandum of Agreement between the United States Coast Guard and the State of Maryland Regarding Marine Casualties & Boating Accidents
C. Memorandum of Agreement between the United States Coast Guard and the State of Maryland Regarding Recreational Boating Safety Programs
D. Memorandum of Agreement Between the United States Coast Guard and the State of Maryland Regarding the Enforcement of Maritime Safety And Security Zones
E. Memorandum of Understanding between the U.S. Fish and Wildlife Service and the Maryland Natural Resources Police
F. U.S. Department of Justice (DEA) Agreement
G. United States Customs Agreement
H. Treaty Obligations to Foreign Nationals

Sec. VII COMMUNICATIONS
A. Procedures
B. Criminal History Information (CJIS, METERS, NCIC)
C. Telephone Use
D. DNR Communications Tone System
E. Compass System
F. Courts System
G. Common Language Protocols
H. Officer / Unit Location Notification
I. CAD System & RMS Program
J. Access to Communications Center Computer Systems
K. Operation & Usage of Radios

Sec. VIII Operating While Under the Influence
A. Law
B. Definitions
C. Chemical Tests
D. Boating Under the Influence Enforcement Procedure
E. Field Sobriety Tests
F. Preliminary Breath Test
CHAPTER 5
PATROL OPERATIONS

G. Utilization of a Drug Recognition Expert (DRE)

Sec. IX  SPECIAL UNITS
A. Special Operations Division (SOD)
B. Homeland Security Unit (HSU)
C. Intelligence & Special Investigations Bureau
D. Agency Chaplain Program

Sec. X  DUTY TIME
A. Duty Time

Sec. XI  DOMESTIC VIOLENCE
A. Policy
B. Overview of Domestic Violence
C. Domestic Violence Terms and Definitions
D. Protective Orders
E. Peace Orders
F. Law Enforcement Procedures and Responsibilities
G. Domestic Violence and the Workplace

Sec. XII  Line of Duty Death Procedures
A. Policy – In General
B. Emergency Notification Contact Form
C. Definitions
D. Notification Procedures and Responsibilities
E. Assistance for Affected Members
F. Assisting the Family at the Hospital
G. Funeral Arrangements
H. Support for the Family

Sec. XIII  Summary of Line of Duty Death Benefits
A. Benefits Available to the Family / Survivors
B. State of Maryland Benefits
C. Federal Benefits
D. Other Benefits Available
E. Survivor Support Groups
CHAPTER 5 SECTION I
DEFINITIONS
The following words and phrases have the meanings indicated when used in this chapter.

<table>
<thead>
<tr>
<th>Word or Phrase</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandonment</td>
<td>The voluntary relinquishment of possession of thing by owner with intention of terminating his ownership, but without vesting it in any other person.</td>
</tr>
<tr>
<td>Accost</td>
<td>To approach and speak to; greet first, before being greeted, especially in an intrusive way. (New World Dictionary)</td>
</tr>
<tr>
<td>Accuse</td>
<td>To bring a formal charge against a person, to the effect that he is guilty of a crime or punishable offense.</td>
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<tr>
<td>Accused</td>
<td>The generic name for the defendant in a criminal case. A person becomes accused within the meaning of guarantee of speedy trial, only at a point at which either formal indictment or information has been returned against him, or when he becomes subject to actual restraints on his liberty imposed by arrest, whichever occurs first.</td>
</tr>
<tr>
<td>Arraignment</td>
<td>Procedure whereby the accused is brought before the court to plead to the criminal charge in the indictment or information.</td>
</tr>
<tr>
<td>Arrest</td>
<td>To deprive a person of his liberty by legal authority. Taking, under real or assumed authority, custody of another for the purpose of holding or detaining him to answer a criminal charge or civil demand. All that is required for an “arrest” is some act by an officer indicating his intention to detain or take a person into custody and thereby subject that person to the actual control and will of the officer; no formal declaration of arrest is required.</td>
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<tr>
<td>Code</td>
<td>The Annotated Code of Maryland</td>
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<td>Consent</td>
<td>The voluntary agreement by a person in the possession of and exercise of sufficient mental capacity to make an intelligent choice to do something proposed.</td>
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<tr>
<td>Control</td>
<td>Power or authority to manage, direct, superintend, restrict, regulate, govern, administer or oversee.</td>
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<tr>
<td>Custodial</td>
<td>Requiring that a defendant be advised of his constitutional rights; meaning questioning initiated by law enforcement officer and the person being questioned believes that they are not free to leave.</td>
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<tr>
<td>Interrogation</td>
<td>To arrest, to check, to delay, to hinder, to hold or keep in custody, to retard, to restrain from proceeding, to stay, to stop.</td>
</tr>
<tr>
<td>Excessive Force</td>
<td>That amount of force which is beyond the need and circumstances of the particular event; or which is not justified in light of all the circumstances, as in the use of deadly force to protect property as contrasted with protecting life.</td>
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<tr>
<td>Felony</td>
<td>A crime more serious in nature than those designated as misdemeanors. Note: In Maryland, felonies are designated by common and statutory law. Felonies at common law are:</td>
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<td></td>
<td>a. Arson</td>
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<td>b. Burglary</td>
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<td>c. Theft</td>
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<td>d. Murder</td>
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<tr>
<td></td>
<td>e. Manslaughter</td>
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<tr>
<td></td>
<td>f. Rape</td>
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<td></td>
<td>g. Robbery</td>
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<td></td>
<td>h. Sodomy</td>
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<tr>
<td></td>
<td>i. Mayhem</td>
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<td>Word or Phrase</td>
<td>Meaning</td>
</tr>
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</tr>
<tr>
<td>Fresh Pursuit</td>
<td>Refer to Digest of Criminal Laws - Criminal Procedure Article 2-301</td>
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<tr>
<td>Fugitive</td>
<td>One who flees; used in criminal law with the implication of flight, evasion or escape from arrest, prosecution or imprisonment.</td>
</tr>
<tr>
<td>Indictment</td>
<td>An accusation, in writing, found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled, charging that a person therein named has done some act or emission, which by law is a public offense.</td>
</tr>
<tr>
<td>Interrogation</td>
<td>In criminal law, a process of questions propounded by the police to a person arrested or suspected, seeking the solution of a crime.</td>
</tr>
<tr>
<td>Inventory</td>
<td>A detailed list of articles of property containing a designation or description of each specific article.</td>
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<tr>
<td>Juvenile</td>
<td>A person under the age of 18 years.</td>
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<td></td>
<td>The eighteenth year designation applies in Maryland with certain statutory exemptions</td>
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<tr>
<td>Miranda Rule</td>
<td>Prior to any custodial interrogation, the person interrogated must be advised of their Miranda rights.</td>
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<tr>
<td>Misdemeanor</td>
<td>Offenses lower than felonies; generally those punishable by fine or imprisonment other than in a penitentiary.</td>
</tr>
<tr>
<td>Ownership</td>
<td>The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons.</td>
</tr>
<tr>
<td>Parol Arrest</td>
<td>Verbal order by a judge from the bench, without written complaint or other proceeding, of a person present before him, and which is executed on the spot.</td>
</tr>
<tr>
<td>Possession</td>
<td>The law, in general, recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it. A person who, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it. The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.</td>
</tr>
<tr>
<td>Probable Cause</td>
<td>An apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given case renders convenient and proper), which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that the accused person had committed the crime charged, or, in a civil case, that a cause of action existed. Probable cause requires a reasonable belief, based on reliable evidence, that the suspect has committed a crime. Probable cause must go beyond mere suspicion or an officer’s hunch. On the other hand, it is less than absolute certainty.</td>
</tr>
<tr>
<td>Reasonable Belief</td>
<td>“Reasonable Belief” or “Probable Cause” to make an arrest without a warrant exists when facts and circumstances within the arresting officer’s knowledge, and of which he had reasonably trustworthy information, are sufficient in themselves to justify a man of average caution in belief that a felony has been or is being committed.</td>
</tr>
<tr>
<td>Reasonable Force</td>
<td>That degree of force that is not excessive and is appropriate in protecting oneself or one’s property.</td>
</tr>
</tbody>
</table>
## CHAPTER 5 SECTION I
### DEFINITIONS

<table>
<thead>
<tr>
<th>Word or Phrase</th>
<th>Meaning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reasonable Grounds</strong></td>
<td>Reasonable grounds within statute authorizing arrest without warrant by an officer who has reasonable grounds for believing that a person to be arrested has committed criminal offenses.</td>
</tr>
<tr>
<td><strong>Search</strong></td>
<td>An examination of a man’s house or other buildings or premises, or of his person, or of his vehicle, aircraft, etc., with a view to the discovery of contraband or illicit or stolen property, or some evidence of guilt to be used in the prosecution of a criminal action for some crime or offense with which he is charged. A “search” to which the exclusionary rule may apply is one in which there is a quest for, a looking for, or a seeking out of that which offends against the law by law enforcement personnel or their agents. Visual observation that infringes upon a person’s reasonable expectation of privacy constitutes a “search”.</td>
</tr>
<tr>
<td><strong>Search Incident to Arrest</strong></td>
<td>An officer who has the right to arrest a person either with or without a warrant may search his person and the immediate area of the arrest for weapons, implements that may facilitate escape, and evidence or contraband that may be subject to loss or destruction.</td>
</tr>
<tr>
<td><strong>Search Warrant</strong></td>
<td>An order, in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable, or other officer, authorizing him to search for and seize any property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, or things otherwise criminally possessed; or, property designed or intended for use or which is or has been used as the means of committing a crime. A warrant may be issued upon an affidavit or sworn oral testimony.</td>
</tr>
<tr>
<td><strong>Seizure</strong></td>
<td>The act of taking possession of property, e.g. for a violation of law or by virtue of execution of an order. The term implies a taking or removal of something from the possession, actual or constructive, of another person or persons.</td>
</tr>
<tr>
<td><strong>Stop and Frisk</strong></td>
<td>The temporary stopping and “patting down” of a person who behaves suspiciously and appears to be armed. An officer has the right to stop and pat down a person suspected of contemplating the commission of a crime. He need not have probable cause, but must have more than a mere hunch. The scope of the search must be strictly relative to and justified by the circumstances that justified the initial stop.</td>
</tr>
<tr>
<td><strong>Suspect</strong></td>
<td>To have a slight or vague idea concerning; not necessarily involving knowledge, belief or likelihood. In reference to probable cause for arrest without a warrant, it is commonly used in place of the word “believe”.</td>
</tr>
<tr>
<td><strong>Suspicion</strong></td>
<td>A belief or opinion based upon facts or circumstances that do not amount to proof.</td>
</tr>
</tbody>
</table>
| **Tort**             | A private or civil wrong or injury, other than a breach of contract, for which the court will provide a remedy in the form of an action for damages. Three elements of every Tort action are:  
  a. Existence of a legal duty from defendant or plaintiff,  
  b. Breach of duty  
  c. Damage as proximate result. |
| **Voluntary**        | Proceeding from the free and unrestrained will of the person. The word, especially in statutes, often implies knowledge of essential facts. |
CHAPTER 5 SECTION II
POWER OF ARREST

A. Introduction

When an arrest is made, the justification must be sufficient to justify the action.

B. Authority to Arrest

1. Officers are given the authority to arrest by the Natural Resources Article, Section 1-204, and by the Criminal Procedure Article, Section 2-102, Annotated Code of Maryland. The circumstances under which that authority may be exercised are defined in common law and the Annotated Code of Maryland:
   a. Service of Arrest Warrants. Criminal Procedure Article, Section 2-103.
   b. Keeping custody of arrested persons. Criminal Procedure Article, Section 2-106.
   c. Duty to semiconscious or unconscious suspects. Criminal Procedure Article, Section 2-107.
   e. Warrantless Arrests - Commission of Specified Crimes. Criminal Procedure Article, Section 2-203.
   f. Warrantless Arrests - For Domestic Abuse. Criminal Procedure Article, Section 2-204.
   g. Warrantless Arrests - For Stalking. Criminal Procedure Article, Section 2-205.
   h. Warrantless Arrests - During State of Emergency. Criminal Procedure Article, Section 2-206.
   i. Fresh Pursuit. Criminal Procedure Article, Section 2-301.

2. The Transportation Article, Section 26-202, further defines the circumstances when an officer may arrest a person for violations of the Motor Vehicle Law.

3. A person may not be arrested or detained by an officer except under authority of law. An arrest may be authorized either by a warrant or without a warrant as prescribed by law.

C. Arrest Without a Warrant

1. Under authority of the Criminal Procedure Article, Section 2-202:
   a. A police officer may arrest without a warrant a person who commits or attempts to commit a felony or misdemeanor in the presence or within the view of the police officer.
   b. A police officer who has probable cause to believe that a felony or misdemeanor is being committed in the presence or within the view of the police officer may arrest without a warrant any person whom the police officer reasonably believes to have committed the crime.
   c. A police officer without a warrant may arrest a person if the police officer has probable cause to believe that a felony has been committed or attempted and the person has committed or attempted to commit the felony whether or not in the presence or within the view of the police officer.

2. Under authority of the Criminal Procedure Article, Section 2-203:
   a. A police officer without a warrant may arrest a person if the police officer has probable cause to believe:
      (1) That the person has committed a crime listed in subsection (b) of this section; and
      (2) That unless the person is arrested immediately, the person:
          (a) May not be apprehended;
          (b) May cause physical injury or property damage to another; or
          (c) May tamper with, dispose of, or destroy evidence.
   b. The crimes referred to in subsection (a)(1) of this section are:
      (1) Manslaughter by vehicle or vessel under § 2-209 of the Criminal Law Article;
      (2) Malicious burning under § 6-104 or § 6-105 of the Criminal Law Article or an attempt to
CHAPTER 5 SECTION II
POWER OF ARREST

(3) Malicious mischief under § 6-301 of the Criminal Law Article or an attempt to commit the crime;
(4) A theft crime where the value of the property or services stolen is less than $1,000 under § 7-104 or § 7-105 of the Criminal Law Article or an attempt to commit the crime;
(5) The crime of giving or causing to be given a false alarm of fire under § 9-604 of the Criminal Law Article;
(6) Indecent exposure under § 11-107 of the Criminal Law Article;
(7) A crime that relates to controlled dangerous substances under Title 5 of the Criminal Law Article or an attempt to commit the crime;
(8) The wearing, carrying, or transporting of a handgun under § 4-203 or § 4-204 of the Criminal Law Article;
(9) Carrying or wearing a concealed weapon under § 4-101 of the Criminal Law Article; and
(10) Prostitution and related crimes under Title 11, Subtitle 3 of the Criminal Law Article.

3. According to the Criminal Procedure Article, Section 2-201, nothing in Subtitle 2 dealing with warrantless arrests:
   a. Impairs a right of arrest otherwise existing under the Code.
   b. Deprives a person of the right to receive a citation for:
      (1) A traffic violation as provided in the Maryland Vehicle Law; or
      (2) A criminal violation as provided by law or the Maryland Rules.

4. An officer may not, without a warrant, arrest a person accused of having committed a misdemeanor if the misdemeanor was not committed in his presence, subject to certain exception.
   a. One exception allows an officer to arrest a party without a warrant for a misdemeanor that was not committed in his presence, providing the misdemeanor was committed in the presence of another police officer who promptly relays the information to the other officer, and the arrest is made within a reasonable time of the receipt of information relayed.
   b. Another exception provides an officer with authority to charge a person with a violation of any of the offenses enumerated in Section 26-202 (Vehicle Laws- Citation and Arrest) of the Transportation Article.

D. Arrest With a Warrant

1. An arrest warrant remains in force until it is returned or recalled by the issuing authority. A return is an official statement by an officer of what was done in executing the warrant. After a warrant has been returned, it has no validity.

2. No person, other than the issuing authority, has the right to alter a warrant.

3. The warrant should be signed by the authority issuing it, set forth the time and place of making it, and the charge(s) or offense(s). The accused should be brought before any commissioner or judge of the city or county where issued, or specifically before the authority issuing it. The full name, or if it is unknown, a statement of fact and a description of the person to be arrested must be given, but a mere formal irregularity upon the face of the warrant will not render the officer liable who serves it.

4. Promptly after their arrest and prior to release of incarceration, the defendant shall be given a copy of the warrant.
CHAPTER 5 SECTION III
ARREST / CHARGING DOCUMENT PROCEDURES

A. Precautionary Measures
(This section has been redacted due to the section containing confidential policy and/or procedural information).

B. Citation Preparation
(This section has been redacted due to the section containing confidential policy and/or procedural information).

C. Citations
(This section has been redacted due to the section containing confidential policy and/or procedural information).

D. Process For Filing Charges Against a Corporation
(This section has been redacted due to the section containing confidential policy and/or procedural information).

E. Uniform Criminal Citations
(This section has been redacted due to the section containing confidential policy and/or procedural information).

F. Search Incident to Arrest
(This section has been redacted due to the section containing confidential policy and/or procedural information).

G. Transportation / Care of Prisoners
(This section has been redacted due to the section containing confidential policy and/or procedural information).

H. Fingerprints
(This section has been redacted due to the section containing confidential policy and/or procedural information).

I. Filing of Charging Document
(This section has been redacted due to the section containing confidential policy and/or procedural information).
CHAPTER 5 SECTION III
ARREST / CHARGING DOCUMENT PROCEDURES

J. District Court Commissioner
(This section has been redacted due to the section containing confidential policy and/or procedural information).

K. Custody
(This section has been redacted due to the section containing confidential policy and/or procedural information).

L. Detention Procedures
(This section has been redacted due to the section containing confidential policy and/or procedural information).

M. Arraignment
(This section has been redacted due to the section containing confidential policy and/or procedural information).

N. Court Attendance
(This section has been redacted due to the section containing confidential policy and/or procedural information).

O. Extradition of Prisoners
(This section has been redacted due to the section containing confidential policy and/or procedural information).
CHAPTER 5 SECTION IV

JUVENILES

A. Definitions

Federal and State laws regarding juveniles are established in the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 2002 and in the Annotated Code of Maryland, Courts and Judicial Proceedings, Title 3, Subtitle 8, § 3-301 thru § 3-830, and Title 3, Subtitle 8A, § 3-8A-01 thru 3-8A-34. For the purpose of this Section, the following definitions will apply:

1. Child or Juvenile - a person under the age of 18 years. The eighteenth year designation applies in Maryland with certain statutory exemptions.

2. Child in Need of Assistance (CINA) - a child who requires the assistance of the court because:
   a. They are mentally handicapped or they are not receiving ordinary and proper care and attention, and
   b. Their parents, guardian, or custodian are unable or unwilling to give proper care and attention to the child and their problems.

3. Child in Need of Supervision (CINS) - a child who requires guidance, treatment, or rehabilitation and:
   a. Is required by law to attend school and is habitually truant; or
   b. Is habitually disobedient, ungovernable, and beyond the control of the person having custody of them; or
   c. Deports themselves so as to injure or endanger themselves or others; or
   d. Has committed an offense applicable only to children, such as running away from home.

4. Status Offender - a juvenile offender who has been charged with, or adjudicated for conduct that would not be a crime if committed by an adult.

5. Non-Offender - a juvenile who is not charged with any offense. This is usually a “child in need of assistance.”

6. Delinquent Offender - a juvenile who has been charged with or adjudicated for, conduct that would be a crime if committed by an adult.

B. Custody

1. In all cases where a juvenile is taken into custody, the officer, must call the juveniles parents as soon as possible.

2. A juvenile may be arrested for any act which would be a crime if committed by an adult. If the laws of arrest prevent an officer from arresting an adult, then the laws of arrest also prevent an officer from arresting a juvenile for the same offense. Juveniles may also be taken into custody by an order of the Court, if they are in danger from their immediate surroundings, or if they have run away from their parent or legal guardian.

3. Status Offenders and Non-Offenders
   a. Cannot under any circumstances, be placed in a juvenile or adult cell.
   b. Cannot, be held in a processing area, locked room, etc. If necessary, physical restriction of movement can only be provided by a police officer or matron.

(Revised 07/16)
CHAPTER 5 SECTION IV

JUVENILES

c. Must have complete sight and sound separation from adult criminal offenders.

d. Status offenders and non-offenders who have committed a delinquent act shall be treated as criminal type offenders. It is important that if the juvenile is subsequently placed in a cell, the Form NRP-414 (Detention Log) must reflect the delinquent act committed and not the status offense.

e. Juveniles will not be held in Area offices.

4. Delinquent Offenders

a. May be placed in a juvenile cell for a period not to exceed six (6) hours. There are absolutely no exceptions to the six hour limit.

b. The six (6) hours begins when the juvenile is physically placed in the cell.

c. As soon as it appears the juvenile cannot be released within six (6) hours, notify Juvenile Services, who will contact an intake officer.

d. Detention shall be for the purpose of identification, and/or processing, pending release to parents/guardian and/or pending transfer to another facility, by authority of a detention order issued by the court, or an intake officer.

e. A detention order issued by a Department of Juvenile Services intake officer does not negate the six (6) hour time limit.

f. Should the six (6) hour limit be reached and the juvenile is still in a cell, he must be removed. There are no exceptions.

g. Juvenile offenders cannot see or communicate with adult criminal offenders. This includes the period when the juvenile is being processed and while being held in a cell. Officers responsible for processing or otherwise handling juveniles shall assure compliance with this mandate.

5. Juveniles Charged as Adults

For certain crimes committed by juveniles of specified ages, charges are to be placed on the Statement of Charges (form DC/CR2) because jurisdiction is automatically waived by operation of law to the Circuit Court. Ages at which certain crimes are waived to adult court are:

a. A child at least 14 years old alleged to have done an act which, if committed by an adult, would be a crime punishable by death or life imprisonment, as well as all other charges against the child arising out of the same incident:
   (1) First degree murder
   (2) Attempted first degree murder
   (3) First degree rape
   (4) Attempted first degree rape
   (5) First degree sexual offense
   (6) Attempted first degree sexual offense

b. A child at least 16 years old alleged to have committed any of the following crimes, as well as all other charges against the child arising out of the same incident:
   (1) Abduction
   (2) Kidnapping
   (3) Second degree murder
   (4) Manslaughter, except involuntary manslaughter
   (5) Second degree rape
   (6) Robbery
   (7) Second degree sexual offense

5 IV 2 (Revised 07/16)
CHAPTER 5 SECTION IV

JUVENILES

(8) Third degree sexual offense
(9) Restrictions on possession, sale, rental, or transfer of regulated firearms
(10) Sale, transfer, or disposal of stolen regulated firearm
(11) Possession of short-barreled rifle or short-barreled shotgun
(12) Using, wearing, carrying, or transporting a firearm during and in relation to a drug trafficking crime
(13) Firearms restrictions related to convicted felons
(14) Carjacking or armed carjacking
(15) Assault in the first degree
(16) Attempted murder in the second degree
(17) Attempted rape in the second degree
(18) Attempted sexual offense in the second degree
(19) Attempted robbery
(20) Wearing, carrying, or transporting handgun
(21) Use of handgun or antique firearm in commission of crime
(22) Use of machine gun in crime of violence
(23) Use of machine gun for aggressive purpose

c. Juvenile Offenders Charged for Transportation Article or State Boat Act violations. (Courts and Judicial Proceedings § 3-8A-03)
(1) A child at least 16 years old alleged to have done an act in violation of any provision of the Transportation Article or other traffic law or ordinance, except an act that prescribes a penalty of incarceration, is charged on the Maryland Uniform Complaint and Citation in the same manner as for an adult. The charges will be tried in the District Court.
(2) A child at least 16 years old alleged to have done an act in violation of any provision of law, rule, or regulation governing the use or operation of a boat, except an act that prescribes a penalty of incarceration, is charged on the Natural Resources Citation in the same manner as for an adult. The charges will be tried in the District Court.
(3) If a child at least 16 years old is to be charged with a traffic or boating violation that carries a penalty of incarceration, the charges will be on a Juvenile Citation
(4) If the child at least 16 years old is charged with two or more violations of the Maryland Transportation Article, another traffic law or ordinance, or the State Boat Act, allegedly arising out of the same incident and which would result in the child being brought before both the juvenile court and a court exercising criminal jurisdiction, the juvenile court has exclusive jurisdiction over all of the charges. All charges will be on a Juvenile Citation.

C. Non-Secure Custody

1. An area where the juvenile is held that is an unlocked multipurpose area, such as a lobby, office, or interrogation room which is not designed, set aside, or used as a secure detention area, or if it is a secure area, is used only for processing purposes.

2. The juvenile is not physically secured to a stationary object.

3. The use of the area is limited to providing non-secure custody only long enough and for the purpose of identification, investigation, processing, release to parents, or arranging transfer to an appropriate juvenile facility or to court; and
CHAPTER 5 SECTION IV
JUVENILES

4. The area is not designed or intended to be used for residential purpose; and

5. Continuous, visual supervision is provided by a law enforcement officer or facility staff

D. Records

It is imperative that all juvenile arrest records be kept separate from adult records in the file so that juvenile confidentiality can be maintained unless the juvenile court has waived its jurisdiction and the child is being proceeded against as an adult.

E. Charges

1. Based on the age of the juvenile and circumstances of the case, officers may seek alternatives to warnings or citations in minor juvenile cases.
   a. Verbal warnings
   b. Consulting with and arranging corrective action by the parent(s) or guardian(s).

2. Releasing a juvenile to a parent or guardian will allow the officer to verify the juvenile’s identification and discuss the matter with the parent or guardian; in the hope that the parent or guardian will initiate corrective measures.

3. When releasing a juvenile into the custody of a parent or guardian, an NRP 437 (Juvenile Release Form) must be completed and a copy given to the parent or guardian.

4. For offenses non boating related by those under 18 years old, Officers will complete the NRP 437 or local jurisdiction charging document, and incident report, and forward to DJS.

5. For boating offenses by those under 16 years old, Officers will fill out the NRP 437 (juvenile release form) or local jurisdiction charging document, and incident report and forward to DJS.

6. A warning (Notice of Violation) may be issued to a juvenile under the age of 18 for any Natural Resources violation.

7. Maryland Juvenile Civil Citation:
   a. May be issued to juveniles for violation of possession of marijuana under 10 grams, and certain alcohol abuse and tobacco laws.
   b. Hearing date with DJS will be set and entered on the citation. Hearing date will be set between 13 and 16 days after offense date.
   c. Types of alcohol abuse violations charged on Maryland Juvenile Civil Citation (arrests are not made for these violations):
      (1) Criminal Law Article 10-115: Possessing false documentation to obtain alcoholic beverage.
      (2) Criminal Law Article 10-114: Unlawful possession of an alcoholic beverage.
      (4) Criminal Law Article 10-113: Misrepresentation of age to purchase beer, light wine, liquor.
      (6) Article 26 Section 103 (Education): Drinking or possessing alcohol beverage on public school property.
   d. There is one alcohol related offense for which an arrest is warranted; only if one of the other
alcohol offenses has been violated. A Juvenile Citation is used for the following charge:
(1) Criminal Law Article 10-120: Failure or refusal to furnish proof of identification or age upon
request.
e. Tobacco violations are entered on a Maryland Juvenile Civil Citation and can be found in
Criminal Law Article 10-108: Possession of tobacco or use of false identification to obtain
tobacco products or rolling papers.
f. The charge for possession of marijuana under 10 grams (CR-5-601(a)(1) is entered on a
Maryland Juvenile Civil Citation.

IMPORTANT: Juveniles may refuse to sign civil citations. Ensure that the full name, address and
phone number of the juvenile’s parent(s) or legal guardian(s) is entered onto the citation.

A copy of the citation(s) is given to the juvenile, and if present, a copy of the citation(s) is also given to
the parent(s) or legal guardian(s). If the parent(s) or legal guardian(s) are not present, then a copy of the
citation is mailed to them.

Officers may issue citations for alcohol offenses even if the officer does not witness the violations. If
the officer receives sufficient information from the complainant to justify the placing of the charges, the
officer may issue the citations and summons the complainant to testify at any hearing or trial.

F. Interrogations

Only a juvenile can waive their Miranda Rights. Maryland Law requires that parents be notified
immediately when a juvenile is taken into custody, along with the DJS intake worker.

G. School Notification of Arrest

1. The Annotated Code of Maryland, Education Article § 7-303, requires that law enforcement
agencies contact the appropriate superintendent of schools whenever a student under the age of 22 is
arrested and charged with certain reportable offenses or an offense that is related to the student's
membership in a criminal gang.

2. The Area Commander or designated supervisor where the arrest was made shall notify the following
individuals of the arrest, the name of the student and the charges filed within 24 hours of the arrest or as
soon as practicable:
a. Local superintendent of schools;
b. School principal; and
c. School security officer, for a school that has a school security officer.

3. Under no circumstances will notification be made later than 0900 hours on the next regular school
day after the arrest.

4. The offenses that must be reported are:
a. A crime of violence, as defined in Section 14-101 of the Criminal Law Article;
b. Any of the offenses enumerated in Section 3-8A-03(d) (4) of the Courts & Judicial Proceedings
   Article. See list under Juveniles Charged as Adults in Section B. 5 of this chapter.
c. A violation of Sections 4-101, 4-102, 4-203, or 4-204 of the Criminal Law Article (Referring to
   Dangerous or Deadly Weapons, Disarming Law Enforcement Officers, and Handguns);
d. A violation of Sections 5-602 through 5-609, 5-612 through 5-614, 5-617, 5-618, 5-627, or 5-628 of the Criminal Law Article; (Referring to CDS);

e. A violation of Section 4-503, 9-504, or 9-505 of the Criminal Law Article (Referring to Destructive Devices);

f. A violation of § 6-102, § 6-103, § 6-104, or § 6-105 of the Criminal Law Article (Referring to Arson and Malicious Burning);

g. A violation of § 9-802 or § 9-803 of the Criminal Law Article (Referring to Criminal Gang Activity);

h. A violation of § 3-203 of the Criminal Law Article (Referring to Assault in the Second Degree);

i. A violation of § 6-301 of the Criminal Law Article (Referring to Malicious Destruction);

j. A violation of § 9-302, § 9-303, or § 9-305 of the Criminal Law Article (Referring to Witness, Victim, or Juror Intimidation);

k. A violation of § 7-105 of the Criminal Law Article (Referring to Motor Vehicle Theft);

l. A violation of § 6-202 of the Criminal Law Article (Referring to Burglary in the First Degree);

or

m. A violation of § 10-606 of the Criminal Law Article (Referring to Aggravated Cruelty to Animals).

5. The arresting officer’s responsibilities if the juvenile is arrested for one or more of the above crimes are:

   a. Determine if the subject is enrolled in a school in Maryland.

   b. If so, notify the Area Commander or Duty Officer immediately of the arrest with information needed to make the notification; the name of the subject, the county of enrollment, and the crime that applies to the notification.
CHAPTER 5 SECTION V
FIELD OPERATIONS

A. Use of Force
(This section has been redacted due to the section containing confidential policy and/or procedural information).

B. Firearms Discharge and Procedures
(This section has been redacted due to the section containing confidential policy and/or procedural information).

C. Departmental Shooting Incident Process
(This section has been redacted due to the section containing confidential policy and/or procedural information).

D. Deadly Force Review Board
(This section has been redacted due to the section containing confidential policy and/or procedural information).

E. Warrant Procedure

1. Definitions: For the purpose of this policy, the following terms have the meanings indicated.
   a. Warrant Control Officer means that person assigned in an NRP Area Office to maintain a log of all active warrants received in that Area Office from Communications for accountability purposes.
   b. Warrant Control Coordinator means that person in the DNR Law Enforcement Records Center assigned to oversee, direct or manage all DNR warrants and to keep records of each and maintain accountability.

2. (Paragraph E2, and paragraphs E2a thru E2d have been redacted due to the paragraphs containing confidential policy and/or procedural information).
   a. 
   b. 
   c. 
   d. 
   e. LIVESCAN or other electronic fingerprint system will be utilized. The prints will be electronically forwarded to CJIS and/or FBI as required.
   f. Upon service of a warrant, the DNR Communications Center will be notified immediately and the warrant removed from the METERS/NCIC system.
   g. (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).
B. Motor Vehicle Traffic Code

1. Vehicle Speedometer Certifications
   a. Commanders shall ensure that all vehicles assigned to their command that are or may be used for speed enforcement activities have their speedometers certified.
   b. Initial certification shall be performed as soon as possible after the vehicle is acquired.
   c. Speedometer certification shall be accomplished by testing the vehicle with a radar/lidar unit properly calibrated for motor vehicle speed enforcement and operated by a certified radar/lidar operator.
      (1) Vehicles shall be tested at thirty-five (35), fifty-five (55), and seventy-five (75) mile per hour intervals. Testing shall be accomplished on a dry, level roadway at a time and location that will minimize conflict with other traffic.
      (2) The results of these tests shall be recorded by the radar/lidar operator on an NRP-475 (Vehicle Speedometer Certification Record). This record must be carried in the tested vehicle’s glove box at all times.
      (3) Should there be a significant deviation in tested versus actual speed, the vehicle operator will contact an appropriate maintenance facility so that corrective action can be made.

C. Vehicle and Vessel Stops

1. All investigative and enforcement vehicle and vessel stops will be based upon reasonable suspicion that a violation has occurred. Vessel and vehicle stops may also occur while engaged in an activity regulated by DNR.

2. Utilizing the DeltaPlus software program, which is part of Maryland’s Electronic Traffic Information Exchange (E-TIX) Program, officers shall, within 24 hours of making a traffic stop, as defined in the Annotated Code of Maryland, Transportation Article, §25-113(a)(4), enter all appropriate data regarding those traffic stops initiated for violations of the Maryland Vehicle Law.

4. Definitions
   (Paragraphs 4a thru 4f have been redacted due to the paragraphs containing confidential policy and/or procedural information).
E. Game, Fisheries, and Sobriety Checkpoints

1. This section will address the using of either vehicles and/or vessels at checkpoints during conservation and OWI enforcement efforts. Detailed guidelines for the use of checkpoints by State and Federal Appellate Courts have been considered and include State v. Deskins, 234 Kan. 529, 673 p. 2d 1174 (1983). Specifically:
   a. The degree of discretion, if any, to the officer in the field
   b. The location designated for the roadblock,
   c. The time and duration of the roadblock,
   d. The standards set by superior officers,
   e. Advance notice to the public at large,
   f. Advance warning to the approaching motorist,
   g. The maintenance of safety conditions,
   h. The degree of fear or anxiety generated by the mode of operation,
   i. The average length of time each motorist is detained,
   j. The physical factors surrounding the location, type and method of operation,
   k. The availability of less intrusive methods for combating the problem,
   l. The degree of effectiveness of the procedure, and
   m. Any other relevant circumstances which might bear upon the test.

2. In the endeavor to enhance conservation and boating enforcement efforts, the use of vehicle and/or vessel checkpoints has been authorized to aid in the detection and apprehension of conservation and boating law violators. Approval for specific vehicle and/or vessel checkpoints at locations for a specific time period shall be authorized by the Field Operations Bureau Commander. The use of this enforcement strategy shall be in conformance with these procedures.

3. Procedures for both vehicle and vessel checkpoint operations.

F. Assistance to Disabled Vessels

1. Definitions:
   a. Commercial Firms (Assistance) - A private firm (or individual) that has been approved by the U.S. Coast Guard for non-emergency assistance.
   b. Disabled Vessels - Vessels incapable of safely returning to port.
   c. Non-Emergency - Situations involving no reasonable foreseeable threat to life or property. Determination as to whether or not a particular situation falls in this category shall be made by the senior Natural Resources Police Officer who is on the scene.
   d. Vessel in Distress - A vessel which is in a position or circumstance where there is an immediate or foreseeable threat to life or property.
   e. Safe Port/Harbor - A harbor or port where a vessel would be safe from hazardous environmental conditions and commercial facilities are available.
CHAPTER 5 SECTION V
FIELD OPERATIONS

(Paragraphs F2 thru F14 have been redacted due to the paragraphs containing confidential policy and/or procedural information).

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G. PFD Enforcement

1. In an effort to prevent unnecessary loss of life due to the disregard of laws and regulations dealing with personal flotation devices, all NRP officers are directed to issue citations for any violation of wearable personal flotation device laws.

2. Warnings shall not be issued except in those circumstances in which extenuating circumstances would dictate otherwise.

3. Upon issuance of a citation or warning for a PFD violation and sufficient PFD’s cannot be obtained, NRP Officers shall order the vessel to return to shore and, in circumstances indicating a serious risk to life, shall escort the vessel to the nearest safe harbor.

H. Marine Sanitation Devices (MSD)

1. Education and Awareness - The Safety Education Section will be utilized to promote awareness on the MSD law, as well as educate boaters on how to comply with the MSD requirements. Reserve Officers can also be used to hand out information at boat ramps or marinas.

(Revised 12/17)
CHAPTER 5 SECTION V
FIELD OPERATIONS

2. Enforcement - The Natural Resources Police shall closely monitor compliance with the MSD law. During vessel stops officers shall explain the law and provide handout material on MSD’s to the boat operators and owners. Officers must remember that the passage of the MSD law in no way repealed the protection afforded to boat owners by the Fourth Amendment to the Constitution. Therefore, in the absence of consent, an officer must have probable cause to believe that an MSD violation has occurred before an inspection of the MSD will be conducted.

I. Hydrographic Operations Service Requests

1. When an officer observes a State maintained buoy/sign in need of repair and/or replacement, the officer shall open a CAD incident and:
   a. Obtain a report number.
   b. Complete the NRP 455, including
      (1) The type of buoy/sign/marker.
      (2) Detailed location of buoy/sign/marker, including GPS coordinates whenever possible
      (3) Nature of request (repair /replacement, etc.).
      (4) Name of requesting officer, and
      (5) Any other pertinent information

2. Hydrographic Operations are notified automatically by the CAD.

J. Firefighting

1. All NRP personnel, when responding to a fire on land or water, shall survey the situation and render the appropriate “assistance as available” without endangering themselves or Agency equipment.

2. Personnel are restricted to fighting fires in their initial stages only, unless there is a reasonable potential for loss of life. Even under these circumstances, personnel will only perform exterior firefighting and extrication functions. For any wild land fire, DNR Forestry will be advised and additional assistance will be provided if requested.

K. Injured, Sick, Nuisance, or Dangerous Animal Incidents

1. Dangerous Animal Calls:
   a. If available, the Natural Resources Police will respond to wildlife incidents that are brought to their attention that either pose an immediate threat to public safety or require emergency euthanasia.

   b. When an officer has an extended response time, Communications will call the local jurisdiction to respond. If the local law enforcement will not respond, the on duty officer will contact the local jurisdiction to determine who will handle.

   c. The Natural Resources Police will refer all other calls on sick, injured, nuisance or dangerous animals to the following agency / persons:
CHAPTER 5 SECTION V  
FIELD OPERATIONS

(1) Nuisance Wildlife - USDA Wildlife Services, Monday to Friday, TOLL FREE 877-463-6497
(2) Calls related to black bears should be referred to the appropriate Wildlife and Heritage Service office. The DNR Communication Center maintains a current list of staff contacts available during and after normal work hours.
(3) Injured, Sick, or Nuisance domesticated animal calls should be referred to the county animal control agency.
(4) Injured Wildlife - Wildlife Rehabilitators licensed through the DNR Wildlife and Heritage Service. A list of approved Wildlife Rehabilitators with contact information is available at the DNR Communication Center.

2. Sick Wildlife
   a. As required by Maryland Law, warm-blooded animal calls involving bite or non-bite human contact must be immediately reported by telephone or in person to the local police or sheriff’s department, except in Frederick County, where the call shall be immediately reported to the animal control center of Frederick County.
   b. If rabies or distemper is suspected and the animal is to be tested, its head must remain intact.
   c. Birds and cold-blooded animals may be treated as injured wildlife. The DNR Communication Center maintains a current list of appropriate contacts.

3. Abandoned/Orphaned Fawns (See Wildlife’s Fawn Policy)

I. Captive Wildlife Inspection Procedure

1. The Captive Wildlife Inspection Procedure shall not preclude the necessity for Regulated Shooting Areas, Waterfowl Processing Operations, and Master Hunting Guides to be visited during the hunting season as part of normal law enforcement.

2. Inspections will be captured on the RMS Regulated Shooting Area Inspection Report Template.

3. Officers issuing citations or warnings to permit holders shall forward this information to the permits coordinator for the Wildlife and Heritage Division so that they may utilize this information in any permit review/revocation process.

4. When completing falconry inspections, the RMS Raptor Facilities Inspection Report Template should be used in addition to the RMS Wildlife Inspection Report Template

M. Aversive Conditioning of Black Bears

1. Definitions
   a. Aversive Conditioning - the application of an unpleasant experience designed to discourage future human contact.
   b. Rubber Buckshot - Departmentally issued rubber buckshot shot shells.
   c. Nuisance Black Bears - any black bear invading areas of human habitation for the purposes of seeking food or shelter. This would include, but is not limited to, crop depredation and refuse foraging. Any bear lacking a natural fear of humans will be considered a nuisance bear.
CHAPTER 5 SECTION V
FIELD OPERATIONS

2. An officer may conduct aversive conditioning of nuisance black bears only at those times when Maryland Wildlife Service personnel are unable to respond in a timely fashion or when the circumstance dictates immediate action to be taken. Natural Resources Police Officers may conduct the aforementioned aversive conditioning only under the following circumstances:
   a. When the nuisance black bear poses a non-immediate threat to the safety and welfare of domesticated animals or livestock.
   b. When the nuisance black bear poses a non-immediate threat to the safety and welfare of any individual(s).
   c. When the nuisance black bear invades areas inhabited by humans for the purposes of foraging food.
   d. When in the officer’s opinion, the safety and welfare of the black bear would best be served by aversive conditioning (i.e. Bears being fed by humans in violation of State law or bears which have become too imprinted to human contact).and
   e. Only after the officer has received training in how to administer aversive conditioning.

3. An “Aversive Conditioning of Nuisance Black Bear/Use of Rubber Buckshot” report (Form NRP-735) shall be completed after each use of rubber buckshot.

4. A copy of this form will be forwarded to the Wildlife Office in the jurisdiction of the incident by the district sergeant.

N. Catch a Poacher

1. The Department of Natural Resources has established a reward program for citizens reporting violations of Title 4 or Title 10 of the Natural Resources Article are eligible for a reward.

2. The purpose of the program is to encourage citizen participation in reporting violations of fish and wildlife laws and subsequently providing better protection for the species.

3. The NRP Superintendent will select a CAP Committee to review the CAP forms as they are submitted.
   a. The Review Board will determine which individuals are eligible to receive a reward.
   b. The Commander of the Natural Resources Police Hunting and Boating safety Education section will serve as the coordinator of the CAP Program.
   c. Natural Resources Police officers will not serve as a voting member for the purpose of selecting or granting rewards.
   d. The Program Coordinator will be responsible for getting the reward to the citizen.

4. The following procedures must be adhered to, in order to protect the anonymity of the complainant and insure that all complaints are processed in a consistent manner.
   a. All CAP Program complaints must be channeled through the DNR Communication Center and receive a “CAP” complaint number.
   b. In those cases when a complainant contacts an officer directly or files the complaint in person at an Area Office, the person contacted will record the complaint information and, as soon as practical but within 24 hours, contact the Communication Center and document the complaint on a CAP form if requested.
   c. The Communication Center personnel will record the complaint on a CAP Report Form, Form NRP-452. The only complaints eligible to receive a "CAP" number are those covered by Title 4 or Title 10. A caller must state that he is calling in conjunction with the Catch-A-Poacher Program.

(Revised 12/17)
program in order to be considered for a reward.

d. When a CAP complaint is relayed to an Area Office or to an officer, only the CAP number and
the complaint information will be dispatched. This will protect the anonymity of the
complainant and protect the officer from any accusation of prejudice.

e. If a case cannot be made without implicating the complainant, the officer will report this to the
Communication Center. They will mark the complaint as such and forward it to the CAP
Program Coordinator for statistical purposes. The CAP Program Coordinator may contact the
complainant to determine if he or she wishes to become involved.

f. All cases shall be investigated within five workdays. Upon completion of the investigation, the
investigating officer shall, within 24 hours, forward a copy of the completed investigation report
to the Communications Center, except in cases in which the findings are determined to be either
a situation of “no violation” or “unfounded”. This copy is to be attached to the original
complaint, and a copy shall be forwarded to the DNR CAP Review Board via the Program
Coordinator.

g. In the event the complaint is determined to be either “No Violation” or “Unfounded”, no written
report shall be necessary, but the investigating officer shall notify the Communications Center of
these findings either by radio or telephone, and the officer must, before the end of his duty shift,
give the Communications Center a brief verbal report of how they determined these findings.
The PCO shall enter these remarks into the CAD system report and on the CAP Report form.

h. DNR employees and immediate family members (spouse or children) are not eligible for the
reward program.

O. Enforcement Guidelines for Imported Crabs

1. NRP may seize crabs imported to Maryland, during Maryland’s open season, which do not meet
Maryland’s minimum size limit.

2. Crabs which have been cooked will not be measured.

3. A random sample of a maximum of ten percent of the load may be inspected (culled) to determine
compliance with Maryland’s size/tolerance limits. If these crabs are found to be in violation of
Maryland law, officers may continue to inspect the load above ten percent. Progressive enforcement
action should be taken.

4. The officer in charge of the inspection will also determine information relating to the origin of those
containers of crabs found to be in violation (freight ticket information, name of catcher, name of
shipper).

5. When inspecting crab trucks, officers should inspect the random sample in a manner that will permit
the driver to close the door(s) on the truck to protect the remainder of the crab shipment.

6. All crabs seized as a result of an enforcement action will be donated or disposed of as follows:
   a. Imported crabs, with the exception of those originating from Virginia, will not be returned to
      Maryland waters.
   b. Live crabs shall be donated to charitable institutions.
   c. Dead crabs shall be conveyed to designated disposal sites.
CHAPTER 5 SECTION V
FIELD OPERATIONS

P. Conditional Shellfish Harvesting Areas Closures.

1. Once shellfish harvesting areas have been identified, Communication Center personnel shall enter the specific closures on the shellfish waters restriction log. Patrol vessels on duty in affected areas shall be immediately notified of the closures. The notification shall be documented.

2. Communication Center personnel shall notify Area Offices and Officers affected by the closures by fax, Mobile CAD, and email of the shellfish waters restriction log by 0800 hours.

3. Patrol unit personnel will contact the Communications Center to verify closure of an area in question.

4. All shellfish harvesters found working in an area that is closed as a result of rainfall will be required to return any shellfish onboard to the waters within the closed area, and ordered to cease their harvesting activities in the closed areas until the area is reopened. The reopening date will be known (from DOE) unless another rainfall occurs before the area opens.

5. If a shellfish harvester is found working in the “Conditional Closed Area” Officer discretion shall be utilized when taking enforcement action. Information regarding the incident will be recorded to include:
   a. Identification of all persons on the vessel.
   b. All shellfish harvesters licenses held by the persons on board the vessel.
   c. Vessel registration information.
   d. Location of the closed area.

6. Information concerning the incident will be forwarded to the Communications Center and will be kept on file throughout the duration of the closure.

7. If a shellfish harvester is found working in any of the “Conditional Closed Areas” more than once during a closure period, a citation will be issued for the violation in addition to the requirement that the shellfish be returned to the waters within the closed area.

Q. Pfiesteria or Other Related Organism Toxic Activity

1. An NRP officer may be asked to respond to a fish health event (dead or dying fish, or fish acting abnormally) and assess the situation and report to the DNR Communications Center.

2. If there is evidence that there is toxic outbreak, only NRP personnel trained and equipped with Tier III gear will transport monitoring personnel and equipment.

3. Once an area has been closed, the NRP will patrol access points to the closed area and also make observations from shore, to ensure that the closure is enforced.

4. Maryland Guidelines for Protection of Field Workers Who May Be Exposed to Estuarine Waters sets forth the following guidelines:
   a. Three-tiered Protection Plan: All employees involved in field activities that involve potential direct exposure to estuarine waters will follow the Three-Tiered Protection Plan. All employees in this group will carry with them all of the protective gear required for all three tiers.

   b. Tier 1 - Estuarine waters that have had no reports of suspected or confirmed pfiesteria or other related organism toxic activity during the current or preceding calendar year. Use common sense. Employees may wear lightweight waterproof gloves when sampling to prevent exposures.
to natural and man-made hazards. Wash hands, arms and other exposed areas thoroughly with anti-bacterial soap and water soon after sampling. Shower or bathe upon returning home.

c. Tier 2 - Estuarine waters that have had a report of a confirmed toxic event consistent with pfiesteria or a related organism in the past 12 months, but no reports of such activity have been confirmed in the past 14 days (includes waterways closed because of toxic events).

(1) When direct water contact is anticipated: wash exposed areas with anti-bacterial soap and water. Shower or bathe upon returning home.
(2) At the discretion of the employee: wear rubber boots, heavy rubber gloves and rain gear. (If ambient air temperatures are high, workers may delay donning gear until immediately prior to collecting samples and remove the gear when actual sampling is completed).

d. Tier 3 - Estuarine waters with a suspected or confirmed toxic activity underway or within the past 14 days.

(1) Entry into the affected area is restricted to persons fully trained and fully equipped with all protective gear.
(2) All personnel entering the affected area will wear full protective gear including: respirator, goggles, rain gear, heavy gloves, and rubber boots.
(3) All personnel wearing respirators must be trained in accordance with OSHA requirements established in 29 CFR 1910.134**
(4) Beach seining should be avoided unless absolutely necessary. If beach seining is carried out, full protective gear as described above must be worn.
(5) Wash all exposed protective gear and body parts with anti-bacterial soap and water. Shower or bathe upon returning home. Do not use bleach to clean.
(6) Respirators will be inspected by the employee before and after each use. Defective or worn parts are to be replaced.

R. Media Relations

1. The NRP Public Information Officer (PIO) is responsible to field media queries, issue press releases, provide on-camera and radio interviews, and promote various NRP related issues and programs around the state. They also manage social media sites.

2. In incidents involving the implementation of the Emergency Operations Plan, the On-Scene / Incident Commander will determine the need for assistance with the media. If the NRP PIO is not available, contact the on-call DNR PIO. Depending on the situation the NRP/DNR PIO may respond to the emergency scene to provide media assistance.
   a. The NRP/DNR PIO will make recommendations, and will set up a media information center, if required.
   b. In the event of a natural disaster or other homeland security emergency, the NRP/DNR PIO will immediately liaison with the MEMA/DHS PIO for additional guidance as well as inform the Director of OCM.

3. All media inquiries should be first directed to the NRP PIO.

4. Requests for information for news features or in-depth stories should be referred to the NRP PIO.

5. In responding to media calls that need to be referred to the NRP PIO, take the caller’s contact
CHAPTER 5 SECTION V
FIELD OPERATIONS

information and immediately contact the PIO.

6. For newsworthy cases and incidents that require immediate notification, contact the NRP PIO either directly or through the DNR Communications Center. NRP Officers will submit a fully completed NRP 504 (PIO Charging Information Worksheet) to relay the facts and circumstances of the event. Commanders will be included in all correspondence for the event.

7. Special Considerations
   a. Multiple Agency Involvement
      (1) When multiple agencies are mutually involved in an activity, then the media representative from each agency should consult in planning the release of information.
   b. Direct Access to Crime Scenes
      (1) Direct access by media representatives may be allowed only after the scene has been released by the Officer in charge of the investigation.
   c. Photographing, Recording and Televising
      (1) News media representatives may be allowed to freely photograph, file, or videotape at the scene of any incident so long as their activity does not interfere with police operations. In consultation with the On-Scene / Incident Commander, the NRP/DNR PIO on duty will set up a location for the media to take pictures and interview DNR & NRP personnel.
      (2) Officers will take protective measures in covering an injured or deceased body or animal, in order to prevent photographing or televising.
      (3) Suspects or accused persons in custody shall not be deliberately posed for photographs, telecasts, or interviews.
      (4) News media representatives will not be allowed to interview persons in police custody.

8. The NRP PIO together with OCM will actively promote those programs to ensure maximum public awareness and compliance.

S. Response to Security Alarm Calls on Areas Managed by Maryland Department of Natural Resources

1. Security alarm calls are emergency calls for the purpose of this standard operating procedure.

2. Procedure:
   (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

T. MSP Aviation Requests Under MSP Memorandum of Understanding (MOU)

1. The Agency has entered into an MOU with the Maryland State Police regarding airborne services. In summary, the MOU establishes the MSP as the Agency providing support in the form of aerial search and rescue services and airborne law enforcement to the Department of Natural Resources/Natural Resource Police.

(See Chapter 5, Section VI for the MOU and General Order 100-09-03 from which this policy was obtained.).
CHAPTER 5 SECTION V
FIELD OPERATIONS

2. The following aviation request procedures are to ensure adherence to the Memorandum of Understanding (MOU) between the NRP and the Maryland State Police (MSP) regarding airborne services related to the NRP mission.

3. Emergency requests for services will be made by contacting SYSCOM at emergency telephone number 410-706-8080. These types of requests will be made by our DNR Communications Center as requested by our personnel on the scene.

4. To assist in law enforcement operational patrol needs, Area Commanders are assigned the responsibility as the primary “Flight Coordinators.” A Duty Officer (Supervisor) under their command shall be assigned this responsibility only when the Area Commander is unavailable (off). This will ensure continuity and consistency in dealing with MSP and in the scheduling and documentation of all flights requested for their geographical area.

5. All pre-planned law enforcement missions encompass four steps:
(This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

6. All attempts will be made to schedule pre-planned flights during normal business hours with a 48 hour minimum notice. Flights may be scheduled less than 48 hours if there is a critical law enforcement need.

7. (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

8. NRP Flight Coordinators will arrange for an NRP observer (MSP trained) to fly on board MSP Aviation Command aircraft for all pre-planned law enforcement missions and will notify MSP Aviation Command of any cancellations as soon as possible.

9. MSP flight requests made through SYSCOM for emergencies will be tracked with an NRP CAD entry.

U. Civil Marijuana Violations

1. Purpose:
To outline the procedures for issuing civil citations for qualifying marijuana violations.

2. Policy:
Officers will issue a civil citation for a qualifying marijuana offense beginning October 1, 2014.

3. Criminal vs. Civil Violations:
   a. Officers who encounter marijuana while on patrol will use their training, knowledge, and experience to estimate the weight of the marijuana.
      (1) If the Officer reasonably believes the marijuana to be less than 10 grams (excluding packaging), they will seize the marijuana and issue the person a civil citation.
      (2) If the Officer reasonably believes the marijuana to be 10 grams or more (excluding packaging), they will seize the marijuana and arrest the person for the criminal offense.
   b. Should the Officer weigh the marijuana, and determine the marijuana is 10 grams or more
(excluding packaging) and the person has already been issued a civil citation, no further
enforcement action will be taken.

c. Should the Officer weigh the marijuana, and determine the marijuana was less than 10 grams
(excluding packaging) and the person is in custody, the person will be issued a civil citation and
will be promptly released.

d. The possession of drug paraphernalia when related to the use or possession of marijuana is legal
and should not be seized. Marijuana itself is contraband and should be seized. If a person
possesses less than 10 grams of marijuana, it does not preclude them from being charged with
the criminal offense of possession with intent to distribute a controlled dangerous substance
(CDS), should the facts and circumstances present probable cause for such a charge.

4. Forms and Reports:
   a. Uniform Civil Citation (DC-028).
      (1) When charging a person for a civil offense, officers will use a civil citation and will use the
      pre-printed/pre-numbered civil citation from the citation book provided by the District Court
   b. Uniform Juvenile Civil Citation (DC-031).
      (1) If the person is under the age of 18, they WILL NOT be charged on an adult civil citation,
      but will be charged on a Uniform Juvenile Civil Citation and processed in accordance NRP
      Policy.
   c. NRP Reports
      (1) Officers will complete an RMS Incident Report detailing the circumstances of the incident;
      the offense will still be documented as “CR, 5-601(a)(1): CDS: Possession - Marijuana.”
      The Offense Status for the charge, whether arrested or not arrested, will be Cleared by Arrest.
      (2) If the person is only issued a civil citation and has not been physically detained, a Field
      Arrest Report will not be completed.
      (1) A copy of the civil citation will be given to the person upon release.
      (2) Copies of the civil citation and report will be forwarded to the State’s Attorney’s Office.
      (3) All original copies will be forwarded to Records on a Batch Sheet separate from Natural
      Resources and Criminal citations.

5. Completing a Civil Citation:
   a. Separate civil citations will be issued for each violation.
   b. In instances when more than one citation is issued to a person, the citations will be related.
   c. Should the person also be issued a criminal citation for a qualifying offense, the criminal citation
      will be related to the civil citation.

6. Determining Subsequent Offenders:
   a. Officers will determine if the person has previously been issued a civil citation for less than 10
      grams of marijuana in order to establish if the person is eligible to pay a pre-paid fine or whether
      they must appear in Court.
   b. In order to determine whether or not the person is a subsequent offender, the person will be
      queried through one of the District Court’s databases by the DNR Communications Center.
   c. Records of previous civil offenses for marijuana violations are not maintained on the Judiciary
      Case Search (the public website.)
   d. Should a previous violation be located, a copy of the record will be saved and placed in the case
      file.
   e. Pre-Payable and Must-Appear Offenses:
CHAPTER 5 SECTION V
FIELD OPERATIONS

(1) 1st violation: $50 prepaid fine
(2) 2nd violation: $125 prepaid fine
(3) 3rd or subsequent violation: must appear
(4) Offender at least 18, but under 21: must appear

7. After determining whether the person has any previous violations, the officer will complete the
   citation noting whether or not the person can pre-pay the fine or is required to appear in Court.

8. Searches:
   a. Positive K-9 alerts will continue to be sufficient probable cause to search vehicles for the
      presence of CDS.
   b. Probable cause searches for marijuana involving vehicles will be done in accordance with NRP
      Policy and the Carroll Doctrine. Such searches can extend to both the vehicle and its occupants.
   c. When conducting probable cause searches for marijuana, officers should always articulate the
      reasons they believe the vehicle contains contraband or the fruits, instrumentalities of a crime, or
      evidence of criminal activity.
   d. The search incident to arrest exception to the warrant requirement does not apply to the issuance
      of a civil citation.

9. Identification and Release:
   a. A person is not required to furnish proof of identification when receiving a civil citation.
   b. Should an officer have probable cause to believe the person is providing a fictitious name the
      officer may charge the person with the criminal charge of obstructing and hindering and process
      the person as an on-view arrest.
   c. Upon signing a civil citation, including those for must-appear offenses, the person will be
      released.
   d. A person is not required to sign a civil citation and will not be arrested for failing to sign.
   e. Should the person refuse to sign the citation, the Officer will write “Refused to Sign” in the
      signature line of the citation.

10. Seizing and Testing:
    a. All marijuana and related paraphernalia, regardless of its weight, will continue to be seized and
       stored as CDS per NRP Policy.
    b. A marijuana violation only involving a civil offense will not be sent for analysis.
    c. Although an analysis on marijuana for civil offenses will not be completed, the CDS may need to
       be field tested or presented in court as required by the local state’s attorney.
    d. Marijuana related to a criminal, OWI, or serious traffic offense, regardless of the amount, may be
       sent for analysis; however, supervisors should be cognizant of sending only evidence which is
       necessary for the successful prosecution of the case.

V. Investigation Procedures for Boat Excise Tax

1. An officer will complete the Boat Excise Tax Field Investigation Report (NRP-434) with information
   obtained from the owner of the suspect vessel, the DNR Communications Center, or that which is
   obtained from other reliable sources. An incident number for each case initiated will be obtained from
   the DNR Communications Center. NRP officers shall forward a copy of the NRP-434 form with the
   weekly reports through the chain of command to the Area Commander. The copy of the NRP-434 form
   shall then be forwarded through the chain of command to the Boat Tax Enforcement Unit Director.
2. Upon completion of the Boat Excise Tax Field Investigation Report (NRP-434), an officer may close out the investigation.
   a. As new information comes to the officer’s attention, they shall submit a supplemental report documenting the new information.
   b. When an investigation is closed, NRP officers shall submit the original completed NRP-434 form with the weekly reports through the chain of command to the Boat Tax Enforcement Unit Director.

W. District Court Booking Forms:

1. The following District Court Booking Forms are available electronically and can be downloaded from the NRP Network at the following address:
   \tawesdata2\NRP\Common\NRP_Forms\District_Court

<table>
<thead>
<tr>
<th>FORM NUMBER</th>
<th>NAME</th>
<th>LAST REVISED</th>
</tr>
</thead>
<tbody>
<tr>
<td>DC-CR-002</td>
<td>Statement of Charges, Police Form</td>
<td>4/2017</td>
</tr>
<tr>
<td>DC-CR-002A</td>
<td>Statement of Charges, Continuation Form</td>
<td>4/2017</td>
</tr>
<tr>
<td>DC-CR-004</td>
<td>Statement of Probable Cause/Arrest on Traffic/Natural Resources/Mass Transit Citation</td>
<td>4/2002</td>
</tr>
<tr>
<td>DC-CR-004A</td>
<td>Statement of Probable Cause, Continuation Sheet</td>
<td>4/2002</td>
</tr>
<tr>
<td>DC-CR-045</td>
<td>Uniform Criminal Citation</td>
<td>4/2017</td>
</tr>
</tbody>
</table>

2. To ensure the integrity of the District Court’s tracking number system, whenever an officer makes a warrantless arrest (on-view arrest) and presents the defendant to the commissioner, the following procedure shall be followed.
   a. The officer will provide the Statement of Charges (DC/CR2) manual (blank) carbon copy form that is attached to a completed electronic (typed) version of the Statement of Charges (DC/CR2) which is actually signed by the officer (ink-on-paper).
   b. Once the commissioner has verified that the tracking number from the manual (blank) DC/CR 2 is identical to the completed electronic (typed) Statement of Charges DC/CR 2, the commissioner is to log and only shred the manual (blank) DC/CR 2 form.
   c. These instructions can also be found in the NRP_Forms folder under “District_Court.”
   d. This procedure is instituted to eliminate duplication of tracking numbers.

3. To maintain compliance with the MOU between NRP and the District Court of Maryland’s regarding the Court’s Booking Forms, the NRP Planning Section supervisor shall be responsible for checking the District Court’s web site to ensure that NRP has the most up-to-date Booking Forms available. Additionally, the Planning Section supervisor shall securely maintain a copy of the MOU at the Planning Section’s Office.
CHAPTER 5 SECTION VI
AGREEMENTS

A. Memorandum of Understanding - Coordination of Aerial Search & Rescue Services and Airborne Law Enforcement Services - Between the Department of State Police and Department of Natural Resources / Natural Resources Police
(This section has been redacted due to the section containing confidential policy and/or procedural information).

B. Memorandum of Agreement between the United States Coast Guard and the State of Maryland Regarding Marine Casualties & Boating Accidents
(This section has been redacted due to the section containing confidential policy and/or procedural information).

C. Memorandum of Agreement between the United States Coast Guard and the State of Maryland Regarding Recreational Boating Safety Programs
(This section has been redacted due to the section containing confidential policy and/or procedural information).

D. Memorandum of Agreement Between the United States Coast Guard and the State of Maryland Regarding the Enforcement of Maritime Safety And Security Zones
(This section has been redacted due to the section containing confidential policy and/or procedural information).

E. Memorandum of Understanding between the U.S. Fish and Wildlife Service and the Maryland Natural Resources Police
(This section has been redacted due to the section containing confidential policy and/or procedural information).

F. U.S. Department of Justice (DEA) Agreement
(This section has been redacted due to the section containing confidential policy and/or procedural information).

G. United States Customs Agreement
(This section has been redacted due to the section containing confidential policy and/or procedural information).

H. Treaty Obligations to Foreign Nationals
(This section has been redacted due to the section containing confidential policy and/or procedural information).
A. Procedures

The use of the following systems is for official business or communications and legitimate law enforcement purposes. Any use of these systems for any personal reasons is prohibited.

B. Criminal History Information (CJIS, METERS, NCIC)

1. Criminal history information is strictly regulated by FCC, CJIS, and the Maryland Annotated Code, Criminal Procedure Article, Title 10, Subtitle 2. These laws, rules and regulations define who may obtain criminal history information, how it may be disseminated, and what records must be kept of the transaction. Criminal history information may only be transmitted in a way that will insure a "chain of custody" for sensitive information. This means that:
   a. If an officer requests the information by fax: Then that officer has to be at the fax machine when it is faxed.
   b. If an officer requests the information by phone: Then the officer should not have their cell phone on speaker phone and no out of law enforcement recorded lines should be used.
   c. If the officer is requesting the information by mail: It will be done by certified mail only.

2. CJIS - Criminal Justice Information System

   a. A computerized data bank providing law enforcement information and serving as a communications link with many law enforcement and criminal justice related agencies.
   b. Through METERS, the National Crime Information Center computer in Washington, DC, and the data files of the Motor Vehicle Administration computer in Glen Burnie, MD can be accessed.
   c. To query a browse only the last name and first initial is needed, however additional information is useful.

4. METERS/NCIC is used for querying all criminal information both in state and out of state. It is used for querying MVA Records, Vehicle Registration entry of all wanted/missing, unidentifiable subjects, and anything that is stolen. Messages can be sent to other agencies both in state and out of state from a METERS Terminal.
   a. DC vessels cannot be queried; therefore they must be called in directly through the Communications Center to DC Harbor Patrol 202-727-4226 or 4325.

5. NCIC - National Crime Information Center.


C. Telephone Use

1. All telephone calls should be answered promptly and courteously.

2. When answering the telephone, all civilian employees and officers will identify the Department,
D. DNR Communications Tone System

Used to alert field units of emergency information, for in-progress or recent criminal activity where a high degree of danger exists for officers or citizens.

E. COMPASS System

The COMPASS System can be utilized to access the following:

1. Hunting licenses and stamp information
2. Recreational fishing licenses and stamp information
3. Commercial fishing license information
4. Saltwater Angler information
5. Off-road Vehicle information
6. Deer and Turkey Harvest information
7. Bear Hunting lottery information

F. Courts System

1. Shows if a ticket is paid out or assigned as a warrant.
2. Shows individual case history and court dates.

G. Common Language Protocols

(This section has been redacted due to the section containing confidential policy and/or procedural information).

H. Officer / Unit Location Notification

(This section has been redacted due to the section containing confidential policy and/or procedural information).

I. CAD System & RMS Program

1. Definitions:
   a. CAD (Computer Aided Dispatch) - The CAD system allows operations and communications to be augmented by an automated system. It includes mapping of officer vehicle/vessel location, officer status, incident reporting, and management information. The CAD system collects the initial information for an incident and then provides the information to the officer and the RMS.

(Revised 12/17)
CHAPTER 5 SECTION VII  
COMMUNICATIONS

The CAD system also supports, “Be on the lookout” (BOLO) notices, automated email messaging of incidents, location information and questions specific to incident type.

b. AVL (Automatic Vehicle Locator) – An AVL is a device that makes use of the Global Positioning System (GPS) to determine a vehicle’s or vessel’s location.

c. RMS (Records Management System) – RMS provides for the computerized storage, retrieval, retention, manipulation, archiving, and viewing of information, records, documents, or files pertaining to NRP law enforcement operations.

d. Dispatch Number – A sequential number generated by the CAD system for each call for service or incident entered.

e. Report Number – A sequential number generated by the CAD system that creates an Incident Report in the RMS program.

Within the CAD system and RMS program, this number may be known as the Report Number, Incident Report Number, or Case Number. For purposes of uniformity, NRP personnel shall refer to this number as the Report Number.

An incident will never have the same Dispatch Number and Report Number. The numbers will always be different.

2. Officers who have been trained in the Mobile CAD system and RMS program and have the appropriate equipment shall utilize the Mobile CAD system and RMS program.

   a. Officers shall utilize the Mobile CAD system throughout their tour of duty:
   b. To ensure that the Communications Center is made aware of an officer’s service status, officers will notify the Communications Center via the Mobile CAD:
      (1) At the beginning and ending of their tour of duty.
      (2) When, during their tour of duty, they go out of service or return back in-service.
   c. Law enforcement personnel are to maintain their connection with the Mobile CAD system throughout their tour of duty, subject to the limitations of network connectivity.
   d. Officers shall update their status (i.e., On-Duty, In-Service, Dispatched, En-Route, On-Scene, Unavailable, etc.) either directly through the Mobile CAD system or through the police radio.
   e. Once logged onto Mobile CAD, officers shall indicate any special projects or details being worked that will take the officer away from the CAD system for a long period of time.

3. Information obtained or used from the Mobile CAD system or RMS program is confidential and restricted to Law Enforcement use only.

4. The Mobile CAD and RMS software shall not be altered, uninstalled, or installed by anyone other than approved personnel.

5. (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information)

6. Originating CAD Incidents

   a. Communications Center PCOs shall be responsible to “start/open” a CAD Incident and enter all available information when:
      (1) The call is received at and dispatched by the Communications Center.
      (2) When personnel do not have the required equipment to access the Mobile CAD.

   Note: when practical, officers shall complete the CAD incident before the end of their shift, or once the investigation has been completed, whichever occurs first.
b. Officers when assigned a CAD incident shall make every effort to:
   (1) Complete incidents started by the Communications Center;
   (2) Start/Open an incident for self-generated (non-emergency) incidents (e.g. abandoned vehicles / vessels, navigation or traffic hazards, boater or motorist assist, etc.); and
   (3) Generate their own entries into the Mobile CAD (including status), such as but not limited to:
       (a) En Route to an incident.
       (b) On-Scene incident arrival.
       (c) Clear from an incident.
       (d) Special Duty Assignments

7. Incidents that have been assigned a Report Number are to be completed and submitted for approval within 24 hours of being assigned to an officer. The incident report may be requested sooner by a supervisor.

8. Incidents that have been assigned a Report Number are to be reviewed and approved by a supervisor within 72 hours.

9. The RMS Daily Log will be completed at the end of the officer’s shift.

10. All officers, the rank of Sergeant and below, are to obtain a CN-2 Certification through the Communications Center and keep it active.

J. Access to Communications Center Computer Systems
   (This section has been redacted due to the section containing confidential policy and/or procedural information).

K. Operation & Usage of Radios

1. All existing Communications Center policies and procedures will be followed when using the radio.

2. Encryption should be used when a call cannot be dispatched for officer safety concerns, sensitive investigative purposes, or homeland security operations.

3. The PCO will note in the CAD who authorized the use of encryption.

4. PCO’s cannot authorize the use of encryption.

5. Interoperability Coordination

   a. NRP has the MD TAC and MD MARINE TAC Channels available for communicating with other agencies. MD TAC is for joint land operations and MD MARINE TAC (only on 700mhz) is used for joint maritime operations, both groups feature encrypted and unencrypted channels. These channels may not be used without the permission of the Communications Center.

   b. When broadcasting on another Agency’s radio/talk group the PCO/Officer will identify
CHAPTER 5 SECTION VII
COMMUNICATIONS

themselves first by Agency (NRP) and then their unit number.

c. PCO/Officer may not use a non-NRP talk group/channel unless specifically authorized by a Communications Sergeant or other Communications authority.

d. Whenever interoperability channel/talk groups are used for planned special events, the incident commander will coordinate with the NRP Communications Sergeants or other Communications authority.

e. PCOs and officers shall familiarize themselves with the following:
   (1) Maryland MD Call / MD Marine TAC Standard Operating Procedure
   (2) Maryland FIRST System Key Control Policy Standard Operating Procedure
   (3) Interagency Agreement Form for Access to Marine Talk-Groups

   These documents can be found at the following address:
   \Tawesdata2\nrp\Common\NRP-Manuals\Misc\MD_Marine_Call-TAC

6. Officer Needs Assistance/Emergency Button Protocols
   (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

7. Emergency Button Activation
   (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).
CHAPTER 5 SECTION VIII
BOATING WHILE UNDER THE INFLUENCE

A. Law

Boating While Under the Influence is covered by the Natural Resources Article, § 8-738, § 8-738.1, and § 8-701, of the Annotated Code of Maryland.

B. Definitions

1. Attempt to Operate:
   a. Subject behind wheel in control even though the vessel is not making headway can be considered an attempt to operate as long as there is some overt act by the suspect.
   b. Departmental Policy: If the vessel is not underway, the officer should use discretion, insure the safety of all by restricting the operation or use of the vessel to someone who is capable, competent, and does not appear to be under the influence. This may be confirmed by administering field sobriety tests or use of a Preliminary Breath Test.

C. Chemical Tests

1. The legal and evidentiary requirements for administering chemical tests to determine if a driver/operator is under the influence or impaired due to alcohol and drugs can be found in the Court and Judicial Proceeding Articles, CJ 10-301.1 thru 10-309 – Motor Vehicle Chemical Test Requirements.

2. CJ 10-301.1 – Definitions:
   a. In §§ 10-302 through 10-309 of this subtitle, the following words have the meanings indicated.
   b. “Specimen of blood” and "1 specimen of blood" have the meaning stated in § 16-205.1 of the Transportation Article.
   c. “Test” has the meaning stated in § 16-205.1 of the Transportation Article.

3. CJ 10-302 - Purpose:
   In a prosecution for a violation of a law concerning a person who is driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, or in violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article, a test of the person's breath or blood may be administered for the purpose of determining alcohol concentration and a test or tests of 1 specimen of the person's blood may be administered for the purpose of determining the drug or controlled dangerous substance content of the person's blood.

4. CJ 10-303 – Specimens and Time Limitations:
   a. Alcohol concentration.
      (1) A specimen of breath or 1 specimen of blood may be taken for the purpose of a test for determining alcohol concentration.
      (2) For the purpose of a test for determining alcohol concentration, the specimen of breath or blood shall be taken within 2 hours after the person accused is apprehended.
   b. Drug or CDS content.
      (1) Only 1 specimen of blood may be taken for the purpose of a test or tests for determining the drug or controlled dangerous substance content of the person's blood.
      (2) For the purpose of a test or tests for determining drug or controlled dangerous substance content of the person's blood, the specimen of blood shall be taken within 4 hours after the person accused is apprehended.
5. **CJ 10-304 – Qualifications:**

   a. **Definitions.**
      (1) In this section the following words have the meanings indicated.
      (2) "Qualified medical person" means any person permitted by law to withdraw blood from humans.
      (3) "Qualified person" means a person who has received training in the use of the equipment in a training program approved by the toxicologist under the Postmortem Examiners Commission and who is either a police officer, a police employee, an employee of the office of the Chief Medical Examiner, or a person authorized by the toxicologist under the Postmortem Examiners Commission.

   b. **Breath test.**
      (1) The test of breath shall be administered by a qualified person with a certified instrument approved by the toxicologist under the Postmortem Examiners Commission at the direction of a police officer.
      (2) The officer arresting the individual may not administer the test of breath.

   c. **Blood test evidence.**
      (1) Blood test kits should be acquired from the NRP quartermaster to be carried on patrol.
      (a) If the urgent need arises and an officer does not have a test kit, they can obtain one from an allied police agency.
      (2) The blood shall be obtained by a qualified medical person using equipment approved by the toxicologist under the Postmortem Examiners Commission acting at the request of a police officer.
      (3) A certified statement by the qualified medical person who obtained the blood shall be prima facie evidence of that person’s qualifications and that the blood was obtained in compliance with this section. This certified statement is enclosed in the blood test kits.
      (4) A certified statement that complies with the requirements of this paragraph is admissible as substantive evidence without the presence or testimony of the qualified medical person who obtained the blood.
      (5) Refer to CJ 10-304 for further information on notice requirements.
      (6) Failure to give the timely and proper notice constitutes a waiver of the defendant’s right to the presence and testimony of the qualified medical person.

   d. **Proof of approved equipment.**
      (1) For the purpose of establishing that the test of breath or blood was administered with equipment approved by the toxicologist under the Postmortem Examiners Commission, a statement signed by the toxicologist certifying that the equipment used in the test has been approved by him shall be prima facie evidence of the approval, and the statement is admissible in evidence without the necessity of the toxicologist personally appearing in court.
      (2) Refer to CJ 10-304 for additional information on subpoenaing the toxicologist.

   e. **Accused may request test.**
      The person tested is permitted to have a physician of the person’s own choosing administer tests in addition to the one administered at the direction of the police officer, and in the event no test is offered or requested by the police officer, the person may request, and the officer shall have administered, one or more of the tests provided for in this section.

6. **CJ 10-305 – Type of Test:**

   a. **Alcohol content.**
      The type of test administered to the defendant to determine alcohol concentration shall be the test of breath except that the test of blood shall be the type of test administered if:
      (1) The defendant is unconscious or otherwise incapable of refusing to take a test to determine
alcohol concentration;
(2) Injuries to the defendant require removal of the defendant to a medical facility; or
(3) The equipment for administering the test of breath is not available.

b. *Drug or CDS content.*
The type of specimen obtained from the defendant for the purpose of a test or tests to determine
drug or controlled dangerous substance content shall be a blood specimen.

c. Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of
test refusal shall be deemed not to have withdrawn consent.

7. **CJ 10-306 – Admissibility of Test Results Without Presence or Testimony of Technician:**
   a. *In general.*
      (1) Subject to the provisions of paragraph (3) of this subsection, in any criminal trial in which a
violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, or a violation of
Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article is charged or is an issue, a
copy of a report of the results of a test of breath or blood to determine alcohol concentration
signed by the technician or analyst who performed the test, is admissible as substantive
evidence without the presence or testimony of the technician or analyst who performed the
test.

      (2) Subject to the provisions of § 10-308(b) of this subtitle and paragraph (3) of this subsection,
in any criminal trial in which a violation of § 21-902 of the Transportation Article or a
violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article is charged, a
copy of a report of the results of a test or tests of blood to determine drug or controlled
dangerous substance content signed by the technician or analyst who performed the test, is
admissible as substantive evidence without the presence or testimony of the technician or
analyst who performed the test.

      (3) To be admissible under paragraph (1 or 2) of this subsection, the report shall:
(a) Identify the technician or analyst as a "qualified person", as defined in § 10-304 of this
subtitle;
(b) State that the test was performed with equipment approved by the toxicologist under the
Postmortem Examiners Commission at the direction of a police officer; and
(c) State that the result of the test is as stated in the report.

b. *Notices.*
   (1) Test results which comply with the requirements of subsection (a) of this section are
admissible as substantive evidence without the presence or testimony of the technician or
analyst who administered the test.

   (2) However, if the State decides to offer the test results without the testimony of the technician
or analyst, it shall, at least 30 days before trial, notify the defendant or his attorney in writing
of its intention and deliver to the defendant or his attorney a copy of the test results to be
offered.

   (3) If the defendant desires the technician or analyst to be present and testify at trial, the
defendant shall notify the court and the State in writing no later than 20 days before trial.

   (4) If the timely and proper notice required under this paragraph is provided by the defendant,
the test results are inadmissible without the testimony of the technician or analyst.

   (5) Failure to give timely and proper notice constitutes a waiver of the defendant's right to the
presence and testimony of the technician or analyst.

8. **CJ 10-307 – Results of Analysis and Presumptions:**
   a. *In general.*
In any criminal, juvenile, or civil proceeding in which a person is alleged to have committed an
act that would constitute a violation of Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal
CHAPTER 5 SECTION VIII
BOATING WHILE UNDER THE INFLUENCE

Law Article, or with driving or attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the Transportation Article, the amount of alcohol in the person's breath or blood shown by analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (g) of this section.

b. Alcohol concentration of 0.05 or less.
If at the time of testing a person has an alcohol concentration of 0.05 or less, as determined by an analysis of the person's blood or breath, it shall be presumed that the person was not under the influence of alcohol and that the person was not driving while impaired by alcohol.

c. Alcohol concentration of more than 0.05 but less than 0.07.
If at the time of testing a person has an alcohol concentration of more than 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath, this fact may not give rise to any presumption that the person was or was not under the influence of alcohol or that the person was or was not driving while impaired by alcohol, but this fact may be considered with other competent evidence in determining whether the person was or was not driving while under the influence of alcohol or driving while impaired by alcohol.

d. Prima facie evidence of impairment.
If at the time of testing a person has an alcohol concentration of at least 0.07 but less than 0.08, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the person was driving while impaired by alcohol.

e. Prima facie evidence of alcohol in blood.
If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the person was driving with alcohol in the person's blood.

f. Prima facie evidence of violation of § 16-113 of the Transportation Article.
If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the person was driving in violation of an alcohol restriction under § 16-113 of the Transportation Article.

g. Under the influence of alcohol per se.
If at the time of testing a person has an alcohol concentration of 0.08 or more, as determined by an analysis of the person's blood or breath, the person shall be considered under the influence of alcohol per se as defined in § 11-127.1 of the Transportation Article.

9. CJ 10-308 – Other Evidence:
   a. In general.
      (1) The evidence of the analysis does not limit the introduction of other evidence bearing upon whether the defendant was under the influence of alcohol or whether the defendant was driving while impaired by alcohol, while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely, or while impaired by a controlled dangerous substance.

   b. Drug or CDS content.
      The results of a test or tests to determine the drug or controlled dangerous substance content of a person's blood:
      (1) Are admissible as evidence in a criminal trial only in a prosecution for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article and only if other admissible evidence is introduced that creates an inference that the person was:
         (a) Driving or attempting to drive while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while impaired by a controlled dangerous substance; or
         (b) Operating or attempting to operate a vessel while the person was so far impaired by any drug,
CHAPTER 5 SECTION VIII

BOATING WHILE UNDER THE INFLUENCE

any combination of drugs, or a combination of one or more drugs and alcohol that the person could not operate a vessel safely, or while impaired by a controlled dangerous substance; and

(2) Are not admissible in a prosecution other than a prosecution for a violation of § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article.

10. CJ 10-309 – Refusal to Submit Test:
   a. Test not compulsory.
      (1) Except as provided in § 16-205.1(c) of the Transportation Article, a person may not be compelled to submit to a test or tests provided for in this subtitle.
      (2) Evidence of a test or analysis provided for in this subtitle is not admissible in a prosecution for a violation of § 16-113 or § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article if obtained contrary to the provisions of this subtitle.
      (3) The fact of refusal to submit is admissible in evidence at the trial.
   b. Consequences of refusal.
      This section does not limit the provisions of the vehicle laws regarding the consequences of refusal to submit to a test or tests.
   c. Extent of limits on admissibility of analysis.
      Nothing in this section precludes or limits the admissibility of evidence of a test or analysis to determine the alcohol concentration of a person's blood or breath in any prosecution other than for a violation of § 16-113 or § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Title 2, Subtitle 5, § 2-209, or § 3-211 of the Criminal Law Article.
   d. Analysis obtained under TR § 16-205.1.
      Nothing in this section precludes or limits admissibility of evidence of a test or analysis to determine the alcohol concentration of a person's blood or breath which is obtained as provided in § 16-205.1(c) of the Transportation Article.

D. Boating Under the Influence Enforcement Procedure

1. Arrest
   a. Suspects shall be arrested upon probable cause and taken into custody for a chemical test.
   b. At the point where an officer requires the suspect to take a chemical test, he should have sufficient evidence of alcohol and/or drug influence to convict without the chemical test.
   c. The OWI suspect will not be allowed to operate the vessel once the officer has developed reasonable suspicion that the suspect is in violation.
   d. Any OWI suspect, when transported on a vessel, must wear a Type 1 P.F.D.
   e. Suspect transport procedures for a vessel can be found in Chapter 5, Section III, G.4.

2. Chemical Test
   a. (Shmerber v. California, 1966) Suspects have no right to refuse a test.
   b. (Breithaupt v. Abram, 1957) A suspect cannot be compelled to submit to a test by use of force.
   c. (South Dakota v. Neville, 1983) If a suspect ultimately refuses a chemical test, officers must make note of it and advise the defendant that a refusal will be used against them in court.
   d. NRP 438 Advise of Rights must be read and signed by the defendant prior to taking any chemical test.

3. Disposition of Vessel and Property
   a. One person on board
      (1) When only the OWI suspect is on board the vessel, the following procedure must be
CHAPTER 5 SECTION VIII
BOATING WHILE UNDER THE INFLUENCE

followed:
(a) Vessel must be towed to the closest safe harbor and secured.
(b) All equipment should be locked in cabin or compartments if possible.
(c) If deemed necessary, an officer will be assigned to safeguard the vessel while the defendant is being processed or until a responsible individual, as requested by defendant, arrives to take charge of vessel.

b. More than one person on board
   (1) Vessel must be towed to safe port and secured unless there is another competent individual approved by the defendant to take charge of vessel.
   (a) The arresting officer should be careful in not relinquishing responsibility of the vessel to a passenger who may also be intoxicated or under the influence.
   (b) If there are no competent individuals on the vessel, the vessel will be towed to a safe port and the procedure for “one person onboard” will be followed.
   (2) In all cases, the OWI suspect should be encouraged to make contact with an individual who can take charge of the vessel.

c. Vessels can be secured at a marina when the marina will take responsibility for the vessel under a bailment contract.
   (1) A marina operator who charges a dockage and will accept responsibility for the vessel.
   (2) Procedure
      (a) Inventory of vessel
      (b) Marina operator signs as received
      (c) Copy of inventory left with marina operator and OWI suspect.

d. In the case of an accident involving suspect’s vessel, it may become necessary for the State to take charge of the vessel for evidentiary processing.
   (1) Vessel and its contents will be inventoried and entered into RMS.
   (2) Vessel will be photographed, and removed to a State facility or location where the vessel will be secure.
   (3) Vessel will only be released when processing is complete.

4. Forms
   a. RMS Incident Report
   b. RMS Alcohol Influence Report - will be completed in all OUI cases.
   c. Property Inventory Form (NRP 416) - completed as needed
   d. Charging document for OWI - DNR citation (NRP 107).
   e. NRP-482 (Advisement of Rights)

E. Field Sobriety Tests

1. Officers should conduct NHTSA Standardized Field Sobriety Tests in accordance with their training.

2. The current NHTSA Standardized Field Sobriety Testing Guide and Student Workbook can be found at the following hyperlinks:
   \Tawesdata2\NRP\Common\NRP-Manuals\Misc\FST_Guide\FST_Guide.pdf
   \Tawesdata2\NRP\Common\NRP-Manuals\Misc\FST_Wkbk\FST_Wkbk.pdf
CHAPTER 5 SECTION VIII
BOATING WHILE UNDER THE INFLUENCE

F. Preliminary Breath Test

1. Preliminary Breath Test Operation (PBT) should be conducted in accordance with your PBT certification training. The current PBT Student’s Manual can be found at the following hyperlink: \Tawesdata2\NRP\Common\NRP-Manuals\Misc\PBT_Manual\PBTStudentManual.pdf

2. The only preliminary breath test devices approved for use in Maryland are the Alco-Sensor Maryland Model (discontinued) and the Alco-Sensor III Maryland Model. Approved devices are determined by the State Toxicologist. Those purchasing PBT instruments should ensure that the model purchased is one of the approved devices listed above.

3. Policy for Use of the PBT
   a. When performing the preliminary breath test on a subject stopped for operating a vessel while under the influence of alcohol, it is not necessary to give the PBT Advisement of Rights to the suspect. If necessary, the PBT operator only needs to advise the subject that the results of the PBT cannot be used against him in court, and the subject must submit to a chemical test of breath (if he is arrested for BUI) whether he submits to the PBT test or not.
   b. The PBT Log (NRP-427) is to stay with the PBT. The results of all PBT tests offered, and the monthly tests are to be recorded in the PBT log by the operator.
   c. Each PBT will be checked once each month using a simulated 100% alcohol solution. The simulators are available at most MSP Barracks. The operator that the PBT is assigned to must ensure that the monthly tests are performed and entered in the PBT log.
   d. If the results of the monthly tests are not between .07% and .09%, the PBT operator must contact one of NRP’s certified PBT instructors to have the PBT calibrated.
   e. The Area commander or their designee will collect the PBT logs from the operators in their area monthly, and file them at the area office. Commanders shall complete the MSP 34 Summary of Use monthly and submit the form to DNR Law Enforcement Records Center by the 10th of each month. The DNR Records Center shall submit the forms to the Maryland State Police Chemical Test for Alcohol Unit each month.
   f. Officers must have probable cause that the suspect is impaired by alcohol before the PBT is offered. The PBT is not a substitute for your judgment, and it is to be used as a guide and a tool by the officer during the investigation after Standardized Field Sobriety Tests have been completed.

4. Chemical Test of Breath
   a. Defendant has no right of test selection.
   b. Breath tests shall be administered no later than two hours after apprehension.
   c. Suspects should not be allowed to have anything in mouth 20 minutes prior to taking the test, e.g. food, cigarettes, water, gum.
   d. Must be administered by a certified breath technician.

5. Blood Test
   a. Chemical test of blood shall be the type of test administered only when a situation meets the criteria outlined in Section 10-305 of the Article of Courts and Judicial Proceedings.
   b. Must use only the blood test kits approved by State toxicologist. Kits are available from the NRP Supply Division. Prior to use, officers must check the expiration date on the kit.
   c. Blood shall be obtained by a “qualified person” as defined in Section 10-304 of the Article of Courts and Judicial Proceedings.
   d. Blood tests for alcohol concentration shall be taken no later than 2 hours after the time of apprehension.
BOATING WHILE UNDER THE INFLUENCE

e. Blood tests taken for determining drug or controlled dangerous substance shall be taken no later than 4 hours after apprehension.

f. Instructions for Police Officers are enclosed in each kit. Instructions must be followed precisely:
   (1) After the kit is secured as required, it must be mailed to: Maryland State Police Crime Lab, Chemical Test for Alcohol Unit, Pikesville, Maryland 21208.

G. Utilization of a Drug Recognition Expert (DRE)

1. After a chemical test for alcohol test has been completed and evidence suggests possible drug impairment, a DRE may be called to assist if the subject:
   a. Refuses the breath tests and the available evidence suggests impairment by drugs, not alcohol
   b. Test result is below 0.06
CHAPTER 5 SECTION IX
SPECIAL UNITS

A. Special Operations Division (SOD)

1. The Special Operations Division (SOD) will consist of the following Unit/Sections designed to provide highly trained personnel to support field operations.

2. Homeland Security & Criminal Investigation Unit
   a. Criminal Investigation Section.
   b. Background Investigations Section
   c. Aviation Section
   d. Response Team Section
      (1) Canine Team (K9)
      (2) Tactical Response Team (TRT)
      (3) NRP Tactical Boat Operators (TBOs) Team
      (4) Underwater Operations Team (UOT)

3. Criminal Investigations Section (CIS)
   a. Criminal Investigators shall be responsible for all in-depth criminal investigations and death investigations as determined and assigned by the Commander. In-depth investigations include: major felony marine thefts, fatal boating accidents, and hunting accidents.
   b. They shall be the liaison with the Maryland State Police Crime Lab, State Medical Examiners’ Office, and other law enforcement agencies concerning criminal investigations.
   c. They shall assist with search and seizure warrant preparation and service.
   d. They shall provide interview/interrogation and crime scene processing assistance to field operations personnel.
   e. They shall provide instruction and guidance to field operations personnel on investigative techniques and procedures.
   f. They shall conduct investigations that are assigned by the Homeland Security & Special Operations Division Commander, Special Operations Unit Commander, or the CIS Supervisor.
   g. Operating procedures for the CIS shall be maintained by the Commander of the Special Operations Division.

4. Background Investigations Section
   a. Applicant background investigators will conduct pre-employment investigations on Cadets, Recruit Officers, and on new NRP employees as needed.
   b. Processing and documentation of applicant hiring will be the responsibility of the supervisor in this section.

5. Aviation Section
   a. The purpose of this section is to provide aerial support dedicated to conservation, and boating law enforcement activities, this may also include but is not limited to Search and Rescue, Homeland Security, or other law enforcement activities as needed.

6. Response Team Section
   The purpose of the Response Team Section is to provide ancillary support within the Agency as needed in specialized/focused areas such as;
   a. Canine Team Unit (K-9)
      (a) The primary purpose of the Canine Team Unit is to provide specialized resources (canines) to assist field officers, allied agencies, and the citizens of the state with specialized capabilities in support of the Department’s mission.
CHAPTER 5 SECTION IX
SPECIAL UNITS

(b) The Canine Team Unit can be utilized for the following capabilities.
   (i) Tracking violators.
   (ii) Locating missing persons.
   (iii) Detecting concealed wildlife or fish.
   (iv) Area searches for evidence recovery.
   (v) Cadaver detection.
   (vi) Public relations events.

(2) The Canine Team Unit shall come under the direction of the Special Operations Division Unit. Each respective canine handler shall maintain their current field assignment and be supervised on a daily basis by their assigned Area supervisors.

(3) The Commander of the Special Operations Division Team Unit shall maintain a copy of the operating procedure for the agency canine Team unit. Copies of the Policy will be given to supervisors and Commanders who are in charge of K-9 Officers.

b. Tactical Response Team (TRT)

(1) The purpose the Tactical Response Team (TRT) will serve as the primary resource to assist in the coordination of land-based search and rescue missions, and tactical operations for the Maryland Natural Resources Police. The TRT will provide specialized services in support of Agency, as well as allied agency operations.

   (a) The TRT can assist field officers with the following operations.
   (b) Tactical Tracking/Search.
   (c) Tactical Patrol.
   (d) Search and Rescue.
   (e) Surveillance and Reconnaissance.
   (f) Warrant Service.
   (g) Evidence Search.
   (h) Special events security.
   (i) Maritime Tactical Operations.

(2) The TRT members shall come under the direction of the Special Operations Division. Each respective member shall maintain their current field assignment and be supervised on a daily basis by their assigned Area supervisors.

(3) The Commander of the Special Operations Unit shall maintain the operating procedure for the Tactical Response Team.

c. NRP Tactical Boat Operators Team

(1) The NRP Tactical Boat Operators (TBOs) Team are NRP officers that have been specifically chosen due to their knowledge in the marine environment and experience in vessel operations that they possess.

(2) (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

(3) (This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).

(a)
CHAPTER 5 SECTION IX
SPECIAL UNITS

(b)
(c)
(d)

(d. **Underwater Operations Team (UOT)**

1. The purpose of the UOT is to assist field officers with specialized dive related services in recovery operations.

2. The UOT can provide the following specialized services.
   (a) Body recovery.
   (b) Evidence Recovery.
   (c) Investigations.
   (d) Maintenance.
   (e) Side scan sonar operations.

3. The UOT shall come under the direction of the Special Operations Division. Each respective member shall maintain their current field assignment and be supervised on a daily basis by their assigned Area supervisors.

4. The Commander of the Special Operations Division maintains a copy of the UOT operating procedures.

B. **Homeland Security Unit (HSU)**

a. The purpose for the Homeland Security Unit within the Maryland Natural Resources Police is to coordinate and assist in the evaluation of NRP’s capabilities, weaknesses in resources, personnel, training and current policies in relationship to identified Homeland Security targets and issues.

b. The unit will work with tasks forces and other groups, which would be beneficial to NRP’s Homeland Security efforts, and affiliate the Agency with these groups, such as the Maryland Coordination and Analysis Center (MCAC) and the Anti-Terrorism Advisory Council (ATAC) of Maryland.

c. **(This paragraph has been redacted due to the paragraph containing confidential policy and/or procedural information).**

d. The unit will also assist in the identification of additional funding sources for equipment, resources, and training relating to Homeland security issues and incidents.

e. **Gang Related Intelligence**
   (1) The Homeland Security Unit will be the repository of all gang related intelligence gathered by the Agency.
   (2) The supervisor of the unit will oversee the compilation of all gang related intelligence occurring within or on all DNR owned properties, managed lands and on all waters of the State.

C. **Intelligence and Special Investigations Bureau**

The Intelligence and Special Investigations Bureau will consist of the following Unit/Sections designed to provide highly trained personnel to support Agency operations and investigations.

1. Intelligence and Special Investigations Bureau:
   a. Internal Affairs Unit
   b. Task Force Section
CHAPTER 5 SECTION IX
SPECIAL UNITS

2. **Internal Affairs Unit**
   a. Investigates allegations of misconduct by an officer or employee.
   b. Assigns personnel to internal investigations as appropriate.
   c. Investigates Police Involved Shootings.
   d. Maintains personnel records as appropriate.

3. **Task Force Section**
   a. Members of this section are assigned to either Covert Operations (CO) or to a Task Force.
   b. The purpose of CO is to detect and suppress the problem of deliberate, organized, and significant violations of the NR laws. CO shall target major commercialization of wildlife violations, and unlawful activity concerning threatened or endanger species by utilizing officers who work in an undercover capacity.
   c. For assistance or advice concerning the above incidents contact the Homeland Security & Special Operations Division Commander, Special Operations Unit Commander, or the CO Supervisor directly.
   d. Operating procedures for CO will be maintained by the Commander of the Special Operations Division.
   e. The purpose of Task Forces are to expand Maryland’s capacity to control drug trafficking and drug abuse. The Task Forces shall provide intelligence on suspected illegal drug activity occurring on and adjacent to the states waterways.
   f. For assistance or advice concerning the above incidents contact the Special Operations Division Commander or the Task Force Section Supervisor directly.
   g. Operating procedures for the Task Force Section will be maintained by the Commander of the Special Operations Division.

D. **Agency Chaplain Program**

1. The Natural Resources Police has determined there is a need to provide religious guidance, counseling, and/or other emotional assistance and support to Natural Resources Police Officers. The Chaplain Program shall be guided by the Chaplain’s manual and all participating Clergy shall adhere to the procedures set forth in the Manual.

2. The following procedures shall be followed to contact an Agency Chaplain.
   a. During normal business hours, 0800 – 1600, Monday through Friday, personnel needing Chaplain Services shall contact the Coordinating Chaplain directly.
   b. For all other times, personnel shall contact the NRP Communications Center and have them relay the request for Chaplain Services to the Coordinating Chaplain. The Coordinating Chaplain will make contact with the requesting officer as soon as possible.
CHAPTER 5 SECTION X
DUTY TIME

A. Duty time

1. Duty Time – In General

   a. Duty time shall begin when the officer arrives equipped and ready for work at the assigned office or district and shall end at the conclusion of the officer’s shift.

   b. Commissioned Officers and those sworn personnel assigned to the Office of the Superintendent, the Support Services Bureau, the Special Services Bureau or the Administrative Services Bureau shall begin their duty time when they arrive at their assigned office or; after a period of time equivalent to their normal commute has elapsed.

   c. Field Operations Bureau Personnel shall begin their duty time when they arrive in their assigned district.

1. Training/Special Assignments/Restricted Duty Assignments

   a. For those training and special assignments where the officer will not report to or pass by their assigned office, or district the duty time shall begin after a period of time equivalent to their normal commute has elapsed.

   b. For restricted duty assignments (limited duty / light duty) duty time shall begin when the officer arrives at the location of the restricted duty assignment.

3. The Superintendent may make exceptions to this section when they deem it to be in the best interest of the Agency.
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A. Policy

The NRP acknowledges the severity of domestic violence and has adopted a "preferred arrest" policy for domestic violence cases. Accordingly, whenever the law permits, officers should arrest the assailant if there is probable cause to believe that a crime of domestic violence has been committed. The NRP will treat domestic violence abuse incidents as serious criminal offenses, document all incidents as such, focus on the protective rights of domestic violence victims, and arrest domestic violence offenders.

Domestic violence will be handled as a crime without regard for the relationship between the victim and the offender or the probability of prosecution by the victim.

B. Overview of Domestic Violence

1. Beginning in 1980, the Maryland legislature began to enact laws to protect victims of domestic violence. As the laws have evolved, there are now several statutes that allow civil court orders to be filed, which prevent an abuser (respondent) from committing certain acts against a victim (petitioner). The specific type of civil court order to be filed depends on the type of relationship between the victim and the abuser.
   a. **Protective Orders** generally apply to people in domestic relationships.
   b. **Peace Orders** apply to other relationships (dating, neighbors, co-workers, acquaintances, strangers).

2. A victim can petition for a **Temporary Protective Order** with the Clerk of the District or Circuit Court in the county where the victim resides. A victim can petition for a **Temporary Peace Order** with the Clerk of District Court in the county where the victim resides. If the courts are closed, the victim can seek an Interim Protective or Peace Order from the District Court Commissioner. For issuance of a Peace Order, the abuse must have occurred within 30 days before the filing of the petition.
   a. **Interim Protective or Peace Orders** are issued by a court commissioner when there are reasonable grounds to believe that abuse occurred.
      (1) The order goes into effect once it is served on the abuser (respondent).
      (2) The order is valid until the Temporary Protective or Peace Order hearing is held. The Temporary Protective or Peace Order hearing will be held on the first or second day when a District Court judge is sitting after issuance of the Interim Protective or Peace Order.
   b. **Temporary Protective or Peace Orders** are issued by a judge when there are reasonable grounds to believe that the abuse occurred.
      (1) The order goes into effect once it is served on the abuser (respondent).
      (2) The order is valid for 7 days after it is served. If needed, a judge may extend a Temporary Protective or Peace Order for up to 30 days.
   c. **Final Protective or Peace Orders** are issued by a judge when there is clear and convincing evidence that the alleged abuse occurred.
      (1) The order goes into effect once it is served on the abuser (respondent).
      (2) A Final Protective Order is valid for the period specified in the order, which may not exceed 12 months. A judge may extend the order for an additional 6 months, if good cause is shown.
      (3) A Final Peace Order is valid for the period specified in the order, which may not exceed 6 months. A judge may not extend the order for any additional time.

3. Generally, Protective and Peace Orders will be served by the Sheriff’s department.
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

4. The following statutes govern the two types of civil court orders regarding domestic violence:
   a. Protective Orders, Annotated Code of Maryland, Family Law Article, Sections 4-501 through 4-516.
   b. Peace Orders, Annotate Code of Maryland, Courts and Judicial Proceedings Article, Sections 3-1501 through 3-1509.

C. Domestic Violence Terms and Definitions


2. Under the Family Law Article, Section 4-501, the following terms have the meanings indicated regarding Protective Orders:

   a. Abuse – “Abuse” means any of the following acts:
      (1) An act that causes serious bodily harm;
      (2) An act that places a person eligible for relief in fear of imminent serious bodily harm;
      (3) Assault in any degree;
      (4) rape or sexual offense under § 3-303 through § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree; or
      (5) False imprisonment.
      (6) If the person for whom relief is sought is a child, "abuse" may also include abuse of a child, as defined in Title 5, Subtitle 7 of the this article. Nothing in this subtitle shall be construed to prohibit reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.
      (7) If the person for whom relief is sought is a vulnerable adult, "abuse" may also include abuse of a vulnerable adult, as defined in Title 14, Subtitle 1 of this article.

   b. Cohabitant – “Cohabitant” means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within 1 year before the filing of the petition.

   c. Petitioner – “Petitioner” means an individual who files a petition, and includes:
      (1) A person eligible for relief; or
      (2) The following persons who may seek relief from abuse on behalf of a minor or vulnerable adult:
         (a) The State's Attorney for the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;
         (b) The department of social services that has jurisdiction in the county where the child or vulnerable adult lives, or, if different, where the abuse is alleged to have taken place;
         (c) A person related to the child or vulnerable adult by blood, marriage, or adoption; or
         (d) An adult who resides in the home.

   d. Respondent – “Respondent” means the person alleged in the petition to have committed the abuse.

   e. Person eligible for relief.- "Person eligible for relief" includes:
      (1) The current or former spouse of the respondent;
      (2) A cohabitant of the respondent;
      (3) A person related to the respondent by blood, marriage, or adoption;
      (4) A parent, stepparent, child, or stepchild of the respondent or the person eligible for relief who
resides or resided with the respondent or person eligible for relief for at least 90 days within 1 year before the filing of the petition;
(5) A vulnerable adult; or
(6) An individual who has a child in common with the respondent.

f. **Vulnerable adult** – Section 14-101 of the Family Law Article, defines a vulnerable adult as an adult who lacks the physical or mental capacity to provide for the adult's daily needs.

3. Ex Parte in law means that an order has been made after hearing only the party that made application.

4. Firearms mean handguns and long guns.

**D. Protective Orders**

1. **Temporary Protective Orders:** A victim of domestic abuse who meets the definition of a “person eligible for relief” under the Family Law Article, § 4-501, may file for a Protective Order with the Civil Clerk of either the District or Circuit Court in the county in which they usually reside.
   a. The petitioner will meet with the judge on the day the petition is filed, and this proceeding is usually ex parte.
   b. If “…there are reasonable grounds that a person eligible for relief has been abused, the judge may enter a temporary protective order.”
   c. The Temporary Protective Order becomes effective when it is served. The Order will remain in effect for 7 days after service and can be extended for up to 30 days to affect service.

2. **Interim Protective Orders:** If the courts are closed, the victim may seek an Interim Protective Order with the District Court Commissioner.
   a. If “…there are reasonable grounds that the respondent has abused a person eligible for relief, the commissioner may issue an interim protective order to protect a person eligible for relief.”
   b. The Interim Protective Order will remain in effect until the Temporary Protective Order hearing is held. The Temporary Protective Order hearing will be held on the first or second day when a District Court judge is sitting after issuance of the Interim Protective Order.

3. **Final Protective Orders:** A Final Protective Order hearing is usually held within the 7 days that the Temporary Protective Order goes into effect.
   a. If “…the judge finds clear and convincing evidence that the alleged abuse has occurred, or if the respondent consents to the entry of a protective order, the judge may grant a final protective order to protect any person eligible for relief.”
   b. A Final Protective Order is effective upon service in open court, or if the respondent is not present at the Final Protective Order hearing, by mailing it first class to the respondent’s last known address.
   c. Protective orders remain in effect for up to 12 months. The court may extend this period for an additional six months.
   d. The court may issue mutual protective orders if it finds that mutual abuse has occurred.

4. **Duties of Law Enforcement:**
   a. **Domestic Stand-By – Requirements of Section 4-502 of the Family Law Article:**
      (1) Any person who alleges to have been a victim of abuse and who believes there is a danger of serious and immediate personal harm may request the help of a local law enforcement unit.
(2) A local law enforcement officer who responds to the request for help shall:
(a) Protect the person from harm when responding to the request; and
(b) Accompany the person to the family home so that the person may remove the following items, regardless of who paid for the items:
(i) The personal clothing of the person and of any child in the care of the person; and
(ii) The personal effects, including medicine or medical devices, of the person and of any child in the care of the person that the person or child needs immediately.
(3) Immunity - A law enforcement officer who responds to a request described in subsection (a) of this section has the immunity from liability described under § 5-610 of the Courts & Judicial Proceedings Article.

b. Written Notice to Victim - Section 4-503 of the Family Law Article requires that a law enforcement officer who responds to a request for help under § 4-502 of the, Family Law, shall give the victim a written notice that:
(1) Includes the telephone number of a local domestic violence program that receives funding from the Department of Human Resources; and
(2) States that:
(a) The victim may request that a District Court Commissioner file a criminal charging document against the alleged abuser;
(b) If the commissioner declines to charge the alleged abuser, the victim may request that the State's Attorney file a criminal charging document against the alleged abuser;
(c) The victim may file in the District Court or a Circuit Court or, when neither the office of the clerk of the Circuit Court nor the Office of the District Court Clerk is open, with a commissioner, a petition under this subtitle; and
(d) The victim may obtain a copy of the incident report, as provided under § 4-503.1 of the Family Law Article.

(3) Civil liability not applicable - A law enforcement officer may not be held liable in a civil action that arises from the officer's failure to provide the notice required under § 4-503(a).

c. Incident Reports - Section 4-503.1 of the Family Law Article requires that:
(1) If an incident report is filed when a law enforcement responds to a request for help under § 4-502, the law enforcement unit shall provide a copy of the report:
(a) To the Department of State Police; and
(b) On request, to the victim.
(2) The victim need not obtain a subpoena to receive a copy of the incident report.

d. Out-of-State Protective Orders - Law enforcement responsibilities for Out-of-State Protective Orders are found in § 4-508.1 of the Family Law Article.
(1) An order for protection issued by a court of another state or a Native American tribe shall be accorded full faith and credit by a court of this State and shall be enforced:
(a) In the case of an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-505 of the Family Law Article; and
(b) In the case of an order for protection, other than an ex parte order for protection, only to the extent that the order affords relief that is permitted under § 4-506 (d) of the Family Law Article.
(2) Duty to arrest - A law enforcement officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe is in violation of an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

(a) Has filed with the District Court or Circuit Court for the jurisdiction in which the person seeks assistance a copy of the order; or
(b) Displays or presents to the law enforcement officer a copy of the order that appears valid on its face.

(3) Officer immunity - A law enforcement officer acting in accordance with this section shall be immune from civil liability if the law enforcement officer acts in good faith and in a reasonable manner. (See also, Courts & Judicial Proceedings Article, § 5-610.1).

e. An officer shall arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation. (Family Law Article, § 4-509).

f. Removing Firearm From Scene (Family Law Article, § 4-511).
   (1) When responding to the scene of an alleged act of domestic violence, as described in the Domestic Violence Subtitle of the Family Law Article, a law enforcement officer may remove a firearm from the scene if:
   (a) The law enforcement officer has probable cause to believe that an act of domestic violence has occurred; and
   (b) The law enforcement officer has observed the firearm on the scene during the response.
   (2) Duty of law enforcement officer.- If a firearm is removed from the scene under subsection (1) of this section, the law enforcement officer shall:
   (a) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and
   (b) Provide for the safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.
   (3) When owner may resume possession: At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the firearm may retake possession of the firearm unless ordered to surrender the firearm under § 4-506 of the Family Law Article.

E. Peace Orders

1. A Peace Order may be requested by any party. However, under the Courts and Judicial Proceedings Article, § 3-1502, if a person meets the definition of a “person eligible for relief” under the Family Law Article, § 4-501, regarding Protective Orders, then that person would be ineligible to petition for a Peace Order.

2. Peace Orders would be applicable for instances of abuse involving persons who date or have dated, or live in a residence or dormitory solely as a rooming arrangement.

3. Under the Courts and Judicial Proceedings Article, § 3-1503, a petitioner may seek relief by filing with the District Court or District Court Commissioner a petition for a Peace Order that alleges the commission of any of the following acts against the petitioner by the respondent, if the act occurred within 30 days before the petition is filed.
   a. An act that causes serious bodily harm;
   b. An act that places the petitioner in fear of imminent serious bodily harm;
   c. Assault in any degree;
   d. Rape or sexual offense under § 3-303 through § 3-308 of the Criminal Law Article or attempted rape or sexual offense in any degree;
   e. False imprisonment;
   f. Harassment under § 3-803 of the Criminal Law Article;
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

g. Stalking under § 3-802 of the Criminal Law Article;
h. Trespass under Title 6, Subtitle 4 of the Criminal Law Article; or
i. Malicious destruction of property under § 6-301 of the Criminal Law Article.

4. If the District Court or District Court Commissioner finds that there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, a qualifying act against the petitioner, the court or commissioner may issue a Peace Order to protect the petitioner. (Courts & Judicial Proceedings Article, § 3-1503.1, § 3-1504, and § 3-1505).

5. Temporary Peace Order: A victim of domestic abuse may file for a Peace Order with the Clerk of District Court in the county in which they usually reside. (Courts & Judicial Proceedings Article, § 3-1504).
   a. The petitioner will meet with the judge on the day the petition is filed, and this proceeding is usually ex parte.
   b. If judge finds there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) against the petitioner, the judge may issue a temporary peace order to protect the petitioner.
   c. The Temporary Protective Order becomes effective when it is served. The Order will remain in effect for 7 days after service and can be extended for up to 30 days to effectuate service of the order where necessary to provide protection or other good cause.

6. Interim Peace Orders: If the District Court is closed, the victim may seek an Interim Peace Order with the District Court Commissioner. (Courts & Judicial Article, § 3-1503.1).
   a. If there are reasonable grounds to believe that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) against the petitioner, the commissioner may issue an interim peace order to protect the petitioner.”
   b. The Interim Peace Order will remain in effect until the Temporary Protective Order hearing is held. The Temporary Protective Order hearing will be held on the first or second day when a District Court judge is sitting after issuance of the Interim Protective Order.

7. Final Peace Order: At the Final Peace Order hearing, the court may issue a Peace Order to protect the petitioner for up to 6 months. (Courts & Judicial Proceedings Article, § 3-1505).
   a. If the judge finds by clear and convincing evidence that the respondent has committed, and is likely to commit in the future, an act specified in § 3-1503(a) against the petitioner, or if the respondent consents to the entry of a peace order, the court may issue a final peace order to protect the petitioner.
   b. A Peace Order is effective for the period stated in the order, not to exceed 6 months. A Final Peace Order may not be extended.

8. Duties of Law Enforcement Officer:

A law enforcement officer shall arrest with or without a warrant and take into custody an individual who the officer has probable cause to believe is in violation of an interim peace order, temporary peace order, or final peace order in effect at the time of the violation. (Courts & Judicial Proceedings Article, § 3-1508).

F. Law Enforcement Procedures & Responsibilities
(Paragraphs F1 thru F4 have been redacted due to the paragraphs containing confidential policy and/or procedural information).
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

1.

2.
   a.
      (1)
      (2)
      (3)
      (a)
      (b)
      (c)
   b.

3.

4.
   a.
      (1)
      (2)
      (a)
      (b)
      (c)
   b.
   c.

5. Victim Assistance
   a. When an officer responds to a request for assistance to a domestic violence call, including attempts or threats to commit domestic violence, and domestic stand-bys, the officer shall provide the victim with a copy of Form NRP-580 (Crime Victims and Witnesses: Your Rights and Services). Before providing the victim with NRP-580, the officer shall complete the face sheet of the form, giving responding officer’s name, incident number, phone number, and the investigator’s name and phone number (if applicable).
      (1) Family Law Article, §4-503, requires the information contained in Form NRP-580 be given to victims of domestic violence. This Form gives appropriate phone numbers and addresses where a victim may get assistance.
      (2) Form NRP-580 gives written notice that a victim may:
         (a) Request that the District Court Commissioner file a criminal charging document against the alleged abuser;
         (b) If the commissioner declines to charge the alleged abuser, request that the State’s Attorney file a criminal charging document against the alleged abuser;
         (c) File a petition for relief from abuse in the District Court or Circuit Court; and
         (d) Obtain a copy of the incident report from the agency without a subpoena.
   b. Officers responding to a domestic violence incident will advise the victim of the availability of a copy of the police report concerning the incident from the Area Office, at no cost to the victim.
   c. Officers will review with victims their rights, to include obtaining a Protective Order or Peace Order.
   d. Officers, when requested by the victim, will assist victims in obtaining transportation to the court to obtain an order and assist in filing an order or criminal charges.
   e. Officers shall document in their RMS Investigative Report) that the victim was given Form
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

NRP-580 (Crime Victims and Witnesses: Your Rights and Services), and all other assistance offered.

f. Officers will inquire if the victim wants to leave the residence on a temporary or permanent basis and assist the victim in contacting the local department of social services or other agencies or individuals to obtain temporary shelter.

6. Verifying Validity of an Order

Officers responding to a scene and presented by the victim with an Interim, Temporary, or Final Protective Order will verify the validity of the order and take whatever action is required by the remedies ordered by the judge, except in child custody cases.

7. Person claims the existence of a Protective Order

a. When officers are told of the existence of an Interim or Final Protective Order but no document is presented, they will query NCIC and METERS to verify with the originating Sheriff’s Office or court whether a Civil Protective Order is outstanding and has been served. If verified, what the conditions of the order are:
   (1) If verified, an arrest will be made for violations of arrestable conditions.
   (2) If not verified, the officer may not take action based on the possibility of a civil protective order. The officer should advise:
      (a) The alleged respondent of the possible consequences if a Civil Protective Order is outstanding;
      (b) The alleged petitioner to seek safety, confirm the existence of the Civil Protective Order, and refer the complainant to court to initiate contempt proceedings for any violations of non-arrestable conditions.

8. Aggressors who are law enforcement officers.

a. When a law enforcement officer is an aggressor in a domestic violence incident, and any firearm, including a service weapon, is in view and the officer has probable cause to arrest the officer for domestic violence abuse, the officer will seize the firearm in view.

b. The agency to which the officer is employed will be contacted immediately to inform that agency of the arrest, and to arrange for that agency to take possession of the agency’s service weapon, if one was seized as a result of a domestic violence incident.

9. Respondent “Invited” Back by the Petitioner

a. Officers called to the scene where a respondent has been “invited” back into the residence by the petitioner will:
   (1) Arrest the respondent, if the respondent is in violation of an arrestable condition; or
   (2) If the violation is of a non-arrestable condition, inform the respondent that they are in violation of the Civil Protective Order and that the court can find the respondent in contempt.

b. Officers will inform both parties that:
   (1) The two parties cannot mutually consent to changing the conditions of the Civil Protective Order.
   (2) Only the issuing court can modify or rescind an Interim or Final Protective Order, and
   (3) If the victim/petitioner wants to change the conditions of the Civil Protective Order, they should go to the issuing court and seek a modification or rescission of the order.

10. Dual Arrests

a. Dual arrests means the arrest of both parties involved in a domestic violence situation may occur when both parties commit a crime, most often a battery, against each other. In such cases, dual arrests are appropriate.
b. Dual arrests are not appropriate when a victim strikes an aggressor in self-defense.

c. If one person was the primary aggressor, that person should be arrested. Persons who defend themselves from a battery should not be arrested.

d. If two persons committed domestic offenses, and neither was acting in self-defense, both persons may be arrested.

e. Under authority of the Criminal Procedure Article, §2-204, in domestic abuse situations:
   (1) A police officer without a warrant may arrest a person if:
      (a) The police officer has probable cause to believe that:
         (i) The person battered the person’s spouse or another person with whom the person resides;
         (ii) There is evidence of physical injury; and
         (iii) Unless the person is arrested immediately, the person:
            1. May not be apprehended;
            2. May cause physical injury or property damage to another; or
            3. May tamper with, dispose of, or destroy evidence; and
      (b) A report to the police was made within 48 hours of the alleged incident.
   (2) If the police officer has probable cause to believe that mutual battery occurred and arrest is necessary under subsection (1) of this section, the police officer shall consider whether one of the persons acted in self-defense when determining whether to arrest the person whom the police officer believes to be the primary aggressor.

11. Supervisor’s Role and Responsibilities

Supervisors shall monitor responses to domestic violence cases to ensure compliance with NRP policies and procedures. Supervisors will pay particular attention to officers’ problem solving, dual arrests, report writing, and actions taken by the officers regarding the safety of victims or potential victims.

12. Documentation

   a. An incident report will be completed for domestic violence cases where no physical injury or assault occurred, no criminal elements are involved, and no arrest made.
   b. An incident report will be completed for domestic violence cases involving physical injury or assault, regardless of whether an arrest is made.
   c. For all domestic violence cases where no arrest is made, an explanation will be written on an incident report explaining why a respondent was not arrested.
   d. Form NRP 473 (Maryland Domestic Violence Supplemental Form) will be completed within 48 hours.
   e. The Department of State Police shall be provided with a copy of the incident report.

13. Firearms

   a. For reasons of officer safety, officers should inquire if firearms are present at a domestic violence scene.
   b. Officers will remove a firearm from a domestic violence scene if they have probable cause to believe that an act of domestic violence has occurred; and have observed the firearm on the scene during the response.
   c. If a firearm is removed from the scene an officer shall:
      (1) Provide to the owner of the firearm information on the process for retaking possession of the firearm; and
      (2) Provide for safe storage of the firearm during the pendency of any proceeding related to the alleged act of domestic violence.
      (3) At the conclusion of a proceeding on the alleged act of domestic violence, the owner of the
firearm may retake possession of the firearm unless ordered to surrender the firearm by the court.

d. See Chapter 9, Section II, Guidelines for Dealing with Protective Orders and Seizure of Weapons.

14. Out-of-State Temporary Ex Parte, Protective Orders and Peace Orders
  a. An Interim Protective Order issued in another state cannot be enforced in Maryland.
  b. A Peace Order issued in another state cannot be enforced in Maryland.
  c. A Final Protective Order issued by a court of another state or an Indian tribe shall be accorded full faith and credit by a court of Maryland and shall be enforced only to the extent that the order affords relief that is permitted for Protective Orders issued under Maryland law.
  d. An officer has the authority to arrest an individual who is violating an Out-of-State Final Protective Order if:
     (1) That order grants relief available under Maryland law; and
     (2) The individual is violating that part of the order that is enforceable in Maryland.
  e. If an individual is violating an Out-of-State Final Protective Order, but the violation concerns a form of relief not specified in Maryland law, then there would be no authority to arrest in Maryland.

G. Domestic Violence and the Workplace

1. Statement of Policy
   a. The State of Maryland is dedicated to the prevention and elimination of domestic violence.
   b. The State of Maryland seeks to create a supportive workplace environment in which employees feel comfortable discussing domestic violence concerns.
   c. The State of Maryland has a zero tolerance policy for domestic violence at the workplace and will take appropriate disciplinary action and/or criminal prosecution against any employee or non-employee who threatens to commit, attempts to commit, or commits an act of domestic violence in State offices, facilities, work sites, vehicles, or while conducting any State business.

2. Legal Authority
   a. Executive Order 01.01.1998.25, Domestic Violence and the Workplace.
   b. Maryland State Personnel and Pensions Article, Title 11.
   c. Code of Maryland Annotated Regulation (COMAR 17.04.04)

3. Definitions
   b. Domestic violence means abusive behavior whereby a person intends to establish and maintain power and control over a person with whom he or she has, or has had, a significant personal relationship. Power and control are exerted through physical, sexual, psychological and or economic means. Examples of domestic violence include, but are not limited to:
      (1) Intimidation
      (2) Threats to cause harm
      (3) Verbal Harassment
      (4) Disorderly Conduct
      (5) Crimes Against Property
      (6) Violation of an Ex Parte or Protective Order
      (7) Display or discussion of weapons
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

(8) Homicide
(9) Assault and Battery
(10) Rape
(11) Stalking

c. Perpetrator means an individual who commits an act of domestic violence.
d. Victim means an individual who is subject to an act of domestic violence.

4. Confidentiality

In order to ensure the safety of all employees and to comply with the law (including the Public Info. Act), any information related to domestic violence or the State’s response to domestic violence will only be disclosed on a need to know basis.

5. Work Environment

a. All employees should be sensitive and nonjudgmental when supporting victims of domestic violence.
b. An employee shall not be disciplined or penalized in the workplace for being a victim of domestic violence.
c. When an employee subject to discipline confides that the job performance or conduct problems is caused by domestic violence, the employee shall be referred to the State’s Employee Assistance Program.
d. The employee’s participation in the State’s Employee Assistance Program is voluntary.


a. An employee who is found to commit an act of domestic violence in the workplace may be subject to disciplinary action, up to and including termination.
b. An employee who is found using any State resources such as work time, workplace phones, facsimile machines, mail, electronic mail, or other means to commit an act of domestic violence may be subject to disciplinary actions, up to and including termination.

7. Employees Responsibilities

All employees shall:

a. Attend domestic violence and the workplace training, and
b. Immediately report to their commander, director, or supervisor any threats or acts of domestic violence in the workplace that may be experienced or witnessed.

8. Victim Responsibilities and Assistance Options

a. Employees who are victims of domestic violence are encouraged to:
   (1) Notify their commander/director or supervisor of the possible need to be absent and discuss possible leave options;
   (2) Discuss with their commander/director or supervisor plans to return to work and the appropriate reporting procedures;
   (3) If necessary and available, make alternate arrangements to receive a paycheck; and
   (4) Work with the commander/director or supervisor to ensure that adequate safety measures are in place.
b. Employees who are victims of domestic violence may:
CHAPTER 5 SECTION XI
DOMESTIC VIOLENCE

(1) Speak to their Agency employer-Employee Relations Unit about available assistance.
(2) Contact their local service provider or the Maryland Network Against Domestic Violence Help line;
(3) Call the local police if in immediate danger; and
(4) Work with the local service provider to create a safety plan.
(5) Contact the State’s Employee Assistance Program for confidential consultation and resources.

9. Perpetrator Responsibilities

Employees who are perpetrators of domestic violence shall:
  a. Contact the State’s Employee Assistance Program office for confidential consultation and resources, and
  b. Contact an abuser’s intervention program.

10. Supervisors shall:
  a. Ensure that each employee is provided with a copy of the Domestic Violence and the Workplace policy;
  b. Participate in Domestic Violence and the Workplace training;
  c. Immediately refer any employee, known to be the victim or the perpetrator of domestic violence, to the Employee Assistance Program;
  d. Maintain the confidentiality of all information related to an employee’s involvement in a situation relating to domestic violence; and
  e. Post educational material on domestic violence as required in Executive Order 01.01.1998.25 Domestic Violence and the Workplace.
  f. Immediately notify their Commander of any circumstances pertaining to an employee’s involvement in a domestic violence situation.

11. Agency Employee Assistance Program Coordinators shall:
  a. Participate in Domestic Violence and the Workplace training;
  b. Maintain up-to-date referral resources on domestic violence service providers.
  c. Maintain up-to-date resources for perpetrators, including abusers intervention programs, and
  d. Maintain the confidentiality of all information related to an employee’s involvement in a situation relating to domestic violence.

12. NRP will make reasonable efforts to maximize the safety of all employees.
CHAPTER 5 SECTION XII
LINE OF DUTY DEATH PROCEDURES

A. Policy – In General

The policies and procedures in this section are designed to prepare this Agency for the event of a sworn member’s death or life threatening injury that occurred in the line of duty, and to direct the Agency in providing support for the member’s family or survivors.

It shall be this Agency’s policy to provide liaison assistance to the immediate survivors of a sworn member who dies in the line of duty, and to provide tangible and emotional support during this traumatic period of readjustment for the surviving family.

B. Emergency Notification Contact Form
(This section has been redacted due to it containing confidential policy and/or procedural information).

C. Definitions:
(This section has been redacted due to it containing confidential policy and/or procedural information).

D. Notification Procedures and Responsibilities
(This section has been redacted due to it containing confidential policy and/or procedural information).

E. Assistance for Affected Members
(This section has been redacted due to it containing confidential policy and/or procedural information).

F. Assisting the Family at the Hospital:
(This section has been redacted due to it containing confidential policy and/or procedural information).

G. Funeral Arrangements
(This section has been redacted due to it containing confidential policy and/or procedural information).

H. Support for the Family
(This section has been redacted due to it containing confidential policy and/or procedural information).
A. Benefits Available to the Family / Survivors

The following is a list of benefits that a family / survivor may have available to them should their loved one suffer a line of duty death.

Some of these benefits may require copies of vital records such as birth certificates, marriage certificates, death certificates, and/or divorce verification certificates. Therefore listed below is the physical, mailing, and internet address for obtaining such vital records from the Maryland Division of Vital Records:

Physical Address:
Division of Vital Records
6550 Reisterstown Road
Baltimore, MD 21215
410.764.3038
Fax: 410.358.7381

Mailing Address:
Division of Vital Records
P.O. Box 68760
Baltimore, MD 21215-0036.

Web Address:  http://www.vsa.state.md.us

For additional fee, another internet source for obtaining vital records from Maryland, as well as from other states, is:  
http://www.vitalchek.com

Note: While this list of benefits was compiled from various sources, one source which was invaluable in producing this information was Concerns of Police Survivors, Inc. The web site for Concerns of Police Survivors can be found at:  
http://www.nationalcops.org

B. State of Maryland Benefits

1. Death Benefit  (Public Safety Article, §1-202, Annotated Code of Maryland)

   a. The law allows a death benefit of $125,000 to be paid to the surviving spouse, child, dependent parent, or estate of a law enforcement officer who is killed or dies in the performance of their duties.

   b. This death benefit is in addition to:
      (1) any worker’s compensation benefits;
      (2) the proceeds of any form of life insurance, regardless of who paid the premiums on the insurance, and
      (3) The funeral benefit provided for under §1-202.

   c. Whenever a law enforcement officer dies as a direct and proximate result of a heart attack or stroke, the individual shall be presumed to have died as a direct and proximate result of a
CHAPTER 5 SECTION XIII
SUMMARY OF LINE OF DUTY DEATH BENEFITS

personal injury sustained in the performance of duties if:
(1) The individual, while on duty, engaged in a situation that involved non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or
(2) The individual, while on duty, participated in a training exercise that involved non-routine stressful or strenuous physical activity;

(3) The individual died as a result of the heart attack or stroke:
(a) while engaging or participating in an activity described in item B1c(1) or B1c(2);
(b) while still on duty after engaging or participating in an activity described in item B1c(1) or B1c(2); or
(c) not later than 24 hours after engaging or participating in an activity described in item B1c(1) or B1c(2); and
(d) The presumption is not overcome by competent medical evidence to the contrary.

d. For purposes of paragraph B1c(1) of this subsection, non-routine stressful or strenuous physical activity does not include actions of a clerical, administrative, or non-manual nature.

2. Funeral Benefit (Public Safety Article, §1-202, Annotated Code of Maryland)
   a. The law provides that reasonable funeral expenses, not exceeding $10,000, shall be paid to the surviving spouse, child, parent, or estate of a law enforcement officer who is killed or dies in the performance of their duties.
   b. The funeral benefit shall be reduced by the amount of any related worker’s compensation benefits paid.

3. Flag Benefit (Public Safety Article, §1-202, Annotated Code of Maryland)
   a. The Secretary of State shall issue a State flag to the family of a law enforcement officer who is killed in the performance of their duty.
   b. The flag shall be presented to the family of the deceased by the State Senator of the legislative district in which the deceased resided or served.

4. Discretionary Death Benefit (Public Safety Article, §1-202, Annotated Code of Maryland)
   a. The Secretary of Public Safety and Correctional Services may award a death benefit under §1-202 if:
      (1) The officer’s death was caused by the officer’s intentional misconduct;
      (2) The officer intended to bring about their death; or
      (3) The officer’s voluntary intoxication was the proximate cause of the officer’s death.

5. Eligible Recipients of Benefits Under §1-202 (Public Safety Article, §1-202, Annotated Code of Maryland)
   a. Maryland law specifies that if the Secretary of the Public Safety and Correctional Services determines that benefits are to be paid, then the benefits shall be paid in the following order:
      (1) To the surviving spouse.
      (2) If no surviving spouse, then to each surviving child of the decedent in equal shares.
CHAPTER 5 SECTION XIII
SUMMARY OF LINE OF DUTY DEATH BENEFITS

(3) If no surviving spouse or child;
   (a) Then to the decedent’s surviving parent, if the parent was a dependent as defined in §152 of
       the Internal Revenue Code; or
   (b) For any other benefit under §1-202, if no surviving spouse or child, then to the surviving
       parent.

(4) If no surviving spouse, child, or parent, then to the decedent’s estate.

6. Retirement & Pension Death Benefits  (State Personnel & Pensions Article, § 29-201 thru § 29-207,
   Annotated Code of Maryland)

The Maryland State Retirement and Pension System provides for different methods of payments
when an officer dies prior to retirement.

a. Ordinary Death Benefit:

   (1) In general, if an officer dies while employed as a member of the Retirement and Pension
       System then their beneficiaries will receive a single payment consisting of:
       (a) The officer’s accumulated contributions, and
       (b) An amount equal to the officer’s annual earnable compensation at death, if:
           (i) The officer dies in the course of the performing their duties, OR,
           (ii) The officer has been a member of the Retirement and Pension System for at least one (1)
                year.

b. Special Death Benefit Under the Law Enforcement Officers’ Pension System:

   (1) In general, if an officer dies while employed as a member of the Law Enforcement Officers’
       Pension System and their death was not caused by their willful negligence, and they had been
       a member of the system for more than two (2) years, then their beneficiaries would receive:
       (a) The officer’s accumulated contributions, AND
       (b) An allowance of 50% of the ordinary disability retirement provided for in § 29-108 of the

   (2) If an officer dies while employed as a member of the Law Enforcement Officers’ Pension
       System and their death was not caused by their willful negligence, and the death arose out of
       or in the course of the actual performance of duty, then their beneficiaries would receive:
       (a) The officer’s accumulated contributions, AND
       (b) An allowance of two-thirds (⅔) of the officer’s final compensation.

c. Recipients of Benefits:

   (1) Generally the order in which death benefits will be distributed from the Retirement and
       Pensions System is as follows:
       (a) Surviving spouse.
       (b) If there is no surviving spouse, or the surviving spouse dies before the youngest child of the
           officer is eighteen (18) years old, then to any children of the officer who are under the age of
           eighteen (18).
       (c) If the officer is not survived by a spouse or a child under the age of eighteen (18), then to the
           designated beneficiary.
       (d) If there is no designated beneficiary, then to the officer’s estate.
7. **Subtractions from Income Tax** (Tax-General Article, § 10-207(e-1), Annotated Code of Maryland)

The law allows a law enforcement officer’s surviving spouse or other beneficiary to subtract from their income any payment made from the officer’s pension system, if the officer’s death arose out of or in the course of the officer’s employment as a law enforcement officer.

8. **Property Tax Credits** (Tax-Property Article, § 9-210, Annotated Code of Maryland)

Under §9-210, the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation may grant, by law, a property tax credit on a dwelling that is owned by a surviving spouse of a fallen law enforcement if:

a. The officer’s death was the result of or occurred in the course of the officer’s employment as a law enforcement officer, AND
   (1) The dwelling was owned by the fallen law enforcement officer at the time of the fallen law enforcement officer’s;
   (2) The fallen law enforcement officer or the surviving spouse was domiciled in the State as of the date of the fallen law enforcement officer’s death and the dwelling was acquired by the surviving spouse within 2 years of the fallen law enforcement officer’s death; or
   (3) The dwelling was acquired after the surviving spouse qualified for a credit for a former dwelling under item (1) or (2) of this subsection, to the extent of the previous credit.

b. A county or municipal corporation may provide, by law, for the amount and duration of a property tax credit allowed under this section.

9. **Education Benefits** (§ 18-601, Education Article, Annotated Code of Maryland)

If an officer is killed in the line of duty or is 100% disabled due to a line of duty injury, then the officer’s surviving spouse who has not remarried, and the officer’s children who are at least sixteen (16) years old, may be eligible to receive an educational scholarship. To be eligible for the scholarship the surviving spouse or children must be residents of Maryland at the time of the scholarship application.

a. The scholarship may be used for tuition and mandatory fees.

b. The scholarship may not exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the University of Maryland, College Park; and,
   (1) May not be less than the lesser of:
   (a) $3,000; or
   (b) The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

   (c) Each recipient of the scholarship may hold the award for 5 years of full-time study or 8 years of part-time study.

   (d) The scholarship amounts are determined by funding availability. In past years, scholarships have ranged from 65% to 91% of total tuition and mandatory fees.
CHAPTER 5 SECTION XIII
SUMMARY OF LINE OF DUTY DEATH BENEFITS

(e) Scholarship applications may be obtained from the Maryland Higher Education Commission, State Scholarship Administration, 16 Francis Street, Annapolis, MD 21401, telephone (410) 974-2971.

10. Health Benefits:

a. Spouses of officers may elect to continue to participate in the same benefit program in effect at the time of the officer’s death.

b. A surviving spouse can only cover dependents that were eligible to receive benefits at the time of the officer’s death.

11. Workers’ Compensation Benefits (Labor & Employment Article, Title 9, Annotated Code of Maryland)

a. Under the Workers’ Compensation statute, if an officer dies while in the performance of their duties, then the officer’s spouse and/or children may be entitled to death and funeral benefits.

   (1) As of January 1, 2007, the weekly death benefit payable to an officer’s surviving spouse and/or children is two-thirds of the officer’s average weekly wage not to exceed 100% of the State Average Weekly Wage or $848.00. The State Average Weekly Wage is updated January 1 of each year.

      (a) This total weekly death benefit allowable is $45,000.00.

      (b) The officer’s spouse will receive a two-year lump sum payable upon remarriage, and weekly benefits will cease. Children receive benefits until age 18 or beyond age 18 if physically or mentally disabled, or until age 23 if full-time students.

   (2) In addition to the death benefit, the officer’s spouse and/or children may receive reasonable funeral expenses not exceeding $5,000.00, if the officer died as a result of an accidental injury within 7 (seven) years of the accidental injury or an occupational disease.

b. To receive Workers’ Compensation benefits the surviving spouse or children must take the initiative and file a Workers’ Compensation claim through a Workers’ Compensation attorney to receive any compensation. The determination as to whether the claim will be paid will be determined by the Workers’ Compensation Appeals Board.

   (1) To obtain a claim form, contact the Workers’ Compensation Commission at:

   Maryland Workers’ Compensation Commission
   10 East Baltimore Street
   Baltimore, Maryland 21202-1641
   (410) 864-5100
   Outside Baltimore Metro Area Toll Free: (800) 492-0479

C. Federal Benefits


   a. History & Overview:

   (1) The Public Safety Officers’ Benefits (PSOB) Act (42 U.S.C. 3796, et seq.) was enacted in
1976 to assist in the recruitment and retention of law enforcement officers and firefighters. Specifically, Congress was concerned that the hazards inherent in law enforcement and fire suppression and the low level of state and local death benefits might discourage qualified individuals from seeking careers in these fields, thus hampering the ability of communities to provide for public safety.

(2) The PSOB provides for the following types of benefits:
(a) Death Benefit
(b) Disability Benefit
(c) Survivors’ Educational Benefit

(3) By statute, PSOB Program benefits will not be paid under the following conditions:
(a) If the death or permanent and total disability was caused by the intentional misconduct of the public safety officer or if the officer intended to bring about his or her own death or permanent and total disability.
(b) If the public safety officer was voluntarily intoxicated at the time of death or permanent and total disability.
(c) If the public safety officer was performing his or her duties in a grossly negligent manner at the time of death or permanent and total disability.
(d) To a claimant whose actions were a substantial contributing factor to the death of the public safety officer.
(e) To members of the military serving as law enforcement officers, firefighters, or rescue squad or ambulance crew members, or to any of their survivors.

(4) PSOB Benefits: Creditors & Tax Exemption
(a) The PSOB Act ensures that the benefit will not be subject to execution or attachment by creditors.
(b) The Internal Revenue Service has ruled that the benefit is not subject to federal income tax (Revenue Ruling No. 77-235, IRB 1977-28) or to federal estate tax (Revenue Ruling No. 79397).

(5) Reduction of Benefits:
(a) State and local benefits should not be reduced by benefits received under PSOB statute.
(b) The PSOB benefit is not reduced by any benefit that may be received at the state or local level. Rose v Arkansas, 479 U.S. 1 (1986).
(c) The benefit is reduced by certain payments made under the District of Columbia Code and may reduce benefits under Section 8191 of the Federal Employees’ Compensation Act.

b. PSOB Definitions:

(1) Public Safety Officer - Under the PSOB Program, a public safety officer is an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, or member of a rescue squad or ambulance crew. In addition, employees of the Federal Emergency Management Agency (FEMA) are considered public safety officers when they were performing official, hazardous duties related to a declared major disaster or emergency. State, local, or tribal emergency management or civil defense agency employees working in cooperation with FEMA are, under the same circumstances, considered public safety officers under the PSOB Act.

Retroactive to September 11, 2001, chaplains are included in the PSOB Act definition of a
public safety officer.

(2) Chaplain - Any individual serving as an officially recognized or designated member of a legally organized volunteer fire department or legally organized fire or police department who was responding to a fire, rescue, or police emergency."

(3) Public Agency – A public agency is defined as the United States; any U.S. state; the District of Columbia; the Commonwealth of Puerto Rico; any U.S. territory or possession; any unit of local government; any combination of such states or units; and any department, agency, or instrumentality of the foregoing.

(4) Line of Duty - Line of duty is defined in the PSOB regulations as any action that the public safety officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is authorized or obligated by law, rule, regulation, or condition of employment or service to perform. Other public safety officers, whose primary function is not law enforcement or fire suppression, must be engaged in their authorized law enforcement, fire suppression, rescue squad, or ambulance duties when the fatal or disabling injury is sustained.

(5) Child - Under the PSOB Act, child is defined as any natural child who was born before or after the death of the public safety officer, or who is an adopted child or stepchild of the deceased public safety officer. At the time of death, the child must be 18 years of age or younger; or 19 through 22 years of age and pursuing a full-time course of study or training, if the child has not already completed 4 years of education beyond high school; or 19 years or older and incapable of self-support due to a physical or mental disability.

c. Death Benefit:

(1) The PSOB Program provides death benefits in the form of a one-time financial payment to the eligible survivors of public safety officers whose deaths are the direct and proximate result of a traumatic injury sustained in the line of duty.

(2) Effective December 15, 2003, public safety officers are covered for line-of-duty deaths that are a direct and proximate result of a heart attack or stroke, as defined in the Hometown Heroes Survivors Benefits Act of 2003. The Act establishes a statutory presumption that public safety officers who die from a heart attack or stroke following a non-routine stressful or strenuous physical public safety activity or training, died in the line of duty for benefit purposes.

(a) The Hometown Heroes presumption may be overcome by “competent medical evidence to the contrary.”

(b) The Hometown Heroes Act excludes actions of a “clerical, administrative, or non-manual nature” from consideration.

(3) As of October 1, 2006, the death benefit amount was $295,194. The benefit amount is adjusted each October 1 based upon the Consumer Price Index. For each death claim, the award amount is solely determined by the actual date of the officer’s death.

(4) If the PSOB Office determines that there is urgent claimant need before the final action of paying a death benefit, an interim death benefit payment not exceeding $3,000 may be made to the eligible survivor(s) if it is probably that the death is compensable.
(5) Recipients of Benefits:

(a) Generally the order in which death benefits will be distributed from the PSOB Program is as follows:

(i) Survived by spouse but no eligible children, the spouse will receive 100% of the benefit.
(ii) Survived by spouse and eligible children, the spouse will receive 50% of the benefit and the children will receive equal shares of the remaining 50%.
(iii) Survived by eligible children but no spouse, the children will receive equal shares of the benefit.
(iv) Survived by neither a spouse nor eligible children, the benefit shall be paid to the individual designated by the officer under his or her most recently executed life insurance policy, provided that the beneficiary survived the officer.
(v) Survived by neither a spouse nor eligible children and does not have a life insurance policy, the surviving parents will receive equal shares of the benefit.
(vi) Survived by neither a spouse, eligible children, nor parents, and does not have a life insurance policy, a claim for benefits will not be initiated.

(6) Death Benefit Claim Procedures:

(a) Eligible survivors may file a death benefit claim directly with the PSOB Office or they can go through the Agency.

(b) The Agency’s Family Liaison Officer will assist the officer’s survivor(s) in filing a PSOB Death Benefit claim by following the below guidelines:

(i) Insure that the Agency has made arrangements for an autopsy to be performed. The autopsy will provide the PSOB Office with useful information regarding the cause of death.
(ii) Contact the PSOB Office at 1–888–744–6513 and advise them of the officer’s death and the details of the death. Also advise them that as the Family Liaison Officer you will be the Agency’s PSOB contact.

After being informed of an officer’s line of duty death, the PSOB Office will e-mail a claim initiation packet to the Family Liaison Officer.

(iii) After receiving the claim initiation packet, the Family Liaison Officer should:

1. Complete the PSOB’s Report of Public Officer’s Death form, and have the Superintendent sign it a as the Agency’s Head.
2. Meet with the claimant as soon as possible to complete the Survivor’s Claim for Death Benefits.
3. Ensure that the family provides a copy of the death notice.
4. Gather any other documentation requested by the PSOB Office.
5. Once all the requested documents have been completed, submit them to the PSOB Office for review and final determination.

(c) To assist the Agency in insuring that the PSOB claims process is completed accurately and expeditiously, the Family Liaison Officer shall complete a PSOB Death Claim Checklist form (NRP-550).

(d) The PSOB Office works closely with Concerns of Police Survivors (COPS) and the National Fallen Firefighters Foundation (NFFF), both of which provide an array of support services.
that may be helpful to the survivors immediately after a line-of-duty death. When the Consent To Release Confidential Information form is signed by the claimant and returned with the other requested documents, the PSOB Office will forward the claimant’s name and address to the appropriate partner agency so that contact may be initiated.

(e) Once the processing is completed, the PSOB Office will send a letter notifying the claimant and the Agency of the decision reached. Should the claim be denied, information on the appeals process also will be provided.

d. Disability Benefit:

(1) The PSOB Program provides disability benefits to public safety officers who have been permanently and totally disabled by a catastrophc personal injury sustained in the line of duty if that injury permanently prevents the officer from performing any substantial and gainful work. Medical retirement for a line of duty disability does not, in and of itself, establish eligibility for PSOB benefits.

(2) For each disability claim, the award amount is solely determined by the actual date of the officer's disability.

(3) All line of duty injuries that result in a disability retirement are not necessarily covered under the PSOB Disability Program. The injury has to prevent the public safety officer from performing any substantial and gainful work.

e. Survivors’ Educational Assistance Benefit:

(1) The PSOB Program also includes the Public Safety Officers’ Educational Assistance (PSOEA) Act. This Act provides financial assistance for higher education of the spouses and children of federal, state, and local public safety officers permanently disabled or killed in the line of duty. The educational assistance may be used to defray relevant expenses, including tuition, room and board, books, supplies, and education-related fees.

(2) As of October 1, 2006, the maximum award for a full-time student is $860.00 per month of class attendance. (All award amounts are proportionately less for part-time students.) All PSOEA awards must, by law, be reduced by the amount of other federal, state, or local governmental assistance that a student is eligible to receive.

f. Information and Claim Forms for the various PSOB Programs.

(1) Information and claim forms can be obtained by contacting the PSOB Office at:

Benefits Office
Bureau of Justice Assistance
810 7th Street NW.
Washington, DC 20531
202–307–0635
Toll free: 1–888–SIGNL13 (744–6513)
Fax: 202–616–0314
E-mail: AskPSOB@usdoj.gov
SUMMARY OF LINE OF DUTY DEATH BENEFITS

(2) Specific information about the PSOB programs can be obtained at the following web address:

http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html

(3) The various claim forms for the PSOB programs can be obtained at the following web addresses:

http://www.ojp.usdoj.gov/BJA/grant/psob/psob_main.html

OR

https://www.psob.gov/


a. Under § 8193 of the Federal Employees’ Compensation Act (FECA) a non-Federal law enforcement officer and/or their survivors may be eligible to receive death or disability benefits if the officer is killed or injured in the line of duty.

b. For a non-Federal law enforcement officer to be eligible under FECA, the officer must have been at the time of the death or injury:

(1) A law enforcement officer and to have been engaged on that occasion in the apprehension or attempted apprehension of any person:

(a) For the commission of a crime against the United States, or
(b) Who at that time was sought by a law enforcement authority of the United States for the commission of a crime against the United States, or
(c) Who at that time was sought as a material witness in a criminal proceeding instituted by the United States; or

(2) A law enforcement officer and to have been engaged on that occasion in protecting or guarding a person held for the commission of a crime against the United States or as a material witness in connection with such a crime; or

(3) A law enforcement officer and to have been engaged on that occasion in the lawful prevention of, or lawful attempt to prevent, the commission of a crime against the United States.

c. Payable Benefits:

(1) Benefits are payable when an officer is injured while apprehending, or attempting to apprehend, an individual for the commission of a Federal crime. However, either an actual Federal crime must be in progress or have been committed, or objective evidence (of which the officer is aware at the time of injury) must exist that a potential Federal crime was in progress or had already been committed.

(2) For benefits to be payable when an officer is injured preventing, or attempting to prevent, a Federal crime, there must be objective evidence that a Federal crime is about to be committed. An officer's belief, unsupported by objective evidence, that he or she is acting to prevent the commission of a Federal crime will not result in coverage.

d. Calculation of Benefit:

(1) Except for continuation of pay, eligible officers and survivors are entitled to the same benefits as if the officer had been a federal employee under 5 U.S.C. 8101. However, such benefits may be reduced or adjusted as deemed appropriate by the U.S. Department of Labor’s Office of Workers’ Compensation Programs (OWCP) to reflect comparable benefits.
CHAPTER 5 SECTION XIII
SUMMARY OF LINE OF DUTY DEATH BENEFITS

which the officer or survivor received or would have been entitled to receive by virtue of the officer’s employment.

(2) Comparable benefit includes any benefit that the officer or survivor is entitled to receive because of the officer’s employment, including pension and disability funds, State workers’ compensation payments, Public Safety Officers’ Benefits Act payments, and State and local lump-sum payments. Health benefits coverage and proceeds of life insurance policies purchased by the employer are not considered to be comparable benefits.

(3) The FECA statute provides that, where an officer receives comparable benefits, compensation benefits are to be reduced proportionally in a manner that reflects the relative percentage contribution of the officer and the officer’s employer to the fund which is the source of the comparable benefit.

e. Claim Procedures:

(1) All FECA claims must be filed with the U.S. Department of Labor’s Office of Workers’ Compensation Programs (OWCP) within five years after the injury or death. This five-year limitation is not subject to waiver.

(2) A claim for injury or occupational disease should be filed on OWCP’s Form CA-721.

(3) A death claim should be filed on OWCP’s Form CA-722.

(4) All claims should be submitted to the officer’s employer for completion and forwarding to OWCP.

(5) A claim may be filed by the officer, the officer's survivor, or any person or association authorized to act on behalf of an officer or an officer's survivors.

f. Specific information and claim procedures on the Federal Employees Compensation Act can be found at U.S. Department of Labor’s web site:


3. Social Security Benefits

If an officer had been disabled or died as a result of their employment, then they may be eligible for certain Social Security benefits. Officers or survivors should contact their nearest Social Security office for details on potential benefits that may be available to them. Information may also be obtained at the following web sites:

http://www.socialsecurity.gov

or

http://www.ssa.gov/

a. Monthly Survivor Benefits:

(1) Monthly survivor benefits are available to the following beneficiaries if you are insured by Social Security when you die (regardless of your age):

(a) Spouse:

(i) A surviving spouse may be able to receive full benefits at age 65 if born before 1940. (The age to receive full benefits is gradually increasing to age 67 for surviving spouses born in 1940 or later). Reduced spousal benefits can be received as early as age 60. If the surviving spouse is disabled, benefits can begin as early as age 50.

(ii) Surviving spouses can receive benefits at any age if they take care of the officer’s child who is entitled to a child’s benefit and is younger than age 16 or disabled.
CHAPTER 5 SECTION XIII
SUMMARY OF LINE OF DUTY DEATH BENEFITS

(b) Unmarried Children: The officer’s unmarried children who are under age 18 (or up to age 19 if they are attending elementary or secondary school full time) also can receive benefits. The children can get benefits at any age if they were disabled before age 22 and remain disabled. Under certain circumstances, benefits also can be paid to the officer’s stepchildren, grandchildren or adopted children.

(c) Dependent Parent(s): The officer’s dependent parents can receive benefits if they are age 62 or older. (For an officer’s parents to qualify as dependents, the officer would have had to provide at least one-half of their support.)

(2) The amount a survivor can receive from Social Security depends on the officer’s average lifetime earnings. That means the more the officer has earned during their lifetime, the more their surviving beneficiary(s) will receive.

(3) Officer can request yearly a statement from the Social Security Administration which will give them an estimate of their current and future Social Security benefits. This statement can be requested at the following web site:

http://www.ssa.gov/mystatement/

b. One-Time Death Benefit:

In addition of the monthly survivor benefits, an eligible spouse may be entitled to a one-time death payment of $225. If there is no spouse, then this payment can be made only to a child entitled to survivor benefits.

c. Taxes & Social Security Benefits:

Social Security Benefits may be taxable depending on the officer’s or survivor’s filing status and the amount of benefits and income. Officers or survivors should contact a tax attorney, tax accountant, financial planner, or the IRS for further information.

D. Other Benefits Available

1. Personal Life Insurance Policies:

a. The officer’s survivor(s) should determine if the officer had a life insurance policy. If so, then the survivor should contact the life insurance company to learn of their independent claim procedures.

b. Normally life insurance companies require only two forms to establish proof of a claim:
(1) A Statement of claim, and
(2) A death certificate or attending physician’s statement.

c. The statement of claim must be completed by the person legally entitled to receive the life insurance proceeds, and must state in what capacity they are making the claim; named beneficiary, assignee, executor, administrator, guardian, or trustee. Usually, the claimant will have to supply the company with the following:
(1) Policy
(2) Full name and address of deceased
(3) Decedent’s occupation and date last worked.
CHAPTER 5 SECTION XIII  
SUMMARY OF LINE OF DUTY DEATH BENEFITS

(4) Decedent's date and place of birth.  
(5) Date, place, and cause of death.  
(6) Claimant's name, age, address, and Social Security number.

d. To expedite the handling of a life insurance claim, the claimant should contact the local insurance agent or home office.

2. Veteran's Benefits:

a. Generally, if an officer was discharged from the U.S. military under conditions other than dishonorable, then their survivors may be eligible for certain veterans’ benefits upon the officer’s death.

b. Death Pension Benefit:

(1) Under certain conditions, a death pension may be payable to low-income spouses or children of veterans.

c. Funeral & Burial Benefits

(1) The Veterans Administration will pay up to $300 toward burial and funeral expenses, and a $300 plot-interment allowance for deaths on or after December 1, 2001
(2) Burial benefits available for veterans buried in a private cemetery include a Government headstone or marker, a burial flag, and a Presidential Memorial Certificate, at no cost to the family.
(3) Upon a family’s request every eligible veteran can receive a military funeral honors ceremony, to include folding and presenting the United States burial flag and the playing of Taps.

d. For specific benefits and claim information, survivors should contact their nearest Veterans Administration office. Information may also be obtained at the following web sites:

   http://www.vba.va.gov/bln/dependents/index.htm

3. Unions & Fraternal Organizations

a. If the officer died in the line of duty and was a member of a union or fraternal organization, then the officer’s survivor(s) should contact them to determine if they offer any survivor benefits.

b. Below is a list of some organizations, along with their web sites, that may provide survivor benefits if the officer was a member:
(1) Fraternal Order of Police:
   (http://www.grandlodgefop.org)
(2) National Rifle Association:
   (http://www.nra.org)
(3) Knights of Columbus:
   (http://www.kofc.org)
(4) Fraternal Order of Eagles:
   (http://www.foe.com)
E. Survivor Support Groups:

Below is a list of organizations, along with their web sites, that may provide a network of support for law enforcement survivors.

1. Concerns of Police Survivor, Inc.  
   (http://www.nationalcops.org)
2. Parents of Murdered Children  
   (http://www.pomc.com)
3. The Compassionate Friends, Inc.  
   (http://www.compassionatefriends.org)
4. Mothers Against Drunk Driving  
   (http://www.madd.org)
5. National Organization for Victim Assistance  
   (http://www.trynova.org)
6. National Center for Victims of Crime  
   (http://www.ncvc.org)
7. Association of Death Education & Counseling  
   (http://www.adec.org)
8. International Critical Incident Stress Foundation  
   (http://www.icisf.org)
CHAPTER 6

AGENCY VALUES STATEMENT AND RULES OF CONDUCT
CHAPTER 6

AGENCY VALUES STATEMENT AND RULES OF CONDUCT

Sec. I  AGENCY VALUES
   A.  Values Statement
   B.  Core Values
   C.  Provisions for Supporting Values
   D.  Citizen Contact – Prohibited Activities
   E.  Race-Based Profiles

Sec. II RESPONSIBILITY FOR SUPPORTING VALUES
   A.  Reason for Supporting Values
   B.  Authority and Responsibility

Sec. III CODE OF CONDUCT
   A.  Policy
   B.  Unbecoming Conduct
   C.  Insubordination
   D.  Criticism
   E.  Abuse of Position
   F.  Associations
   G.  Immoral Conduct
   H.  Conformance to Laws
   I.  Payment of Debts
   J.  Seeking or Accepting Gifts, Gratuities, or Bribes
   K.  Political Activity
   L.  Labor Activities
   M.  NRP Communications
   N.  Reporting for Duty
   O.  Fictitious Illness or Injury Reports
   P.  Interference with Duty
   Q.  Abuse of Process, Withholding Evidence
   R.  Evidence, Found, and Recovered Property
   S.  Suggestions Pertaining to Services
   T.  Requests for Assistance
   U.  Citizen Complaints
   V.  Courtesy
   W.  Identification
   X.  MilitaryCourtesy
   Y.  Personal Appearance
   Z.  Neglect of Duty
   AA.  Use of Tobacco
   BB.  Use of Alcoholic Beverages
   CC.  Use of Drugs
   DD.  Illegal Activity
   EE.  Treatment of Persons in Custody
   FF.  Use of Force
   GG.  Weapon Use
   HH.  NRP Equipment
   II.  Incompetence / Unsatisfactory Performance
   JJ.  Offensive Literature / Comments
   KK.  Sexual Behavior
   LL.  Unauthorized use of METERS, NCIC, or CJIS System, or Any Other Agency or
CHAPTER 6

AGENCY VALUES STATEMENT AND RULES OF CONDUCT

Law Enforcement Databases
MM. Integrity
NN. Supervision

Sec. IV SOCIAL NETWORKING
A. Purpose
B. Social Networking Web Sites
C. Background
D. Policy
E. Glossary of Relevant Terms

Sec. V INTERNAL AFFAIRS UNIT
A. Purpose of the Internal Affairs Unit
B. IAU Commander’s Responsibility
C. Notifications
D. IAU Investigations
E. Regional Investigations
F. Case Flow
G. Records and Files
H. Employee Disciplinary Action Record
I. IAU Office

Sec. VI PROGRESSIVE SUPERVISION
A. Purpose
B. Performance Appraisal Documentation
C. Personnel Counseling
D. Alternative Disciplinary Process (ADP)
E. Summary Punishment
F. Hearing Board
G. Probationary Employees

Sec. VII PROCESSING ADMINISTRATIVE COMPLAINTS
A. Purpose
B. General
C. Complaints
D. Processing Complaints
E. Processing Complaints of Brutality
F. Withdrawal of Complaints
G. Commander Responsibilities & Employee Notification

Sec. VIII CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS
A. Policy
B. Objectives
C. Investigative Procedures
D. Serious Injury or Death Incidents
E. State’s Attorney Liaison
F. Internal Affairs Unit Liaison
G. Additional Responsibilities
## Chapter 6
### AGENCY VALUES STATEMENT AND RULES OF CONDUCT

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Contents</th>
</tr>
</thead>
</table>
| IX | EMERGENCY SUSPENSIONS | A. Definitions  
B. General Provisions  
C. Procedures  
D. Emergency Suspension Review  
E. Administrative Hearing Officer  
F. Superintendent’s Responsibilities  
G. Record Retention |
| X | INVESTIGATION PROCEDURES | A. Investigation Overview  
B. Complainant and Witness Interview  
C. Investigative Process  
D. Statements from an Accused Officer  
E. Written Reports  
F. Interrogation of Accused Officers  
G. Compelled Tests  
H. Polygraph Examinations  
I. Failure to Comply  
J. Report Format  
K. Report Flow |
| XI | PERSONNEL COUNSELING | A. Definition  
B. Procedures  
C. Case Flow |
| XII | ALTERNATIVE DISCIPLINARY PROCEDURE (ADP) | A. Purpose  
B. General Provisions  
C. Procedures  
D. Penalties  
E. Case Flow |
| XIII | SUMMARY PUNISHMENT | A. Purpose  
B. Procedure  
C. Case Flow |
| XIV | HEARING BOARDS | A. Purpose  
B. Type of Hearing Board  
C. Preparation for Hearing Board  
D. Resolution of Case Prior to Hearing  
E. Administrative Procedures Prior to Hearing  
F. Pre-Hearing Procedures  
G. Conducting the Hearing Board  
H. Decision of the Hearing Board  
I. Notification of Findings  
J. Penalty Deliberation |
CHAPTER 6
AGENCY VALUES STATEMENT AND RULES OF CONDUCT

K. Notification of Penalty
L. Hearing Board Report
M. Dissemination of Report
N. Superintendent’s Review
O. Post-Hearing Procedures
P. Record Keeping
Q. Appeal Process
R. Fee Schedule

Sec. XV DISCIPLINARY MATRIX
A. Background
B. Philosophy
C. Description of Categories
D. Category “A” Violations
E. Category “B” Violations
F. Category “C” Violations
G. Category “D” Violations
H. Category “E” Violations
I. Violations Not Referenced in Matrix
J. Disciplinary Matrix

Sec. XVI LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS

Sec. XVII NRP EARLY WARNING IDENTIFICATION SYSTEM (EWIS)
A. Philosophy
B. Background
C. Description of Early Warning Identification System
D. Officer Profiles
E. EWIS Reports
F. IAU Commander’s Responsibility
G. Commander’s Responsibility
H. Annual Review of IAU Complaints

Sec. XVIII CIVILIAN DISCIPLINARY PROCEDURES
A. General
B. Formal Counseling
C. Leave Without Pay
D. Restitution
E. Discipline – Employee Misconduct
F. Disciplinary Procedures
G. Discipline – Employee Performance
H. Procedure – Performance
I. Time Limit – Performance Disciplinary Actions
J. Performance Appraisals
K. Other procedures related to disciplinary actions
L. Negotiation and Bargaining
M. Appeals by Employees in Skilled or Professional Service
N. Appeal to the Secretary, DNR
O. Termination of Initial Probationary Employees
P. Employees in the Management or Executive Service and Special Appointments

Chapter 6 Index 4 (Revised 07/16)
Q. Appeals to the Head of the Principle Unit
R. Forfeited Annual Leave

Sec. XIX STATE PERSONNEL AND PENSIONS
A. Values Statement

The NRP is committed to creating an organizational culture wherein training and leadership will foster integrity, respect and quality of internal operations.

B. Core Values

NRP personnel will be committed to the following core values to guide their conduct:

1. INTEGRITY - Employees shall:
   a. Uphold the public trust by being honest.
   b. Maintain the highest standards of ethical and moral character.
   c. Obey all laws.

2. COURTESY - Employees shall:
   a. Treat everyone with respect and dignity and in an unbiased manner.
   b. Refrain from responses of uncontrolled anger when dealing with a citizen, an NRP employee, or others.
   c. Protect constitutional rights through impartial enforcement of the law.

3. DEDICATION - Employees shall:
   a. Provide dedicated and compassionate assistance to citizens.
   b. Promote leadership, cooperation and assistance to the NRP and its employees.
   c. Aspire to improve service, the quality of life and partnership with the community.
   d. Obey NRP rules, regulations and procedures.

4. PROFESSIONALISM - Employees shall:
   a. Present a neat, clean, and professional appearance.
   b. Perform duties in an accurate and timely manner.
   c. Utilize appropriate and respectful language when dealing with citizens, NRP employees, or others.
   d. Never use unnecessary force or violence.
   e. Furnish name, identification number and duty assignment to any person properly entitled to this information.
   f. Obey all lawful orders.

C. Provisions for Supporting Values

NRP personnel shall:

1. Preserve and advance the principles of democracy and freedom in a multi-cultural society by endeavoring to:
   a. Protect life and property.
   b. Apprehend and bring to justice violators of the law.

2. Remain responsive to the community by:
   a. Maintaining the public peace.
   b. Reducing the citizens’ fear of crime.
   c. Remaining sensitive and responsive to community concerns and problems.
   d. Actively seeking input from the community.
CHAPTER 6 SECTION I
AGENCY VALUES

3. Maintain the highest standards of integrity by:
   a. Not having contact with a person known to have felonious criminal or subversive behavior.
   b. Not disseminating information to unauthorized people.
   c. Not placing themselves in a position or act in a manner that would reflect adversely upon the NRP.
   d. Not consuming liquor or entering liquor establishments, while on duty or in uniform, or bringing alcohol onto any NRP property, except in the performance of their duties.
   e. Not engaging in sexual behavior while on-duty, in a Department facility or Department vehicle while off duty.

4. Treat all people with mutual trust, fairness, and dignity by acting impartially and consistently in dealing with subordinates, co-workers, prisoners, and citizens.

D. Citizen Contact - Prohibited Activities

1. A Maryland Natural Resources Police officer, in the course of performing law enforcement functions, shall neither solicit for personal gain, personal information from the citizenry, nor provide personal information of themselves, which could reasonably be construed as using their position as an officer for personal gain or personal reasons.

2. In every instance where an individual is stopped for a violation of law, the officers should generally limit themselves to merely addressing the violation at hand.

3. During officer-violator contacts a officer will not solicit personal information from the violator(s) and/or provide similar information for any reason other than that which would reasonably be required for law enforcement purposes.

E. Race-Based Profiles

1. It is the policy of the NRP that any assemblage of general characteristics of a person’s future propensity to engage in any violation of the law shall not include the race of any person as one of those characteristics. Race is not a predictor of criminal activity. Race legally cannot and will not be a factor for the development of policies for stopping, detaining or searching motorists or boaters on Maryland roadways or waterways.

2. NRP sworn personnel will not participate in the use of any race-based profiling as a cause for stopping, detaining or searching motorists or boaters traveling on Maryland roadways or waterways.

3. Race cannot and will not be utilized by individual NRP personnel and law enforcement agencies and officers operating in concert with or under the direction of the NRP as a consideration in determining whether to stop, detain, or search motorists or boaters utilizing Maryland roadways or waterways.

4. Nothing in this policy statement precludes officers from relying upon race as a part of a description where a specific suspect is sought.
CHAPTER 6 SECTION II
RESPONSIBILITY FOR SUPPORTING VALUES

A. Reason for Supporting Values

The integrity of the NRP is dependent upon the personal conduct, integrity, and discipline of each employee. The NRP holds these values in high esteem, and through fairness and objectivity, has created Agency guidelines.

B. Authority and Responsibility

1. Superintendent
   a. The Superintendent shall have the power to make any rules necessary to promote the effective and efficient performance of the duties of the NRP and to ensure the good government of the NRP and its employees.
   b. The authority of the Superintendent shall also include the power to suspend, amend, rescind, abrogate, or cancel any rule adopted by them or by a former Superintendent.
   c. To the extent that these rules are inconsistent with or in conflict with any provisions of the State Personnel and Pensions Article, Annotated Code of Maryland, or the Rules and Regulations of the Department of Budget and Management as they apply to employees, the State Personnel and Pensions Article and the Rules and Regulations of the Department of Budget and Management shall prevail.

2. Commanders:
   a. Have the ultimate responsibility of ensuring the integrity and reputation of the NRP through the fair and equitable investigation of internal matters and application of disciplinary procedures where warranted.
   b. Will conduct all administrative investigations in compliance with the Law Enforcement Officer’s Bill of Rights (LEOBR).
   c. Must be sensitive to the concerns of the complainant and the needs of the employee throughout the internal investigative process.

3. Employees:
   a. Are responsible for complying with Maryland Natural Resources Police policies, procedures, regulations, and guidelines including all additions and amendments that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. Ignorance of the policies, procedures, regulations, guidelines, orders, and directives of the NRP is not justification for any violation.
   b. Are responsible for their own acts and may not transfer to others the responsibility for executing or failing to execute any lawful order or police duty.

(Revised 07/16)
CHAPTER 6 SECTION III
NRP CODE OF CONDUCT

A. Policy

1. Employees shall comply with the rules of conduct herein stated, with the additions and amendments to these rules that may be promulgated and with all other orders and directives, either verbal or written, which may be issued by competent authority. The violation of any rule of conduct, policy, procedure, regulation, or lawful order, whether written or verbal, subjects the violator to disciplinary action.

2. Ignorance of the rules, policies, procedures, regulations, directives, and orders of superiors, is not justification for any such violation. Employees shall be responsible for their own acts and they may not transfer to others their responsibility for executing or failing to execute any lawful order or police duty.

B. Unbecoming Conduct

1. Employees shall conduct business at all times, both on and off duty, in a manner which reflects most favorably on the NRP. The phrase “reflects most favorably” pertains to the perceptions of anyone including other DNR/NRP employees. Conduct unbecoming an employee shall include that which tends to bring the NRP or DNR into disrepute, or reflects discredit upon the employee as a representative of the NRP or that which tends to impair the operation or efficiency of the NRP or employee.

2. A commander or supervisor will not injure or discredit a subordinate through unreasonable, unjust, arbitrary, or tyrannical conduct, or abusive language.

C. Insubordination

1. Employees shall, unless otherwise directed by competent authority, transact all official business with employees senior in rank or classification only through the official chain of command.

2. Employees shall promptly obey all lawful orders of a superior, including those from a superior relayed by an employee of equal or lesser rank. A lawful order is any order, either verbal or written, which an employee should reasonably believe to be in keeping with the performance of their duties or responsibilities.

3. Employees will obey all orders from superiors, whether written or verbal, except when compliance with such orders would require the commission of an illegal act. No employee without adequate justification will intentionally issue an order that is contrary to an order issued by a superior. Employees to whom conflicting orders are issued will call immediate attention to such conflict; however, if the conflict is not resolved, the last order will be obeyed.

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

D. Criticism

Employees shall not criticize or ridicule the NRP, any other State or Federal agency, or the Maryland or United States Judiciary, their policies or their officers by speech, in writing, or by expression in any other manner, when such speech, writing or other expression is defamatory, obscene, unlawful, exhibits a reckless disregard for truthfulness or tends to undermine the operation of the Natural Resource Police,
other said agency or Judiciary by impairing their efficiency with the operation or maintenance of discipline.

E. Abuse of Position

1. While relieved of police powers, sworn NRP employees will not wear the uniform and will not represent themselves in an official capacity as an NRP employee.

2. Employees are prohibited from using their official position, and/or Agency credentials for personal or financial benefit, or as a means of obtaining privileges not otherwise available to them, or for avoiding consequences of illegal acts. Officers may not lend their identification card or badge to another person, or permit it to be photographed or reproduced without the approval of the Superintendent.

3. An employee shall not permit or authorize the use of their name, photograph, or official title identifying them as an employee of the NRP in connection with testimonials or advertisements of any commodity or commercial enterprise, or permit or authorize its use for personal reasons without the approval of the Superintendent.

4. An employee shall not sign a petition, without the authority of the Superintendent when their signature identifies them as an employee of the Agency; nor shall an employee sign any petition which has an unlawful purpose. However, an employee may sign a lawful petition as a private citizen.

5. An employee shall not address public gatherings, appear on radio or television, or prepare any article for publication in an official capacity without first having obtained permission from their commanding officer.

6. An employee shall not release or divulge investigative information or any other matters of the Agency, either in an official or unofficial capacity without first having obtained permission from their commanding officer.

7. No employee shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated or retaliated against, or threatened with that treatment because the employee exercised rights guaranteed to them by the Constitution, or federal or state laws.

8. No employee shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated or retaliated against, or threatened with that treatment because the employee has disclosed information that evidences gross mismanagement, gross waste of government resources, a substantial and specific danger to public health or safety, or a violation of the law committed by another law enforcement officer.

9. No employee may undertake an independent investigation based on knowledge of disclosures described in paragraph E 8 of this section.

F. Associations

1. An employee shall avoid associations or dealings with persons whom they know or should know are racketeers, gamblers, felons, persons under criminal investigation, indictment or others who have a reputation in the community for felonious or criminal behavior.
CHAPTER 6 SECTION III
NRP CODE OF CONDUCT

For this section, gamblers shall be defined as those persons who engage in prohibited gambling or gaming activity as defined by Maryland statute or regulations, or as defined under Federal law, the laws of another state, county, municipality, or political subdivision.

2. An employee shall not visit or enter a house of prostitution, gambling house, or any other establishment wherein the laws of the United States, the laws of the State of Maryland, another state, or any other law or ordinance of a political subdivision are violated.

3. An employee of the Agency shall not in any manner affiliate their self with any organization, association, movement, group or combination of persons which advocates the overthrow of the Government of the United States or any state or which has adopted the policy of advocating or approving the commission of acts of force or violence to deny any person their rights under the Constitution of the United States or any state or which seeks to alter the form of government of the United States or any state by unconstitutional means.

4. Paragraphs 1, 2 and 3 do not apply to an employee who has been directed or assigned by a superior officer to form such an association in the performance of official duties.

G. Immoral Conduct

Every employee shall maintain a level of moral conduct in their personal affairs which is in keeping with the highest standards of the law enforcement profession. No employee shall be a participant in any incident involving conduct that is contrary to the highest standards of justice, honesty, or good morals, or which compromises or has the potential to compromise their ability to perform as an employee of the NRP or causes the Agency to be brought into disrepute.

H. Conformance to Laws

1. Officers shall not violate their oath of office and trust or any other condition of their employment with the State of Maryland or commit an offense punishable under the laws, statutes, regulations, or public local laws or ordinances of the State of Maryland, the United States, any sovereign nation, or any other state, county or municipality. Any employee who has been charged with a violation of any law, statute, regulation, or public local law or ordinance stipulated in this Section must report the facts concerning such violation immediately to their commanding officer through their supervisor. Parking violations, except when they are issued to an Agency vehicle, are exempted from this subsection.

2. Any officer convicted of a felony or misdemeanor which is punishable by imprisonment for one year or more shall within 3 days of the conviction and in writing, notify the Superintendent of the NRP. The Superintendent will facilitate notification to the Executive Director of the Maryland Police and Corrections Training Commissions of the conviction.

I. Payment of Debts

Any officer of the NRP shall make every effort to pay all just debts and legal liabilities. Disciplinary action may be taken when judgments of creditors have been finally adjudicated and the officer, even though able to pay, has refused to comply with such judgment, or the effects of such indebtedness has adversely affected the ability of the officer to perform their assigned duties or have negatively reflected on the reputation or effectiveness of the Agency.
CHAPTER 6 SECTION III
NRP CODE OF CONDUCT

J. Seeking or Accepting Gifts, Gratuities, or Bribes

1. Employees shall not solicit, seek, or accept any gift or gratuity, including food or drink for their self or another, from any individual, business establishment, or merchant, where such offer of acceptance can be construed to be an effort to influence their official conduct as a NRP employee.

2. Employees shall not receive, seek, solicit, or share in any fee, reward, or other reimbursement for the performance of their official duties, or for their failure to perform official duties, except as directed by the Superintendent. Employees shall immediately report to their supervisor any offer, or attempt to offer money, gift, or other gratuity made in an effort to influence their official conduct.

K. Political Activity

The political associations and political conduct of employees of the NRP shall be in conformance with the established NRP policies, procedures, and law established under the Annotated Code of Maryland, State Personnel and Pensions Article, §2-304, and §3-103 of the Public Safety Article, entitled “Rights of law enforcement officers generally.”

L. Labor Activities

An employee shall not engage in any strike or job action. Strike or job action includes, but is not limited to, a failure to report for duty, willful absence from duty, unauthorized holidays, sickness unsubstantiated by physician’s statement, stoppage of work, or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

M. NRP Communications

1. Employees shall submit all reports, both verbal and written, required by the NRP in accordance with established procedures. All official business transactions must be processed through official channels.

2. An employee shall report to their superior all information that comes to their attention concerning organized crime, racketeering, vice conditions, etc.

3. An employee shall immediately report to their supervisor any knowledge they have or are aware of concerning violations of Agency policy, procedure or regulation committed by another current NRP employee to include any crimes that are punishable under the laws, statutes, regulations, or public local laws or ordinances of the State of Maryland, the United States of America, any sovereign nation, or any other state, county, or municipality.

4. Having knowledge of any information as described in number 3 of this sub-section a supervisor shall follow established guidelines for reporting such activity.

5. All reports submitted by NRP employees will be complete and will not contain improper or inaccurate information.

6. An employee shall treat the official business of the NRP as confidential. Information regarding official business shall be disseminated only to those for whom it is intended in accordance with established NRP procedures. An employee may remove or copy official records or reports from a police
installation only in accordance with established NRP procedures. An employee shall not divulge the identity of a person giving confidential information, except as authorized by proper authority in the performance of police duties.

7. The use of NRP telephones, cellular phones, pagers, facsimile machines, computers, and other forms of electronic media, shall be limited to the conduct of official business except for personal or emergency calls made or received in accordance with established DNR/NRP policy.

N. Reporting for Duty

1. Employees shall not be absent from duty or assignment without properly approved leave.

2. Officers shall report for duty at the time and place specified by their superior and shall be physically and mentally fit to perform their duties. They will report by radio contact or other established process at the start and end of their tour of duty. They shall be properly equipped and cognizant of information required for the proper performance of duty.

3. Employees who are unable to report for duty due to sickness or other causes shall, as soon as possible, notify their immediate supervisor of the reason(s) for absence.

4. Officers while off duty shall be subject to call at all times for emergency response to duty.

O. Fictitious Illness or Injury Reports

An employee shall not fake or pretend illness or injury, falsely report their self ill or injured, or otherwise deceive or attempt to deceive any official of the Agency as to the condition of their health.

P. Interference with Duty

1. Employees shall not attempt to bring influences on the Superintendent for the purpose of securing promotion or transfer, or to avoid penalties for violations of the Agency’s policies, rules, procedures, or orders.

2. Employees shall not interfere with cases assigned to other employees for investigation without consent, except by order of a superior officer.

3. Officers shall not interfere with any lawful arrest or any prosecution brought by other police officers or other police agencies.

4. Officers shall not undertake any investigation or other police action not a part of their regular police duties without first obtaining permission from their supervisor, unless immediate intervention can be justified.

5. Employees shall not reveal the identity of a police employee assigned to plain clothes or covert investigative work. Employees shall not recognize such employees unless the plain clothes or covert officer acknowledges them first.

6. No employee shall be directly or indirectly concerned with making arrangements, agreements or compromises between a criminal and a person who has suffered from their criminal acts for the purpose of allowing the criminal to escape any punishment prescribed by law. Any employee having knowledge
of such an arrangement, agreement or compromise shall report such to their immediate supervisor without delay.

Q. Abuse of Process, Withholding Evidence

Employees shall not intentionally manufacture, tamper with, falsify, destroy, conceal, or withhold evidence or information, or make any false accusations of a criminal charge.

R. Evidence, Found, and Recovered Property

1. Property which comes into the custody of this Agency will be processed in accordance with established procedures.

2. An employee shall not convert to their own use, manufacture, tamper with, damage through negligence, destroy, or in any other way misappropriate any evidence or any other material or property found in connection with an investigation or other police action, except in accordance with established Agency procedures.

S. Suggestions Pertaining to Services

An employee shall not recommend or suggest in any manner, except in the transaction of personal business and then representing their self only as a private citizen, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance or towing service, bondsman, mortician, etc.). In the case of ambulance or towing service when such service is necessary and the person needing service is unable or unwilling to procure it, the employee shall proceed as a law enforcement officer in accordance with Agency procedure.

T. Requests for Assistance

1. When the public requests assistance or advice from an employee, all pertinent information will be taken in a professional and courteous manner, and will be acted upon consistent with established Agency procedures.

2. Employees must not act in an official capacity without authority in any civil case, except where such action will prevent a breach of the peace or assist in quelling a disturbance.

U. Citizen Complaints

Employees shall courteously and promptly accept any allegation or complaint made by a citizen against any employee of the NRP. The receipt and processing of all complaints shall be in conformance with established Agency procedures.

V. Courtesy

1. Employees shall be courteous and tactful in the performance of their duties, shall control their temper and exercise utmost patience and discretion, and shall not engage in argumentative discussions, even in the face of extreme provocation.

2. While on duty or in the performance of their duties, they shall not use coarse, violent profane or insulting language or gestures. Employees shall not express any prejudice concerning race, religion,
politics, national origin, life style, sex, or similar personal characteristics.

W. Identification

1. During the times that a police officer is not readily identified by the uniform of the NRP, they shall carry the badge and identification card issued by the NRP with them. While on duty and engaged in law enforcement activities the badge shall be displayed in such a way that the officer is recognizable as a police officer by members of the public. If the assignment is of a covert nature where the badge will not be displayed the officer shall notify their immediate supervisor prior to beginning the assignment. Officers shall furnish their name and identification number to any person properly entitled to this information, except when authorized not to do so by proper authority.

2. Officers making a traffic stop or arrest while in plainclothes shall both verbally and through display of the badge identify themselves to the violator as a police officer.

X. Military Courtesy

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

1. Hand salute: Uniformed Police employees of the NRP shall render the proper hand salute when encountering:
   a. The Governor or Lieutenant Governor.
   b. A Commissioned Officer of the agency senior in rank upon the first encounter of the day.
      (1) The Commissioned officer shall return the salute.
   c. Other instances when a salute shall be rendered;
      (1) When the United States National Anthem is played
      (2) Changes of command or funerals
      (3) When pledging allegiance to the U.S. flag outdoors
      (4) When Colors are presented.

2. The Natural Resources Police is a quasi-military organization. In keeping with basic professional courtesy, the use of the word “Sir” or “Ma’am” or a rank description in general conversation is expected.

Y. Personal Appearance

A police employee will maintain a neat, well-groomed appearance and will style their hair and wear their uniform consistent with established Agency policy and procedures.

Z. Neglect of Duty

1. Employees shall be punctual in attendance to all calls, requirements of duty, court appointments, and other assignments.

2. Employees will not play games, or engage in any activity or personal business while on duty that would cause them to neglect or be inattentive to that duty.

3. The failure of an officer to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police action is considered neglect of duty.
CHAPTER 6 SECTION III
NRP CODE OF CONDUCT

4. An employee will not, without proper authorization, absent themselves from their assigned place of work during their tour of duty.

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

AA. Use of Tobacco

An employee, who can be identified as a Natural Resources Police employee, shall not use any form of tobacco if they are on duty and they are in the view of or interacting with the public. Employees are prohibited from using tobacco products (including chewing tobacco, or electronic cigarettes and vape pens) in any government owned building, government vehicle, or government vessel.

BB. Use of Alcoholic Beverages

1. An employee will not drink intoxicating beverages while in uniform or while on duty unless it is necessary for the performance of their duty. In every case where it is necessary for an employee to use intoxicating beverages while on duty, written permission must be obtained from the employee’s immediate supervisor. An employee given written permission to consume intoxicating beverages while on duty may not do so to the extent that their ability to perform their duty is impaired.

2. The use of alcoholic beverages may be used during training sessions when those consuming the alcoholic beverage are directly supervised by a non-consuming individual.

3. An employee will not report to work with any level of alcohol in their system.

4. No employee of the NRP will bring any intoxicating beverage into any building or facilities officially occupied by the NRP, nor will they permit the same to be brought therein, except as evidence or pursuant to NRP property held procedures.

CC. Use of Drugs

1. Policy: This rule applies to an employee who is subject to random drug testing while either on or off duty unless specified otherwise in this rule.
   a. An employee may not possess or use a controlled dangerous substance except as prescribed in the treatment of the employee by a licensed physician or dentist or, if necessary in the course of duty.
   b. An employee may not intentionally misuse a prescription drug or over-the-counter drug.
   c. An employee will not report to work with any level of the following types of drugs in their system:
      (1) An illegal drug.
      (2) An unprescribed drug that requires a doctor’s prescription.
      (3) An intentionally misused drug.
   d. Any employee who comes in contact with or is exposed to any controlled dangerous substance shall comply with First Report of Injury provisions.
   e. An employee may not possess a controlled dangerous substance in violation of federal, State, or local law.
   f. An employee shall promptly notify the officer’s or employee’s immediate supervisor when using a prescription drug which the officer has been informed may impair job performance. The employee shall provide the supervisor with the known side effects of the drug and the prescribed
period of use.
(1) The supervisor shall document this information by an internal memorandum to be maintained in a secured file by the Internal Affairs Unit.
(2) The employee may be temporarily reassigned to other duties as appropriate.
g. An employee who unintentionally takes or is made to take a controlled dangerous substance or other drug shall immediately report the incident to their supervisor so that appropriate medical procedures may be followed to ensure the health and safety of the employee and the public.
h. An employee having a reasonable belief that another employee of the Department possesses or is using a controlled dangerous substance in violation of this rule shall immediately report the facts and circumstances to the employee’s supervisor.

2. Sanctions
   a. A law enforcement officer convicted of a controlled dangerous substance offense shall be terminated.
   b. An officer who tests positive for prohibited drug use shall immediately be placed on emergency suspension.
      (1) If appropriate, the officer shall remain on suspension until a review hearing, hearing board, or disciplinary authority reaches a decision as to the officer’s status.
      (2) A probationary officer who tests positive for drugs shall be terminated with a limited right to appeal.
   c. An employee may be terminated for refusing to submit to random drug testing as authorized by COMAR 17.04.09, Department of Budget and Management Rules and Regulations. An employee otherwise in violation of this rule is subject to appropriate disciplinary action up to and including termination.

DD. Illegal Activity

Employees will not engage in any form of illegal activity at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor.

EE. Treatment of Persons in Custody

1. Officers will not mistreat any persons who are in their custody. They will handle persons in accordance with established NRP procedures.

2. Officers will not, without proper authority, release any prisoner in their charge, or through neglect or design, allow any prisoner in their charge to escape.

FF. Use of Force

A police employee, acting in their official capacity, will not use unreasonable or excessive force.

GG. Weapon Use

1. Weapons shall not be used, displayed, or handled in a careless or imprudent fashion or contrary to NRP policy.

2. Employees shall not carry, display, or handle any Agency issued or approved weapon while they are under the influence of, or impaired by alcohol, and/or under the influence of or impaired by any drug or combination of drugs.
CHAPTER 6 SECTION III
NRP CODE OF CONDUCT

HH. NRP Equipment

1. An employee will use and maintain equipment in accordance with established NRP procedures and will not abuse, damage, modify or alter without authorization, or lose equipment through negligence.

2. An employee of the NRP will not cause or contribute to the damage, abuse, unauthorized modification or alteration, or loss of any NRP equipment through negligence or carelessness.

3. An employee may not convert to their own use or in any way misappropriate NRP equipment/property.

4. An employee, who has been deprived of their police powers, will turn in all NRP issued equipment designated in the order suspending their police powers. Employees under suspension are not permitted to operate an NRP vehicle or vessel without proper authorization.

5. Employees will operate official vehicles and vessels in a careful and prudent manner, and will not through negligent or careless operation incur damage or allow damage to be incurred, to NRP property or to the property of another. They will obey all laws of the State of Maryland and all local ordinances, and conform to all NRP procedures and regulations pertaining to operation and maintenance of any NRP vehicle or vessel used by them.

6. Damage to or loss of Agency equipment will be reported in conformance with Agency procedure.

7. An employee will not have any item of Agency equipment repaired, adjusted, or modified without official authorization from the Support Services Bureau Commander or their designee.

II. Incompetence / Unsatisfactory Performance

1. Employees shall be held strictly responsible for the proper performance of their duties and shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions.

2. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Agency.

3. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws. An unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the employee’s rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving Agency attention.

4. In addition to other indicators of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance; repeated poor evaluations or a written record of repeated infractions of rules, regulations, and directives of orders of the Department or Agency.

JJ. Offensive Literature/Comments

Employees shall not distribute written literature or verbal expressions that are racially, ethnically, sexually, or in any manner offensive to others. This behavior will not be tolerated and any employee found to be involved in such behavior will be subjected to charges that could result in disciplinary action, up to and including termination of employment.
KK. Sexual Behavior

Employees will not engage in any sexual behavior while on duty. While off duty, employees will not engage in any sexual behavior in an Agency facility or while using an Agency vehicle/vessel. Sexual behavior is any sexual act, sexual contact, or vaginal intercourse as defined in the Criminal Law Article, Title 3, Subtitle 3, of the Annotated Code of Maryland.

LL. Unauthorized Use of LInX, METERS, NCIC or CJIS System, or Any Other Agency or Law Enforcement Databases

1. Employees are prohibited from using or assisting in the use of the LInX, METERS, NCIC, or CJIS system, or any other Agency or Law Enforcement Databases for personal reasons or for any purposes other than those authorized by the NRP.

2. Unauthorized is defined as having no legitimate law enforcement purpose including, but not limited to, using the system to check whether an automobile an employee is interested in purchasing is stolen, checking whether a neighbor has a criminal record, or checking owner information of a vehicle or vessel which is not associated with an official law enforcement interest or investigation.

MM. Integrity

Employees shall not engage, participate, or be a part of any deceptive, dishonest, untruthful, or any other type of behavior which could impeach their credibility and/or integrity.

NN. Supervision

Supervisory employees shall direct, guide, actively oversee, mentor and insure compliance of all NRP policies, procedures, and regulations and otherwise assist their subordinate personnel in the proper performance of their duties.
A. Purpose

To establish a policy regarding employee use of online social networking.

B. Social Networking Web Sites

For the purpose of this policy, social networking web sites means computer network sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking web sites include: Facebook, LinkedIn, Twitter, and sites that allow users to post personal blogs. The absence of, or lack of explicit reference to, a specific site does not limit the extent of the application of this policy.

C. Background

1. The proper functioning of any law enforcement agency relies upon the public’s confidence and trust in the individual officers and the agency to effectively protect and serve the public. Any matter which brings the Natural Resources Police (NRP) personnel or the NRP itself into disrepute has the corresponding effect of reducing that confidence and trust, as it impedes the ability to work with and serve the public.

2. Agency personnel are cautioned that speech on- or off-duty, made pursuant to their official duties (that is, that owes its existence to the employee’s professional duties and responsibilities) is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the Agency. Agency personnel should assume that their speech and related activity on social networking web sites will reflect upon their office and this Agency.

3. Professionalism is the most significant factor in providing the highest level of service to the public. While NRP employees have the right to use personal/social networking web pages or sites when off-duty, as NRP members, they are public servants who are held to a higher standard than the general public with regard to general and ethical standards. It is the policy of the NRP to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the NRP mission.

4. The NRP has a duty to protect the reputation of the organization and its employees, as well as guard against liability and potential legal risk. Therefore, the NRP reserves the right to monitor these websites, and employees are advised of the following:

   a. Employees should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials to impeach the employee’s testimony or to undermine the employee’s character or reputation.

   b. Employees should realize that any reference to their employment with the NRP while using social networking environments could compromise their safety and the safety of their family.

   c. All electronic communications created, received, or stored on the Agency’s, Department of Natural Resources’ (DNR), or State’s electronic communications systems are the sole property of the NRP, DNR, and/or state of Maryland, and not the author, recipient, or user.

5. Agency personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed on a social networking web site or in a public online forum may be accessed by the Agency at any time without prior notice.
CHAPTER 6 SECTION IV
SOCIAL NETWORKING

D. Policy

1. Employees are prohibited from posting messages that criticize or ridicule the NRP, any other police department, State or Federal agency, the Maryland or United States Judiciary, or their officers.

2. Employees should exercise good judgment when social networking online. This includes but is not limited to:
   a. Refraining from using discriminating, harassing, or derogatory language.
   b. Refraining from encouraging socially and morally inappropriate behavior(s).
   c. Refraining from speech containing obscene or sexually explicit language, images, or other forms of speech that ridicules, maligns, disparages, or otherwise expresses bias against any race, religion, or protected class of individuals.
   d. Refraining from speech involving themselves or other Agency personnel reflecting behavior that would reasonably be considered reckless or irresponsible.

3. Employees may not represent their opinions or comments as that of the NRP or as an official of the Agency or DNR.

4. Employees are prohibited from posting, or in any other way broadcasting or disseminating information on the internet, social networking sites or other mediums of communication, the business of the Agency or DNR including, but not limited to, the following:
   a. Photographs/images, video or audio files, reports, statements or any other documents created or received by the Agency, DNR, any of its members, or that of any allied agency related to any investigation or any other business involving this Agency, DNR, or that of any allied agency. This includes any photograph that could be used to identify anyone as being a police officer of any agency.
   b. Any other information, to include personal opinion, related to any open investigation involving this Agency, DNR, or that of any allied agency.

5. Employees will not discuss or divulge Agency or DNR business on their web sites or in any other medium of communication as addressed in this policy. Employees are prohibited from posting messages or content that is otherwise prohibited.

6. Employees are prohibited from posting, broadcasting, or otherwise disseminating any sexual, violent, racial, or ethnically derogatory material, comments, pictures, artwork, video, or other references on their web sites or through any other means of communication on the Internet in such a way as to bring the Agency and/or DNR into an unfavorable light.

7. Employees are encouraged to protect their password to prevent unintended or unauthorized use by other persons. For safety and security reasons, it is recommended that sworn employees refrain from posting their picture or referencing themselves as being associated with the Maryland Natural Resources Police on social networking environments. Officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

8. Any employee becoming aware of or having knowledge of a posting or of any web site or web page in violation of the provisions of this policy shall notify his or her supervisor immediately for follow-up action.
E. Glossary of Relevant Terms

These terms and definitions were derived from the following International Association of Chiefs of Police (IACP) web site:

http://www.iacpsocialmedia.org/Resources/GlossaryTerms.aspx
CHAPTER 6 SECTION V
INTERNAL AFFAIRS UNIT (IAU)

A. Purpose of the Internal Affairs Unit

1. The Internal Affairs Unit (IAU) ensures that allegations and complaints of misconduct against employees are investigated and action is taken, when warranted, to ensure the Department’s mission is achieved and its values are upheld.

2. IAU is the central repository for all records of administrative action taken against employees.

B. IAU Commander’s Responsibilities

The IAU Commander:

1. Assigns serious misconduct cases to IAU investigators.

2. Assigns other misconduct cases to IAU investigators or commanders.

3. Reviews the disposition of all disciplinary action taken against NRP employees.

4. Maintains all records pertaining to administrative investigations.

5. Ensures NRP-860, NRP-861, NRP-862, NRP-863, and NRP-865 forms are completed and sent as required by policy.

6. Reports directly to the Executive Officer.

C. Notifications

1. IAU shall be notified immediately when:
   a. An employee shoots an individual or has been shot.
   b. An employee is charged with a criminal offense.
   c. An allegation of criminal activity is directed at an employee warranting a police investigation, regardless of jurisdiction of occurrence.
   d. An employee’s weapon is discharged. The exceptions would be those instances permissible in the Agency’s firearms policy.
   e. An employee is found driving an NRP vehicle or vessel while intoxicated or under the influence of alcohol.
   f. An employee has been served with an Interim, Temporary, or Final Protective Order.
   g. Any employee commits any act of serious misconduct warranting an immediate investigation.

2. After normal business hours, IAU can be notified through the IAU Duty Officer.

D. IAU Investigations

1. IAU will conduct administrative investigations concerning the following:
   a. When an employee has shot someone or has been shot. IAU will determine if the employee complied with NRP policy.
   b. Criminal violations committed by an employee.
   c. Firearms discharges other than those exceptions listed in paragraph C.1.d.
   d. Sexual Harassment.
   e. Allegations of Discrimination.
CHAPTER 6 SECTION V
INTERNAL AFFAIRS UNIT (IAU)

f. Excessive use of force or brutality.
g. When requested by the Superintendent.

2. IAU will make a recommendation as to the final disposition of the complaint. Dispositions include non-sustained, sustained, unfounded, exonerated, not involved, or administrative closure. Based upon the facts gathered during the investigation the Deputy Superintendent will make the final determination of the complaint status.

E. Regional Investigations

1. The IAU Commander may assign administrative investigations of personnel complaints to a Region for investigation.

2. All investigations conducted at the Regional level shall be completed and returned to the IAU Commander within 45 days of their assignment. Extensions to this time frame may be granted by the IAU Commander based upon a written request containing sufficient reason for the extension.

3. All investigations shall be completed in accordance with the Law Enforcement Officer's Bill of Rights and Section IX of this Chapter.

4. Completed administrative investigations shall be reported in the format explained in Section IX, Sub-section J of this chapter and the IAU Report Format Manual.

F. Case Flow

1. When a complaint against personnel is received at the IAU Office it shall be screened by the Executive Officer. If the complaint is appropriate for investigation by the Unit, it shall be referred to the IAU Commander who will assign an IAU control number. The IAU Commander may assign the complaint to an IAU investigator or forward the investigation, through the chain of command, to the appropriate region or division for investigation.

2. At the conclusion of the investigation the completed case file shall be returned to the IAU Office, through the chain of command, and first reviewed by the IAU Commander or their designee and then by the Executive Officer. If additional investigation is needed the case file shall be returned to the appropriate investigator.

3. Upon a finding of SUSTAINED, the IAU Commander will meet with a representative from the Office of the Attorney General for a legal case review.

4. After obtaining concurrence from the Office of the Attorney General, the IAU Commander will return the case file to the Executive Officer, who will then route the case file through the chain of command to the appropriate bureau, regional, or division commander.

5. If required, the assigned commander will prepare the form NRP-815(s) and return the form(s), along with the case file and a NRP-510 describing the commander’s recommendation regarding summary punishment, to the Executive Officer through the chain of command.

6. Upon receiving the completed NRP-815(s) and the commander’s recommendation for summary punishment, the Deputy Superintendent will review them for sufficiency. If approved, the Executive Officer will forward the NRP-815(s) to the Administrative Hearing Officer, who through their
CHAPTER 6 SECTION V
INTERNAL AFFAIRS UNIT (IAU)

signature will officially file the charges.

7. Once the charges have been officially filed, the form NRP 815(s) will then be forwarded by the Administrative Hearing Officer through the chain of command to the appropriate commander for service.

8. Once served, the completed NRP-815(s) shall be returned to the Administrative Hearing Officer.

9. In those instances where the involved employee is in agreement with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall prepare form NRP-816 describing summary punishment.

10. Once approved by the Deputy Superintendent, the NRP-816 will be forwarded to the employee through the chain of command for signature by the employee and appropriate commander.

11. Once completed, the NRP 816 will be returned to the Administrative Hearing Officer, who will obtain the Superintendent’s signature.

12. In those instances where the involved employee disagrees with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall initiate the administrative hearing procedure.

13. Upon closure of the investigation the IAU Commander shall complete and send form NRP-863 and form NRP-865 to the respective parties.

G. Records and Files

1. All completed administrative investigations, original reports, audio recordings, and any other evidence associated with an investigation will be securely maintained by the IAU Commander.

2. Due to the confidential nature of completed administrative investigations access to them shall be prohibited except as provided in §3-104(n) and (o) of the Law Enforcement Officer’s Bill of Rights, as directed by a court order or as authorized by the Superintendent or their designee.

3. The Law Enforcement Officer’s Bill of Rights (LEOBR) provides for the expungement of any record of formal complaint if the officer has been exonerated on all charges or if the charges are non-sustained or unfounded and three years have passed since the findings were rendered by the Department. Requests made under the provisions of this section shall be submitted in writing through the chain of command to the Commander of the Internal Affairs Unit.

4. In accordance with the 1995 Consent Decree, every February, “…the personnel and disciplinary files of all commissioned law enforcement NRP employees, regardless of rank, race, or gender, will be cleared of all notices of compliant, reprimands, and other records of disciplinary actions or proceedings which are more than five years old. This expungement shall not apply to records of the proceedings before a trial board conducted pursuant to the Law Enforcement Officers’ Bill of Rights (LEOBR).”

5. In accordance with the Consent Decree and the Attorney General’s Office, all expunged files will be destroyed.
CHAPTER 6 SECTION V
INTERNAL AFFAIRS UNIT (IAU)

H. Employee Disciplinary Action Record

The IAU Commander shall enter the disposition of all disciplinary proceedings into the IAU Case File Log maintained on the Tawes Common Drive.

I. IAU Office

1. IAU maintains an office at Headquarters. The IAU fax number is (410) 260-8864.

2. IAU Duty Officer contact number is posted on the Communications Center website.

3. IAU investigators are deployed to provide support and assistance to commanders, supervisors, and employees.
CHAPTER 6 SECTION VI
PROGRESSIVE SUPERVISION

A. Purpose

1. Progressive supervision is intended to provide a process for supervisors to manage employees in a manner that supports the Agency’s mission and values.

2. This continuum provides a progressive approach to keep employees focused and productive while deterring unwanted behavior.

B. Performance Appraisal Documentation

1. Performance Appraisal Documentation is a non-disciplinary measure.

2. Supervisors will:
   b. Review performance appraisals with employees to ensure the mission and values are supported.

C. Personnel Counseling

1. Personnel Counseling is a non-disciplinary measure. (See Chapter 6, Section X for more information).

2. Supervisors will:
   a. Document employee performance and provide guidance to correct behavior that is not in compliance with established Departmental policies.
   b. Use NRP Form 840 (Personnel Counseling Form) to document counseling sessions.
   c. Offer suggestions on how to achieve and support the mission and values.
   d. Encourage the employee to offer suggestions to improve the behavior and performance.

D. Alternative Disciplinary Process (ADP)

1. ADP is a disciplinary measure. (See Chapter 6, Section XI for more information).

2. When an employee’s commander believes that ADP may be an effective way to correct a minor violation, and with the approval of the Deputy Superintendent, an employee may be offered ADP.

3. Complainant or supervisory information alleging minor misconduct by an employee not supporting the mission or values can be presented to the employee without a formal investigation.

4. For ADP, an employee agrees that the minor misconduct occurred, that the facts are not in dispute, and wants to resolve the issue by immediately accepting the disciplinary action presented.

5. An employee not accepting ADP must understand that an investigation will be conducted to determine if misconduct has occurred.

E. Summary Punishment

1. Summary punishment is a disciplinary measure. (See Chapter 6, Section XII for more information).

2. Summary punishment may be offered after a formal investigation has been completed and when the:
   a. Facts which constitute the minor violations are not in dispute.
b. Employee accepts the punishment presented.
c. Employee waives the right to a formal hearing provided for in LEOBR.

3. Summary punishment may not exceed three days suspension without pay or a fine of $150.

F. Hearing Board

1. Behavior contrary to Department rules and regulations may be cause for administrative charges. (See Chapter 6, Section XIII for more information).

2. An employee is entitled to a hearing as provided by the LEOBR.

3. Penalties may include but are not limited to:
   a. Written reprimand  
   b. Loss of regular leave  
   c. Transfer  
   d. Fine  
   e. Suspension  
   f. Loss of annual leave  
   g. Demotion  
   h. Dismissal  
   i. Other action which is intended as a punitive measure.

G. Probationary Employees

1. A probationary employee’s commander will strive to correct inappropriate behavior through supervision.

2. Probationary employees are not entitled to LEOBR provisions unless there is an allegation of brutality or excessive force.

3. If disciplinary action is taken commanders shall:
   a. Document the behavior on a NRP Form 842 (Probationary Officer Record of Disciplinary Action).
   b. Select a penalty with concurrence of the Deputy Superintendent.
   c. Present the completed Form 842 to the employee and have the employee sign the form.
   d. Ensure that the case file is reviewed by the Superintendent if the penalty exceeds a suspension of fifteen days.
   e. Forward the Form 842 and the case file to IAU for filing at the completion of the case.
CHAPTER 6 SECTION VII
PROCESSING ADMINISTRATIVE COMPLAINTS

A. Purpose

1. To establish procedures for processing complaints against employees.

2. To ensure that NRP personnel understand that complaints are an important and valuable part of the service provided by the NRP and that NRP personnel are to treat persons with complaints with respect and understanding.

3. To ensure all complaints are reviewed by the employee's commander to:
   a. Determine the nature of the allegation.
   b. Determine if an investigation is warranted.
   c. Ensure that all complaints and dispositions are reported to Internal Affairs Unit (IAU).

B. General

1. The Superintendent establishes rules, regulations, and procedures necessary to ensure competent and efficient management of the NRP.

2. Administrative charges may be lodged against an employee for:
   a. Violating rules, regulations, or procedures.
   b. Violating federal, State, or local laws.

3. Disciplinary procedures will be applied to all sworn law enforcement officers in conformance with the LEOBR and/or will be applied to all employees in conformance with other laws, policies, rules, or regulations.

4. All records and documents related to disciplinary procedures are confidential.

C. Complaints

1. Complaints are allegations against the NRP or its employees as described above in Subsection B, General.

2. Complaints may be received anonymously, by any means regardless of where the alleged violation occurred.

3. A sworn statement alleging brutality must be filed in compliance with the LEOBR and any other pertinent laws and regulations.

4. Complaints are confidential information.

5. **Exceptions**: Allegations concerning the difference of opinion between an officer and a citizen over the issuance of a citation or criminal arrest are not complaints, unless the allegation reports misconduct, i.e. improper demeanor, use of force, etc.

D. Processing Complaints

1. All employees may take complaint reports. However, it is preferred that supervisors take initial complaint reports.
2. Personnel may be immediately assigned to investigate serious complaints. Personnel receiving the complaint will not discuss the nature of the complaint with the involved employee or other unauthorized person.

3. In general, complaints concerning NRP officers received by telephone will be referred to the appropriate Supervisor of the affected officer.

4. NRP supervisors shall:
   a. Not delay the initiation or documentation of a complaint.
   b. Immediately record complaints on a Form NRP-800 (Allegation of Complaint Report).
   c. Speak with the complainant.
   d. Upon completion of the initial inquiry the supervisor will forward the NRP-800 with their recommendation to IAU through the Chain of Command within 72 hours.
   e. Additionally if the complaint involves circumstances as described in Section V, Subsection C of this Chapter or is otherwise serious in nature immediately notify their Bureau Commander who shall in turn immediately notify the Deputy Superintendent, the involved employee's commander and the Executive Officer.

5. Commanders shall have the authority and discretion to resolve minor complaints or violations when formal disciplinary action is unnecessary.

6. Minor complaints include but are not limited to complaints concerning minor:
   a. Omissions of assigned duties,
   b. Infractions of Maryland Natural Resources Police policies, procedures, or regulations,
   c. Errors in judgment,
   d. Matters of discourtesy

7. Employees desiring to file a complaint against another employee shall complete a Form NRP-800 and either deliver or forward it via email to the Internal Affairs Unit (IAU).

8. Complaints received by the Superintendent's office will be forwarded to the Executive Officer for assignment to either the appropriate Bureau Commander or the IAU.

9. The contact number for the IAU Duty Officer is published on the Communications Center website.

10. All complaint reports which are initially sent via email to the IAU Commander shall be followed-up by sending an original signed copy of the report to the IAU.

E. Processing Complaints of Brutality

1. According to the Public Safety Article, Section 3-104:
   a. A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties may not be investigated unless the complaint is sworn to, under penalty of perjury by the person making the complaint, by:
      (1) The aggrieved individual;
      (2) A member of the aggrieved individual's immediate family;
      (3) An individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident;
      (4) An individual who has a video recording of the incident that, to the best of the individual’s knowledge, is unaltered; or
CHAPTER 6 SECTION VII
PROCESSING ADMINISTRATIVE COMPLAINTS

(5) The parent or guardian of the minor child, if the alleged incident involves a minor child.

b. Unless a complaint is filed within 366 days of the alleged brutality, an investigation that may lead to disciplinary action under this subtitle for brutality may not be initiated and an action may not be taken.

2. To comply with the legal requirements of Section 3-104, all complaints of brutality will be documented by utilizing Form NRP-801 (Complaint of Brutality). In the spaces provided on NRP-801, the complainant must be sworn to, under penalty of perjury by the person making the complaint.

3. When a complainant fails to swear to a brutality complaint, they will be advised that pursuant to law, the NRP may not investigate an allegation of brutality unless sworn to. An effort will be made to obtain the cooperation of the complainant to meet the requirements of the law. If the complainant still refuses to swear to the complaint of brutality and the allegation, if factual, would constitute misconduct, the Commander, will:
   b. Make a notation on NRP-800 that the complainant refused to swear to the complaint of brutality, and will document an allegation of a specific act of misconduct, other than brutality, e.g. unbecoming conduct, mistreatment of persons in custody, unreasonable force, etc.
   c. Insure that such complaints will be processed in the same manner as other citizen complaints.

F. Withdrawal of Complaints

Complainants wishing to withdraw a complaint shall fill out a Form NRP-802 (Complaint Withdrawal) which shall be forwarded to the IAU commander and included in the case file.

G. Commander Responsibilities & Employee Notification

1. Commanders shall:
   a. Review Form NRP-800 to determine the seriousness of the complaint.
   b. Advise the complainant that the complaint has been received and will be reviewed.
   c. Commanders may conduct a limited inquiry into the complaint to determine the nature and seriousness of the complaint.

2. No formal investigation will begin until:
   a. Form NRP-805 (Notification of Complaint) is completed and a control number assigned by the Internal Affairs Unit.
   b. Form NRP-805 (Notification of Complaint) has been issued to the involved officer(s).

3. Whenever it is determined by IAU or the Executive Officer that a formal investigation will be conducted, the officer under investigation will be notified within 72 hours of the issuance of the control number through Form NRP-805, unless:
   a. Such notification would impair the agency’s ability to obtain necessary information or evidence by which to conduct a fair and impartial investigation; or
   b. Would cause substantial harm to a person or position from whom the information is obtained.

4. Upon receipt of a personnel complaint originating outside of the agency the IAU commander shall complete Form NRP-860 (Notice of Complaint Receipt) which will be sent to the complainant.

5. If a complainant files a complaint, and then later decides not to pursue the matter, the IAU Commander shall:
   a. Make a determination as to if the complaint alleges violations of misconduct that can be proved
CHAPTER 6 SECTION VII
PROCESSING ADMINISTRATIVE COMPLAINTS

without the assistance of the complainant. If it can be proved without the complainant’s assistance, then the investigation shall continue.

b. Make a determination as to if the complaint alleges misconduct that cannot be proved without the assistance of the complainant. If it cannot be proved without the complainant’s assistance, then the IAU Commander will prepare Form NRP-861 (Notice of Administrative Closure) which will be sent to the complainant advising them that the complaint has been administratively closed due to the complainant’s desire not to pursue the matter.

6. If a complainant fails to meet with the investigator after several requests, the IAU Commander will complete and send to the complainant Form NRP-862 (Notice of Final Interview).

7. The IAU Commander will inform the complainant and the officer under investigation, of the final disposition of the complaint by sending them a letter/memorandum to explain the case disposition.
   a. Upon completion of the investigation, the IAU Commander will complete and send to the complainant Form NRP-863 (Notice of Case Closure).
   b. Upon closure of the investigation, the IAU Commander will complete and send a memorandum to the officer, Form NRP-865 (Notice of Investigation Closure), summarizing the finding of the investigation.
CHAPTER 6 SECTION VIII
CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS

A. Policy

The NRP will conduct criminal and administrative investigations when an officer is accused of violating criminal law or using force resulting in serious injury or death.

B. Objectives

The NRP will investigate all complaints involving:

1. An employee accused of committing an unlawful act.
2. An employee’s use of force, resulting in life threatening injury or death.

C. Investigative Procedures

1. An employee accused of a criminal act will be subject to a criminal investigation conducted by the NRP or the police department investigating the case.

2. The employee’s commander will notify their Bureau Commander as soon as it is alleged that an employee has been involved in criminal activity.

3. The Bureau Commander will notify the Deputy Superintendent, the Special Services Bureau Commander, and the Executive Officer, and they will determine what investigative resources are necessary.

4. An investigator from the Criminal Investigations Section will be assigned to act as a liaison with other resources during the investigation.

5. If an employee has been involved in an incident in which life threatening force has been used or is a witness to life threatening injuries of another employee, the senior officer on the scene will:
   a. Remove the employee to a neutral location.
   b. Notify the employee’s commander to ensure appropriate psychological services are provided to the employee.

6. If an employee’s firearm was used, the senior officer on the scene will secure it for safekeeping and investigative integrity. A Form RMS 416 (Chain of Custody) will be completed and the firearm will be relinquished to a member of the investigation team.

7. The removal of a weapon should:
   a. Occur when the crime scene is safe.
   b. Be done so as not to cause additional stress to the employee.
   c. Be done in conformance with Chapter 8, Section VII (Firearms Policy), paragraph E (Firearms Discharge and Procedures).

D. Serious Injury or Death Incidents

1. The Special Operations Division will investigate incidents where an employee’s actions cause serious injury or death to another person.
2. The senior officer on duty will immediately notify:
   a. The involved employee’s commander.
CHAPTER 6 SECTION VIII
CRIMINAL COMPLAINTS AND USE OF FORCE INVESTIGATIONS

b. During normal business hours, the Commander of the Special Services Bureau and the Executive Officer.
   c. After normal business hours, the Special Operations Division (SOD) and the Internal Affairs Unit (IAU) duty officer.

3. The Commander of the Special Services Bureau will:
   a. Notify the appropriate Criminal Investigation Section personnel
   b. Determine what additional investigative resources will be needed.
   c. Ensure the Deputy Superintendent is notified

E. State’s Attorney Liaison

The primary investigator will provide the local State’s Attorney’s Office with:
1. A investigative report for review; and/or
2. The presentation of evidence to a grand jury.

F. Internal Affairs Unit (IAU) Liaison

1. When an employee is involved in an incident involving serious injury or death, or has committed a criminal act, the Special Services Bureau Commander and the Executive Officer will determine what resources will be utilized from their respective commands and ensure that the Deputy Superintendent is informed of pertinent case issues.

2. When an investigation is being conducted by the Criminal Investigations Section and IAU, the primary investigators will determine if certain aspects of the investigative process can be conducted jointly.

G. Additional Responsibilities

1. The Superintendent or Deputy Superintendent may assign other investigators to assist the Criminal Investigations Section and IAU for primary response.

2. Other investigations considered for assignment include:
   a. Criminal offenses described as a crime of violence in Criminal Law, Section 14-101, of the Annotated Code of Maryland.
   b. Serious criminal allegations involving employees of other police departments.
   c. Serious criminal allegations involving elected/appointed public officials.
   d. Critical incidents that may have an adverse psychological/emotional impact on local investigators (e.g. death of local officer or spouse).
   e. Serious incidents in which the public perception of impartiality has been breached; requiring an investigation independent of local installation personnel.
CHAPTER 6 SECTION IX
EMERGENCY SUSPENSIONS

A. Definitions

Under the Annotated Code of Maryland, Public Safety Article, §3-112, the Superintendent, or their
designee, may suspend an officer under one of the following three types of emergency suspensions. In
any emergency suspension the officer is entitled to a prompt hearing.

1. Emergency Suspension with Pay & No Suspension of Police Powers – The suspension of an officer,
with pay, and the officer retains their police powers. Such suspensions will be in the best interest of the
public and the Agency. The officer may be reassigned to other duties.

2. Emergency Suspension with Pay, Suspension of Police Powers, & Reassignment to Restricted
Duties – The suspension of an officer, with pay, and the officer may have their police powers suspended,
and may be reassigned to restricted duties pending:
   a. A determination by a court with respect to a criminal violation, or
   b. A final determination by a hearing board with respect to an Agency violation.

3. Emergency Suspension without Pay & Suspension of Police Powers – Whenever an officer is
charged with a felony, the officer may be suspended without pay and have their police powers
suspended.

B. General Provisions

1. A suspension may be imposed against an officer by a supervisor superior in rank to the suspended
employee.

2. Concurrence of the Superintendent will be obtained as soon as possible.

3. The commander of an officer who has had their police powers suspended shall retain custody of the
officer’s issued equipment designated on Form NRP-832 (Suspension Equipment Checklist). At a
minimum, the commander shall retain custody of the employee’s issued:
   a. Firearm(s)
   b. Badge(s)
   c. Identification Card(s)
   d. MPTC Officer Certification Card
   e. Vehicle

4. A suspended officer will be advised whether the suspension is with or without pay, and whether their
police powers have been suspended, in accordance with Form NRP-830 (Order of Emergency
Suspension).

5. Emergency suspension without pay and suspension of police powers may be imposed when the
officer has been charged with a felony.

6. The suspended officer will be notified of the date, time, and location for the emergency suspension
review hearing.

7. If an officer has their police powers suspended, then the officer will not exercise police authority
until those powers have been restored by the authority of the Superintendent.

8. Probationary officers are not entitled to a review hearing except in the case of brutality.
C. Procedures

1. The Superintendent shall promptly conduct an emergency suspension review hearing or may delegate the authority to conduct the hearing to an NRP Commissioned Officer.

2. A suspended officer’s commander will:
   a. Contact the Special Services Bureau Commander whenever there is an emergency suspension. A review hearing will be scheduled, if applicable.
   b. Direct the suspended officer to appear for a review hearing.
   c. Be the presenter of facts or delegate the responsibility to another supervisor.

3. Suspended officers may waive the review hearing by completing and submitting Form NRP-831 (Emergency Suspension – Waiver of Hearing) to the officer’s commander. Fax a copy to the Special Services Bureau Commander within 24 hours.

D. Emergency Suspension Review

1. The emergency suspension review will be heard by the Administrative Hearing Officer. The Review Hearing will be held within 72 hours of the emergency suspension unless the time limit is extended by mutual agreement of the Agency and the Respondent.

2. The Administrative Hearing Officer will conduct a hearing and recommend to the Superintendent one of the following:
   a. Suspension was not justified and the officer should return to duty.
   b. Suspension was justified but the officer should return to duty.
   c. Suspension was justified and the officer’s suspension should continue until the matter is resolved through the criminal and/or administrative process.

3. The Administrative Hearing Officer will limit the scope of the review and determine if the continuation of the suspension is necessary to protect the public interest or the NRP.

4. During a Review Hearing a suspended officer may:
   a. Be accompanied by counsel; only matters dealing with the determination of the suspension will be heard.
   b. Rebut the reason(s) for the initial suspension.
   c. Present mitigating testimony.
   d. Suggest alternatives to suspension.

5. The presenter of facts will:
   a. Present reason(s) for the initial suspension.
   b. Make recommendations concerning the officer’s leave status and/or temporary assignment during the period of suspension.
   c. Recommend a final disposition on the suspension.

E. Administrative Hearing Officer

The Administrative Hearing Officer will:

1. Ensure the hearing is recorded and the record is remanded to the Internal Affairs Unit (IAU) for filing.
CHAPTER 6 SECTION IX
EMERGENCY SUSPENSIONS

2. Advise the suspended officer the suspension will continue pending the Superintendent’s decision and the officer will be notified of the decision in writing.

3. Prepare a report containing the Hearing Officer’s recommendation(s) and forward it to the Deputy Superintendent.

4. Instruct an officer suspended with pay and not assigned administrative duties at an NRP installation, to contact IAU, Monday through Friday, excluding holidays, between 0900 and 1000 hours and provide a telephone number or location where the suspended officer can be contacted.

F. Superintendent’s Responsibilities

The Superintendent will:

1. Review the Administrative Hearing Officer’s report.

2. Determine if the suspension should be continued.

3. Determine if a suspension is with or without pay.

G. Record Retention

In those instances where the Administrative Hearing Officer determines and the Superintendent concurs that a suspension was not justified and the officer should return to duty, the IAU Commander shall destroy all references and records concerning the emergency suspension.
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A. Investigation Overview

An investigation is complete when:

1. The complainant and witnesses have been interviewed.
2. Officers and employees have been questioned.
3. All physical evidence has been examined.
4. All leads have been explored.
5. The case has been accurately reported.

B. Complainant and Witness Interview

The investigator shall:

1. Conduct all complainant/witness interviews in person, when practical, and obtain all pertinent identifiers from the person interviewed.
2. Take formal recorded statements from the complainant and witnesses when feasible.
3. Preserve all statements as evidence according to guidelines for preserving evidence.
4. Determine every relevant fact known to the complainant and/or witnesses.
5. Determine the motivation of the complainant and/or witness, such as his relationship with the complainant or employee.
6. If an investigation is to be conducted, inform the complainant of such and that the complainant will be notified of the results.
7. When a complainant does not want an investigation, but merely an explanation, the officer’s commander will decide whether or not to continue processing the complaint.

C. Investigative Process

1. Pursue all leads developed through complainant and witness interviews.
2. Handle all physical evidence in accordance with established procedures.
3. Obtain all pertinent records (i.e., MVA records, telephone bills, court documents, NRP records) that could be used to:
   a. Assist the investigation.
   b. Corroborate or refute statements.
   c. Develop leads.
4. If photographs are useful for evidentiary purposes (i.e., identification, to document injury, etc.), photograph the complainant, employee and the scene of the incident.
5. Sketches may supplement photographs, where appropriate.

6. Treat firearms in accordance with established procedures.

7. Whenever an officer discharges a firearm, other than on the range, to kill a dangerous or badly injured animal, or when conducting aversive conditioning of nuisance black bears with approved rubber buckshot, the officer conducting the administrative investigation will complete Form NRP-850 (Review of Shooting Incident).

8. When a weapon is used by an officer, determine:
   a. If the weapon is an approved weapon.
   b. If it was issued by the NRP.
   c. If it is a primary or secondary weapon.
   d. If the ammunition is NRP approved.
   e. The condition of the weapon, including a complete description of its:
      (1) Make
      (2) Model
      (3) Caliber
      (4) Serial number
   f. The number of rounds in the weapon at the time of discharge.

D. Statements from an Accused Officer

1. As a general rule, the interview of an officer occurs after the complainant and all witnesses have been interviewed.

2. The investigator determines the sequence of interviews.

3. During the interrogation of an officer under investigation, the interrogation shall be recorded in its entirety.

E. Written Reports

1. Officers may be required to submit reports detailing the facts concerning their involvement in an incident.

2. If the report is likely to contain information that may be used as evidence against an officer in a disciplinary hearing, the report is considered an interrogation. Therefore, the authority ordering the report will:
   a. Provide the officer with a completed copy of Form NRP-805 (Notification of Complaint) and Form NRP-810 (Order of Interrogation – Waiver of Rights).
   b. When an officer fails to waive their rights to interrogation, allow five business days for the officer to consult with counsel or other responsible representative of their choice prior to submitting the report.

3. Before ordering a report from an officer when criminal charges may result, the ordering authority will consult with the investigator of the criminal complaint about the propriety of the order.

4. If the authority ordering the report believes criminal charges could result from the investigation, the official shall provide the officer with a copy of Form NRP-811 (Explanation of Miranda Rights).
CHAPTER 6 SECTION X
INVESTIGATION PROCEDURES

F. Interrogation of Accused Officers

1. All interrogations of officers shall be in conformance with the LEOBR.

2. Probationary officers are not entitled to LEOBR provisions unless the allegation involves brutality or excessive force complaints.

3. Before every interrogation, including the submission of a detailed report, the officer conducting the interrogation will complete Form NRP-805 (Notification of Complaint), if it has not already been issued to the officer, and Form NRP-810 (Order of Interrogation – Waiver of Rights).

4. The Forms NRP-805 and NRP-810 should clearly:
   a. State that the officer is the subject of an investigation.
   b. Include the nature of the investigation.

5. The officer subject to the interrogation will be allowed to read or have read to them the Forms NRP-805 and NRP-810 prior to the interrogation.

6. The interrogating officer must be certain officers are given the opportunity to waive their LEOBR rights before any statement can be taken.
   a. If the officer decides to waive the LEOBR rights afforded to them, they shall indicate by checking and initialing the appropriate blocks on Form NRP-810, and then signing their name, rank and ID number in the space provided.
   b. The officer subject to the interrogation will sign, if not signed previously, Form NRP-805 and Form NRP-810, and will receive a copy of each form.

7. The original Forms NRP-805 and NRP-810 will be placed in the case file.

8. The officer has the right to be represented by counsel or any other responsible representative of his choice, who shall be present and available for consultation at all times during the interrogation, unless the officer waives this right.

9. All questions directed to the officer during the interrogation shall be asked by and through one interrogator during any one interrogating session.

10. The interrogation shall take place at one of the following locations:
   a. The officer’s assigned installation.
   b. The installation in the area where the incident occurred.
   c. Any other reasonable and appropriate place designated by the investigating officer, unless otherwise waived by the officer.

11. The interrogator will record the interrogation, and include the date and time the interrogation begins, all interruptions, and the time the questioning terminates.

12. Upon completion of an investigation, and no less than 10 days prior to any hearing, the officer or his counsel may request to review the record of the interrogation.

G. Compelled Tests

1. Officers may be compelled to submit to blood tests, breath tests, and urinalysis tests for controlled
CHAPTER 6 SECTION X
INVESTIGATION PROCEDURES

dangerous substances and alcohol.

2. Officers may be compelled to submit to other forensic tests such as providing handwriting samples, hair samples, etc. as may be required to conduct a thorough investigation.

H. Polygraph Examinations

Polygraph examinations of sworn officers will be conducted in accordance with Public Safety Article, Section 3-104, of the Annotated Code of Maryland.

1. Officers may voluntarily submit or be ordered to submit to polygraph examinations.

2. The results of a polygraph examination may not be used as evidence in any administrative hearing when the law enforcement officer has been ordered to submit to a polygraph examination by the law enforcement agency unless the agency and the law enforcement officer agree to the admission of the results to the administrative hearing as per Public Safety Article, Section 3-104.

3. The officer’s representative need not be present during the actual administration of a polygraph examination if:
   a. The questions to be asked are reviewed with the officer or his representative prior to administering the examination.
   b. The representative is allowed to observe the administering of the polygraph examination.
   c. A copy of the final report is made available to the officer or his representative within ten days.

I. Failure to Comply

Before ordering officers to submit detailed reports, or submit to an interrogation, blood, breath or urine tests, and/or polygraph examination, the officer must first be advised of the following:

1. Information supplied through an officer’s answer will not be used against him in subsequent criminal proceedings.

2. The following actions are separate violations of the rules of conduct and constitute grounds for disciplinary action which may cause the officer’s dismissal:
   a. Refusal to cooperate in an investigation.
   b. Refusal to submit to a blood alcohol test, or a blood, breath or urine test for use of controlled dangerous substances.
   c. Refusal to submit to a polygraph examination, an interrogation or submit a detailed report.

J. Report Format

Follow the detailed report format in Chapter 3 to ensure the uniformity of internal investigation reports.

1. The completed investigation case file will be organized as follows:
   a. Allegation of Complaint Report, Form NRP-800, or Complaint of Brutality, Form NRP-801.
   c. Appendices.
      (1) Statement of complainant, if different from that of the victim.
      (2) Statement of victim, if different from that of complainant.
      (3) Statement of witnesses.
CHAPTER 6 SECTION X
INVESTIGATION PROCEDURES

(4) Notification of Complaint, Form NRP-805.
(6) Order of Interrogation - Waiver of Rights, Form NRP-810, if applicable.
(7) Explanation of Miranda Rights, Form NRP-811, if applicable.
(8) Other statements or detailed reports.
(9) Additional exhibits - e.g., photographs, diagrams, charts, etc.

2. The investigator will recommend for each violation a finding of:
   a. Non-Sustained - the investigation fails to disclose sufficient information to clearly prove the allegation.
   b. Sustained - the investigation disclosed sufficient information to substantiate the allegation.
   c. Unfounded - the investigation failed to disclose that the alleged incident occurred as reported.
   d. Exonerated - the investigation disclosed that the act or acts did occur, but were justified, lawful, and proper.
   e. Not Involved - the investigation established that the accused was not involved in the alleged incident.

K. Report Flow

1. At the conclusion of the investigation the completed case file shall be returned to the IAU office and first reviewed by the IAU Commander or his designee and then by the Executive Officer. If additional investigation is needed the case file shall be returned to the appropriate investigator.

2. If required, the assigned commander will prepare the form NRP-815(s) and return the form(s), along with the case file and a NRP-510 describing the commander’s recommendation for summary punishment, to the Executive Officer through the chain of command.

3. Upon receiving the completed NRP-815(s) and the commander’s recommendation for summary punishment, the Executive Officer will review them for sufficiency, and consult with the Deputy Superintendent. If approved, the Deputy Superintendent will forward the NRP-815(s) to the Administrative Hearing Officer, who through their signature will officially file the charges.

4. Once the charges have been officially filed, the form NRP 815(s) will then be forwarded by the Administrative Hearing Officer through the chain of command to the appropriate commander for service.

5. Once served, the completed NRP-815(s) shall be returned to the Administrative Hearing Officer.

6. In those instances where the involved employee is in agreement with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall prepare form NRP-816 describing summary punishment.

7. Once approved by the Deputy Superintendent, the NRP-816 will be forwarded to the employee through the chain of command for signature by the employee and appropriate commander.
CHAPTER 6 SECTION X
INVESTIGATION PROCEDURES

8. Once completed, the NRP 816 will be returned to the Administrative Hearing Officer, who will obtain the Superintendent’s signature.

9. In those instances where the involved employee disagrees with the investigatory findings and/or recommended discipline the Administrative Hearing Officer shall initiate the administrative hearing procedure.

10. Upon closure of the investigation the IAU Commander shall complete and send form NRP-863 and form NRP-865 to the respective parties.
A. Definition

Personnel counseling means documenting officer performance and providing guidance to overcome behavior not supporting the Agency’s mission and values. (Non-Disciplinary).

B. Procedures

1. Personnel counseling guidelines include, but are not limited to the following:
   a. Counseling as soon as possible following the inappropriate behavior or at the conclusion of any investigation disclosing a minor violation.
   b. Counseling by an officer’s supervisor at the time of the violation or by the officer’s commander with the supervisor present.
   c. Focusing counseling on the violation, pointing out areas for improvement in the officer’s behavior.
   d. Giving officers the opportunity to state their views and suggest corrective action to support the Agency’s values.

2. Upon the conclusion of the personnel counseling session:
   a. The officer’s supervisor or commander will recommend a course of action designed to help the officer support the Agency’s values.
   b. The officer’s supervisor will prepare Form NRP-840 (Personnel Counseling Record). The officer will be given the opportunity to review, sign, and comment in writing on Form NRP-840.
   c. If the officer refuses to acknowledge receipt of the form with a signature, “Refused to Sign” will be recorded thereon.

C. Case Flow

1. The original Form NRP-840 will be forwarded to the Human Resources Section and placed in the officer’s official personnel file.

2. Provide the officer a copy of Form NRP-840.

3. Officer’s supervisor will retain a copy of the Form NRP-840.
CHAPTER 6 SECTION XII
ALTERNATIVE DISCIPLINARY PROCEDURE (ADP)

A. Purpose

The Alternative Disciplinary Procedure (ADP) provides an option to an officer for minor violations, when the facts are not in dispute and the officer accepts the recommended disciplinary action. It also provides an option for commanders to address “on view” violations of agency rules, regulations, or procedures without the need of a formal investigation.

B. General Provisions

1. Alleged violations must be serious enough to compel formal disciplinary action although minor in nature.

2. A formal administrative investigation is not conducted.

3. The Deputy Superintendent must agree ADP is appropriate.

4. An officer accused of a violation must agree with the recommended penalty.

C. Procedures

1. Upon receipt of a complaint which may be resolved through the ADP, the officer’s commander will contact the IAU Commander to discuss the:
   a. Merits of the case.
   b. Feasibility of offering ADP.

2. When the use of ADP is approved, the officer’s commander will:
   a. Complete the original Form NRP-805 (Notification of Complaint) detailing the facts of the incident and forward it to IAU.

3. The Form NRP-805 shall first be reviewed by the Executive Officer or his designee and then by the Deputy Superintendent.

4. If there are sustained allegations requiring the issuance of Form NRP-815 (Notification of Charges) the appropriate commander will complete the required forms. The approved NRP-815(s) shall then be forwarded to the Administrative Hearing Officer who through their signature officially files the charge(s).

5. The completed form NRP-815(s) will then be forwarded through the chain of command to the appropriate commander for service.

6. Additionally the officer’s commander will arrange a meeting with the officer to discuss the allegation and recommended discipline and ensure the officer understands and/or complies with the following:
   a. Acceptance of the recommended discipline.
   b. Allow up to ten days for the officer to accept the proposed penalty.
   c. Statements made by the officer in the meeting with the commander may not be used in any disciplinary investigation or proceeding against the officer.
   d. Additional investigations and disciplinary actions may occur if other allegations or information comes to light.
   e. This procedure will not excuse the officer from being interviewed at a later time to supply
information pertaining to other officers or additional allegations.

f. Officer signs the Form NRP-815 indicating acceptance of the approved discipline.

g. Form NRP-815 (Notification of Charges) will be returned to the Administrative Hearing Officer for processing.

h. If the officer does not accept the recommended discipline:
   (1) The officer will be ordered, in writing, not to discuss the case with anyone other than his counsel, commander or the investigator.
   (2) The Administrative Hearing Officer will be notified of the refusal to accept ADP.
   (3) The alleged violation will be investigated.

D. Penalties

Penalties under ADP will be consistent with the disciplinary matrix guidelines under category A, B, and C.

E. Case Flow

1. An original signed Form NRP-815 will be forwarded to the Administrative Hearing Officer.

2. The Administrative Hearing Officer will forward a memo on agency letterhead to the Human Resources Section detailing any personnel actions regarding any loss of leave or pay.

3. Prior to closing a case the Administrative Hearing Officer shall confirm with Human Resources Section that all personnel actions have been applied and forward all original forms and associated paperwork to the IAU Commander for filing.
A. Purpose

Summary punishment is a disciplinary option available for use when an officer’s violation(s) of NRP guidelines is determined, after the investigation is completed, to be minor in nature.

B. Procedure

1. If the violation is minor in nature and the facts are not disputed by the involved officer they may be offered summary punishment. In such cases the involved officer’s commanders will:
   
   a. Serve Form NRP-815 (Notification of Charges) with a concise statement of facts.
   
   b. Allow up to ten days for the officer to accept the proposed penalty.
   
   
   d. When an officer does not accept the summary punishment offered, return the NRP-815 (Notification of Charges) to the Administrative Hearing Officer who will initiate the Hearing Board procedure.

C. Case Flow

1. Form NRP-815 will be forwarded to the Administrative Hearing Officer

2. The Administrative Hearing Officer will forward one copy of Form NRP-815 to the Human Resources Section and request a personnel order regarding any loss of leave or pay.

3. At the conclusion of the case the Administrative Hearing Officer shall forward all case files to the Internal Affairs Unit (IAU) Commander for secure storage.
CHAPTER 6 SECTION XIII
SUMMARY PUNISHMENT

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CHAPTER 6 SECTION XIV
HEARING BOARDS

A. Purpose

1. Cases referred to a Hearing Board result from the:
   a. Refusal of an officer to accept Summary Punishment.
   b. Failure of an officer to acknowledge an offer of Summary Punishment within ten days after receiving Form NRP-815 (Notification of Charges).
   c. Referral of charges by a commander with concurrence from the Deputy Superintendent.
   d. Failure of an officer to accept agreed upon discipline, which has been negotiated by the officer and/or their representative through the Executive Officer and approved by the Deputy Superintendent.

2. Officer’s commander as defined in this section is either the current commander or the officer’s commander at the date of the alleged complaint against the officer.

B. Composition of Hearing Board

The Executive Officer will coordinate and direct Agency administrative hearings, and serve as the Agency’s Administrative Hearing Officer.

The Executive Officer will:

1. Assign as voting members to the hearing board at least three law enforcement officers from within the agency, or from another law enforcement agency, none of whom will have participated in the investigation of the officer who is the subject of the hearing.

2. Unless otherwise determined by the Superintendent, assign a hearing officer as chairperson who:
   a. Should not be the same rank as the involved officer.
   b. Should not have participated in the investigation or interrogation of the officer.

3. Assign at least one board member who is the same rank as the officer who is the subject of the hearing.

4. Appoint, at the discretion of the Superintendent, one non-voting member to the hearing board who is a member of the public and who has received training by the Maryland Police Training and Standards Commission on the Law Enforcement Officers Bill of Rights and matters related to police procedures.

C. Preparation for Hearing Board

1. The officer’s commander will:
   a. Present the Form NRP-815 to the officer for acknowledgment and signature.
   b. Give a signed copy of Form NRP-815 to the officer.
   c. Forward signed copies of Form NRP-815 to the Administrative Hearing Officer.

2. The officer’s commander will advise the officer if a decision is made not to prosecute the case.

3. The Administrative Hearing Officer will:
   a. Issue a special order to appoint a Prosecutor and Hearing Board.
   b. Forward copies of the special order and Form NRP-815 to the Hearing Board Member(s) and the officer.
   c. Forward the case file to the Prosecutor.
CHAPTER 6 SECTION XIV
HEARING BOARDS

D. Resolution of Case Prior to Hearing

1. An officer may waive all rights afforded by the LEOBR after the officer is charged with a violation of NRP regulations.

2. The case prosecutor can be contacted by the officer or his representative to engage in negotiations to resolve the case at any time.

3. When it would be in the best interest of the officer and the NRP to resolve the case, the Deputy Superintendent can offer the officer an opportunity to waive the hearing board process. The prosecutor shall be notified to facilitate negotiations and initiate the completion of Form NRP-821 (Waiver of Hearing).

4. An appropriate penalty shall be determined by the Deputy Superintendent.

5. Recommendations for transfer, demotion, or suspension exceeding 15 days will be reviewed and approved by the Superintendent.

E. Administrative Procedures Prior to Hearing

1. Hearing Board Member(s) may not review the case file and may only review the information contained in the Form NRP-815 (Notification of Charges).

2. The officer is entitled to a copy of the case file not less than ten days before the hearing date.

3. Identity of confidential sources and non-exculpatory information shall be excluded from the case file.

4. The officer will complete Form NRP-822 (Confidentiality Agreement) regarding use and disclosure of information from the case file and pay reasonable expenses of duplicating the case file.

F. Pre-Hearing Procedures

1. The Hearing Board Chairperson will:
   a. Contact the officer’s attorney or representative, the prosecutor and the board members to arrange a mutually convenient date for the hearing.
   b. Prepare Form NRP-820 (Notification of Hearing) and Form NRP-823 (Notification of Evidence / Document Receipt / Confidentiality Agreement) and forward these to the officer’s commander.
   c. Ensure that a notice of the Hearing Board is posted on the Agency’s website.
   d. Ensure that arrangements are made for the public to witness the Hearing Board proceedings.

2. The officer’s commander will serve Form NRP-820 on the officer and return a signed copy to the Hearing Board Chairperson.

3. The Executive Officer will provide a copy of Form NRP-820 to the Prosecutor and Hearing Board Members.

4. Officers will give their counsel or representative a copy of Form NRP-820 and Form NRP-823.

5. If either the Prosecutor or the officer’s counsel requires summonses or if evidence will be presented, they will return Form NRP-823 to the Hearing Board Chairperson not less than 10 days prior to the
6. In those instances when witnesses or documents need to be summoned, the Hearing Board Chairperson will prepare Form NRP-825 (Witness Summons – Duces Tecum) and coordinate with the Executive Officer to have the summons served.

7. Requests for postponements will be directed to the Hearing Board Chairperson and granted only for good cause.

8. Requests to amend charges will be directed to the Hearing Board Chairperson. An amended charge could result in a postponement of the hearing.

9. If a penalty which differs from the matrix category is sought by the prosecutor, notice will be given to the officer no less than ten days prior to the hearing.

G. Conducting the Hearing Board

1. The date, time, and location of all Hearing Boards will be posted on the Agency website and open to the public, unless closed by the Superintendent for good cause.

2. All hearings are conducted by the Hearing Board Chairperson unless otherwise designated.

3. The Hearing Board Chairperson may utilize and complete Form NRP-826 (Disciplinary Hearing Procedures) to assist in the conduct of the hearing.

4. All weapons will be secured outside the hearing room.

5. Hearings will be recorded and documentation maintained any time the recording is stopped and restarted.

6. Written requests for open hearings will be considered.

7. All documents accepted into evidence will be marked for identification and retained as part of the record.

8. Motions and stipulations may be heard. The Chairperson may rule or recess the Board to discuss matters with the Board members.

9. The Hearing Board Chairperson will administer oaths or affirmations and examine any individual under oath.

10. Brief opening statements by the prosecutor and defense counsel may be made.

11. The prosecutor will present their case first and bears the burden of proof.

12. The defense may but is not required to present its case.

13. Examination of Witnesses
   a. Each party has a right to cross-examine each witness who testifies for the other party.
   b. Redirect and re-cross examination is limited to matters covered in a preceding examination.
c. The Board may question each witness.

14. Rebuttal evidence by both parties may be presented.

15. Closing arguments include:
   a. A summation presented by the prosecutor.
   b. A summation presented by the defense.
   c. A rebuttal may be presented by the prosecutor.

16. The Hearing Board members will clear the hearing room to decide guilt or innocence on each charge.

**H. Decision of the Hearing Board**

1. A majority shall reach a verdict on each charge.

2. Guilty Verdict - A finding of guilt must be based on a preponderance of the evidence.

3. Not Guilty Verdict - A finding of not guilty on all charges concludes the hearing.

4. Dissenting opinion - A board member may submit a written report outlining his/her objection to the verdict.

**I. Notification of Findings**

1. The Hearing Board Chairperson will reconvene the hearing.

2. The officer will be advised of Board's findings on each charge.

3. For a guilty finding, the Chairperson shall request recommendations for penalty from the Prosecutor and Defense. The officer's personnel file and disciplinary record will be introduced at this time.

4. Either prosecution or defense may present testimony or other evidence in support of recommendations for penalty.

5. The Hearing Board will clear the hearing room for deliberation of penalty phase.

**J. Penalty Deliberation**

1. If the penalty recommended by the board differs from the matrix category, the hearing board shall state the mitigating/aggravating factors considered in support of the penalty.

2. The officer’s personnel file and/or disciplinary record will be considered in the deliberation.

3. All evidence presented during the hearing, along with other personnel related material must be considered during this phase.

4. The disciplinary recommendation can include one or more of the following:
   a. Demotion
   b. Dismissal
CHAPTER 6 SECTION XIV
HEARING BOARDS

5. Remedial training is required on guilty findings concerning illegal discrimination or harassment incidents, except in cases of dismissal.

K. Notification of Penalty

1. The Hearing Board will reconvene the hearing.

2. The Hearing Board Chairperson shall notify all interested parties of the penalty for each charge and that the penalty will be recommended to the Superintendent.

3. When a Hearing Board recommends dismissal, the Special Services Bureau (SSB) Commander, will immediately contact the involved officer’s Bureau Commander.

L. Hearing Board Report

1. The Hearing Board Chairperson shall complete a Hearing Board Report. The Report shall be submitted to the Executive Officer.

2. Conclusions made by the Hearing Board will be explained in a concise written statement and must be supported by a finding of fact.

3. A copy of the Hearing Board Report will be forwarded to the Assistant Attorney General for their review of legal sufficiency.

4. The AG will acknowledge receipt of the report, and attempt to review it within 5 working days. Upon completion of their review, the AG will return it to the Executive Officer.

5. The Hearing Board Report will be signed by the Hearing Board members.

M. Dissemination of Report

1. A copy of the Hearing Board Report will be forwarded to the Superintendent for review and approval.

2. All evidence received during the Hearing Board will be submitted to the Superintendent by the Executive Officer.

N. Superintendent’s Review

1. Within 30 days of receipt of the Hearing Board Report the Superintendent may:
   a. Increase or decrease a recommended penalty and shall state reasons therefore.
   b. Permit the officer to be heard, only if the Superintendent is increasing the penalty.
CHAPTER 6 SECTION XIV
HEARING BOARDS

2. After the Hearing Board Report has been reviewed and approved by the Administrative Hearing Officer a copy of the Report will be forwarded to the officer or defense counsel by the Superintendent’s Office.

3. The Superintendent’s decision is final.

O. Post-Hearing Procedures

1. Distribution:
   a. Form NRP-815 (Notification of Charges), the case file and the Form NRP-827 (Hearing Board Report) with all exhibits will be returned to the Executive Officer.
   b. For guilty findings, the Executive Officer will notify HRS for preparation of a Personnel Order, if needed. Forms NRP-815 and NRP-827 will be forwarded to officer’s Bureau Commander to be sent, through channels, to the officer.
   c. For not guilty findings, the Executive Officer will notify the IAU Commander of the Board’s decision.

P. Record Keeping

1. The Internal Affairs Unit (IAU) will maintain the Hearing Board report, related documents, and the audio recordings of the proceedings.

2. The prosecutor will return the case file to IAU.

Q. Appeal Process

1. An officer may appeal the Superintendent’s decision to the Circuit Court in the respective county pursuant to the Maryland Rules of the Annotated Code of Maryland.

2. A secondary appeal to the Court of Special Appeals may be made by any party aggrieved by a decision of the Circuit Court.

R. Fee Schedule

1. Reimbursement Witness Expenses:
   a. Reimbursable witness expense for court appearance may not exceed $40.00 per day per witness.
   b. Mileage is reimbursed under State of Maryland Standard Travel Guide.

2. Cost for Reproduction of Materials
   a. Transcribe Recordings - $3.00 per page. If more than $75, then the NRP will bill the requestor the final amount, and will send a copy of the transcript upon receipt of the final payment.
   b. Copy Existing Paper Documents - $.50 per page.
   c. Copy Electronic Documents - $.10 per page.
   d. Copy Audio Recording - $15.00 per case.
A. Background

1. The purpose of discipline is to correct inappropriate behavior.

2. The NRP must strive for consistency when applying discipline.

3. The Disciplinary Matrix ensures that similar violations receive similar penalties.

B. Philosophy

1. The matrix in this chapter includes some but not all possible charges which may arise out of violations of any NRP rules, regulations, or orders.

2. When assessing discipline, one should not focus on a single factor, but should consider other influential factors that may raise or lower the original category to another level. These factors include but are not limited to:
   a. Type of incident
   b. Injury severity
   c. Amount of damage
   d. Intent
   e. Officer record and performance level.

3. Recommendations for disciplinary action may be based on:
   a. Mitigating and/or aggravating factors
   b. Officer motive
   c. Degree of culpability
   d. Truthfulness
   e. Disciplinary record
   f. Admission of error/mistake by officer
   g. Other factors rising from the case.

C. Description of Categories

1. Misconduct is classified into broad categories of violations based on progressive degrees of severity.

2. Category “A” defines the lowest level of misconduct, Category “E” the highest.

3. Repetition of similar misconduct or violations of more serious offenses will lead to higher penalty categories of “B,” “C,” “D,” or “E.”

D. Category "A" Violations


2. Same or similar misconduct within 18 months enhances the third violation to Category "B."

3. A combination of any three Category "A" violations within 18 months enhances the third violation to Category "B."
**E. Category "B" Violations**

1. Category "B" - minor misconduct violations. Summary Punishment/ADP limited to loss of leave/suspension for one day, or $50 fine.

2. Enhanced violation from Category “A.”

3. Third violation of same or similar violations within 18 months from Category "A."

4. Same or similar misconduct within 36 months enhances next violation to Category “C.”

5. Combination of any three sustained Category “B” violations within 36 consecutive months enhance the third violation to Category “C.”

**F. Category “C” Violations**

1. Category “C” – misconduct violations. Summary Punishment/ADP limited to loss of leave/suspension for two days, written reprimand, or a fine of $100 to $150.

2. Enhanced violation from Category “B.”

3. Same of similar misconduct within 60 months enhances next violation to Category “D.”

4. Combination of any three sustained Category “C” violations within 60 months enhances the third violation to Category “D.”

**G. Category “D” Violations**


2. Enhanced violation from Category “C.”

3. Same or similar misconduct within 60 months from Category “C.”

4. Combination of any three sustained category “D” violations within 60 months enhances the third violation to category “E.”

**H. Category “E” Violations**

1. Category “E” – serious misconduct. Over 15 days loss of leave/suspension and/or demotion or dismissal.

2. Enhanced violation from Category “D.”

3. Same or similar violations repeated from Category “D.”

**I. Violations Not Referenced in Matrix**

Violation of any other provisions of any other rule or regulation not referenced in the matrix shall be a category “A” offense unless extenuating circumstances exist where strict adherence would render an
injustice to either the NRP or the officer. If exception is noted, then variation from the matrix is only permissible when recommended by the accused officer’s commander or the IAU Commander, and approved by the Deputy Superintendent.

J. Disciplinary Matrix

The Disciplinary Matrix is displayed on the next page.
<table>
<thead>
<tr>
<th>ALLEGATION</th>
<th>CATEGORY</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
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<td>ATTITUDE / BEHAVIOR</td>
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<td>Inappropriate Comments/ Gestures/Discourtesies</td>
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<tr>
<td>Rude or Discourteous Actions</td>
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<td>Use of Profane/Obscene Language or Gestures</td>
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<td>Unbecoming Conduct</td>
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<td>INTEGRITY VIOLATIONS</td>
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<td>Intentional submission of inaccurate reports</td>
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<tr>
<td>Intentional deception, dishonesty, untruthfulness, and other related types of behavior</td>
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<td>SECONDARY EMPLOYMENT VIOLATIONS</td>
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<td>Engaged in secondary employment without authorization</td>
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<tr>
<td>Engaged in prohibited secondary employment</td>
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<td>Engaged in secondary employment while on sick leave</td>
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<td>Using Agency equipment while working secondary employment</td>
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<td>OFF DUTY VIOLATIONS</td>
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<td>Failure to take required action off duty</td>
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<td>Association with persons of questionable character</td>
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<tr>
<td>Inappropriate comments/language/profanity off duty</td>
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<td>CUSTODY/ARREST RELATED VIOLATIONS</td>
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<td>Violations during arrest</td>
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<td>Failing to search person incident to arrest</td>
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<td>Failure to utilize prisoner restraining device</td>
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<tr>
<td>Allowing person in custody to escape</td>
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<td>Failing to arrange medical treatment for a person in custody</td>
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<td>Mistreatment of person in custody</td>
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<td>VEHICLES/VESSELS and PROPERTY</td>
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<td>Damaging Agency vehicle/vessel/property or other equipment (unintentional)</td>
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<td>Lost Agency equipment</td>
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<td>Damage to vehicle/vessel/property or other equipment (Negligence)</td>
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<td>Damage to vehicle/vessel through reckless operation</td>
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<td>Failure to report vehicle/vessel accident</td>
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<td>CRIMINAL/TRAFFIC LAW VIOLATIONS</td>
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<td>Criminal Misdemeanors, to include serious traffic violations</td>
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<td>Driving while intoxicated or under the influence of alcohol an or drugs</td>
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<td>Traffic Violations, on or off-duty</td>
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<td>Natural Resources Violations, on or off duty</td>
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<td>Unreasonable Force – Force that is outside what an ordinary or prudent law enforcement officer would use.</td>
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<td>Excessive Force – Force that is excessive in scope, duration, or severity in light of the circumstances</td>
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<td>Failure of supervisor to take necessary supervisory action</td>
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<td>Lateness for duty assignment</td>
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<td>Late for court/Failure to report for court after being notified or made aware of court date</td>
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<td>Failure to submit required report/form</td>
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<td>Violations of procedures for preliminary and follow-up investigations</td>
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<td>Processing/testing of evidence</td>
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<td>Fabrication of or tampering with evidence</td>
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<td>Sexual harassment/discrimination/retaliation</td>
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<td>Religious harassment/discrimination/retaliation</td>
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<td>Ethnic harassment/discrimination/retaliation</td>
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<td>Other Forms of Prohibited harassment/discrimination/retaliation</td>
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<td>Discharge of weapon contrary to Agency policy</td>
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<td>Carrying unauthorized weapon – on/off duty</td>
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<td>Carrying unauthorized ammunition – on/off duty</td>
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<td>Failure to properly maintain weapon</td>
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<td>Failure to report weapon discharge</td>
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<td>Negligent handling of firearm resulting in discharge</td>
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<td>Handling weapon under the influence of or impaired by alcohol and/or drugs</td>
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<td>Unauthorized ride-a-long</td>
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<td>Failure to furnish name, ID, and assignment</td>
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</table>
## Disciplinary Matrix

<table>
<thead>
<tr>
<th>Allegation</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to properly ID oneself as a police officer; badge display etc.</td>
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</tr>
<tr>
<td>Using official position for personal/financial gain</td>
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<tr>
<td>Failure to comply with interrogations, polygraph, urine sample, line-ups and other tests</td>
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<tr>
<td>Cheating on tests, homework or other assignments</td>
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<tr>
<td>Consuming alcoholic beverages on duty</td>
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<tr>
<td>Unauthorized use of METERS, NCIC, or CJIS systems</td>
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<tr>
<td>Sexual behavior on duty</td>
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<tr>
<td>Use of controlled dangerous substance</td>
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<tr>
<td>Failure to report use or prescription medication</td>
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<tr>
<td>Abuse of police power</td>
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</tr>
<tr>
<td>Using official position for any reason other than law enforcement purposes</td>
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</tbody>
</table>
CHAPTER 6 SECTION XVI
LAW ENFORCEMENT OFFICERS’ BILL OF RIGHTS

The following hyperlinks below will take you to the relevant statutory language of the Law Enforcement Officers’ Bill of Rights. Should any of these hyperlinks become inoperative then personnel are directed to the official printed version of the Annotated Code of Maryland.

Annotated Code of Maryland
Public Safety Article
Title 3. Law Enforcement
Subtitle 1. Law Enforcement Officers' Bill of Rights.

3-101. Definitions
3-102. Effect of subtitle
3-103. Rights of law enforcement officers generally
3-104. Investigation or interrogation of law enforcement officer
3-105. Application for show cause order
3-106. Limitation on administrative charges
3-106.1. Agency list of officers found or alleged to have committed acts bearing on exculpatory or impeachment evidence
3-107. Hearing by hearing board
3-108. Disposition of administrative action
3-109. Judicial review
3-110. Expungement of record of formal complaint
3-111. Summary punishment
3-112. Emergency suspension
3-113. False statement, report, or complaint
A. Philosophy

The Maryland Natural Resources Police have a responsibility to its officers and the citizens that they serve. Part of this responsibility is to assist those officers who show symptoms of job stress and job performance problems.

NRP officers experience high levels of job stress that may have or potentially cause a negative impact on the officer’s job performance.

Officers experiencing high stress may exhibit prolonged tension, low morale, and irritability, which sometimes leads to less than optimal officer conduct towards peers and citizens.

It is the intention of the NRP to reduce the number of citizen complaints and officer misconduct incidents through the implementation of an Early Warning Identification System (EWIS).

B. Background

1. The purpose of an Early Warning Identification System (EWIS) is to provide an accurate and timely means of tracking significant events involving an officer’s career to help prevent patterns of conduct that could impact or jeopardize an officer’s job status.

2. The NRP must strive for consistency when tracking an officer’s career path.

3. The early warning identification system allows for the monitoring of stressors, which can impact an officer’s behavior.

4. A review will be conducted of all complaints received by NRP to develop an Officer Profile for all officers.

C. Description of Early Warning Identification System

1. The NRP Early Warning Identification System (EWIS) is designed to track events that may be detrimental to an officer’s well being.

2. The NRP Early Warning Identification System (EWIS) is designed to promote communication between the supervisor and officer.

3. The NRP-EWIS is designed to provide assistance for those officers who demonstrate a pattern of officer stress.

4. Notifications from the EWIS are considered confidential, and are only shared within the officer’s chain of command.

5. EWIS information will not be placed in officer’s personnel file.

6. The goal of EWIS is to provide timely intervention when officers are experiencing problems and to prevent them from rising to a level where discipline becomes necessary.

7. Provides a systematic review of significant events such as complaints, use of force, Agency accidents, and critical incidents, involving agency officers.
CHAPTER 6 SECTION XVII
EARLY WARNING IDENTIFICATION SYSTEM (EWIS)

D. Officer Profiles

1. Officer profiles consist of events such as:
   a. Complaints
   b. Use of Force Incidents
   c. Departmental Accidents
   d. Critical Incidents

2. Each event will include the:
   a. Nature of the event
   b. Case number
   c. Disposition

3. Will be maintained by the Internal Affairs Unit.

4. Officer Profiles are available to the officer and appropriate supervisors and commanders.

5. Officer Profiles provide good indicators of short and long-term patterns of officer behavior, and performance histories.

6. Officer profiles can assist in identifying training needs for agency officers

E. EWIS Reports

1. Reports will be generated on a quarterly, bi-annual, and annual basis.

2. Lists officers who have been subject to a complaint during the previous quarter.

3. The reports will consist of:
   a. Officer’s name and ID number.
   b. Name of officer’s supervisor.
   c. Name of complainant.
   e. Disposition of complaints.
   f. Extent of injuries in each complaint
   g. IAU Number - in those cases where an IAU number has been issued.

F. IAU Commander’s Responsibility

1. Compiles the quarterly, bi-annual, and annual reports.

2. Submits reports to the affected officer’s supervisors through the chain of command.

3. Monitors the master officer profile list for alerts of potential officer stress problems.

G. Commander’s Responsibility

1. When a commander receives a quarterly report for an affected officer, the commander will monitor the officer’s behavior for additional indicators of stress.
CHAPTER 6 SECTION XVII
EARLY WARNING IDENTIFICATION SYSTEM (EWIS)

2. When a commander receives a bi-annual or annual report indicating two or more complaints and/or combination of complaints and use of force incident during the previous period the commander will conduct a formal interview with the officer.

3. If in the commander’s assessment the officer is exhibiting stress related behavior, there are several options the commander can initiate:
   a. Refer the officer, voluntarily or mandatorily to the Departments Officer Assistance Program.
   b. Refer the officer to the Agency Critical Incident Stress Management Team.
   c. Change the officer’s duty status when necessary, with approval of the NRP Disability Panel.
   d. Initiate formal counseling or corrective action as appropriate.

H. Annual Review of IAU Complaints

An annual review will be conducted of the officer profiles sheet to monitor intervention programs and to identify officers who may be in need of remedial training.
CHAPTER 6 SECTION XVII
EARLY WARNING IDENTIFICATION SYSTEM (EWIS)

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CHAPTER 6 SECTION XVIII
CIVILIAN DISCIPLINARY PROCEDURES

A. General

1. Appointing Authority
   a. All disciplinary actions against civilian employees must be imposed by an Appointing Authority.
   b. In addition to the Superintendent, the following positions, registered with the Department of Budget and Management (DBM) have appointing authority for the Maryland Natural Resources Police (NRP).
      (1) Deputy Superintendent
      (2) Bureau Commanders

2. Civilian employees may be disciplined for:
   a. Unsatisfactory performance of duties and responsibilities.
   b. Misconduct.

3. Disciplinary actions that may be taken can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-104 of the Annotated Code of Maryland, and the associated sections under COMAR 17.04.05.00.

4. Service Categories can be found in the following State Personnel and Pensions Article sections, Annotated Code of Maryland:
   a. Skilled Services, § 6-401
   b. Professional Services, § 6-402.

5. Burden of Proof in disciplinary actions can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-103(a), Annotated Code of Maryland.

6. Limits on additional disciplinary action can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-103(b), Annotated Code of Maryland.

7. Suspension of FLSA Exempt Employees can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-103(c), Annotated Code of Maryland.

8. Assistance of representation during an appeal can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-103(d), Annotated Code of Maryland.

9. Causes for automatic termination of employment can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-105, Annotated Code of Maryland.
   a. The following actions are causes for automatic termination of employment:
      (1) Intentional conduct, without justification, that:
          (a) Seriously injures another person.
          (b) Causes substantial damage to property.
          (c) Seriously threatens the safety of the workplace.
      (2) Theft of State property of a value greater than $300.
      (3) Illegal sale, use or possession of drugs on the job.
      (4) Conviction of a controlled dangerous substance offense by an employee in a designated sensitive classification.
      (5) Conviction of a felony.
      (6) Accepting for personal use any fee, gift, or other valuable thing in connection with or during the course of State employment if given to the employee by any person with the hope or expectation of receiving a favor or better treatment than accorded to other persons.
CHAPTER 6 SECTION XVIII
CIVILIAN DISCIPLINARY PROCEDURES

(7) Violation of the Fair Election Practices Act.
(8) Using, threatening, or attempting to use political influence or the influence of any State employee or officer in securing promotion, transfer, leave of absence or increased pay.
(9) Wantonly careless conduct or unwarrantable excessive force in the treatment or care of an individual who is a client, patient, prisoner, or any other individual who is in the care or custody of this State.

10. Duty of appointing authority prior to imposing sanctions can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-106, Annotated Code of Maryland.

11. Actions which do not constitute disciplinary actions (counseling, leave without pay, restitution) can be found in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-107, Annotated Code of Maryland.

B. Formal Counseling

1. Issuing a counseling memorandum is an instructional communication, not a disciplinary action.

2. Counseling sessions will be documented on a Form NRP-840 (Personnel Counseling Record) which lists:
   a. The actions of the employee.
   b. The actions taken by the supervisor to modify the behavior or performance.

3. A counseling session should occur as soon as possible following the incident, so the employee’s behavior or performance can be discussed and corrected while the incident is fresh in the minds of the employee and supervisor.

4. The supervisor may also refer to any job observation reports, counseling materials, or disciplinary actions that have been previously presented to and signed by the employee.

5. The supervisor and the employee are to discuss the incident, so that the reasons the behavior or performance is considered inappropriate are clear to both.

6. The employee is given the opportunity to state his views and suggest corrective action.

7. At the conclusion of the counseling session, the supervisor will recommend a course of action designed to help the employee improve behavior or performance.

8. Form NRP-840 will be prepared in triplicate.
   a. If the employee refuses to acknowledge receipt of the form, “Refused To Sign” will be recorded in the appropriate space.
   b. Copies will be distributed as follows:
      (1) The original is forwarded to the Human Resources Section (HRS) for placement in the employee’s official personnel file.
      (2) A copy is given to an employee.

9. An employee may submit a written response to a counseling memorandum within 5 days after receipt.
   a. The response will be placed in the employee’s file and attached to any record of the memorandum.
CHAPTER 6 SECTION XVIII
CIVILIAN DISCIPLINARY PROCEDURES

b. An employee may not take any other action in response to a counseling memorandum.

C. Leave Without Pay

1. Placing an employee on leave without pay, when the employee is absent without approval is not a disciplinary action.

2. An employee who is placed on leave without pay when the employee is absent without approval may also be subject to disciplinary action for the unapproved absence.

D. Restitution

1. Requiring an employee to make restitution to the State for loss or damage to State property due to the employee’s negligence is not a disciplinary action.

2. An employee is not required to pay restitution exceeding 3% of the employee’s annual base pay.

3. An employee ordered to make restitution may also be subject to civil or criminal prosecution for wanton destruction of property under State law.

E. Discipline – Employee Misconduct

1. Disciplinary actions relating to employee misconduct can be found at can be found in COMAR 17.04.05.04.

2. In addition to the actions that are causes for automatic termination of employment, an employee in the skilled or professional service may be disciplined for:
   b. Intentional misconduct, without justification, that:
      (1) Injures another person.
      (2) Causes damage to property.
      (3) Threatens the safety of the workplace.
   c. Conduct that has brought or, could bring the State into disrepute.
   d. Being unjustifiably offensive toward fellow employees, wards of the State or the public.
   e. Violating a provision of State Personnel and Pensions Article, Title 2, Subtitle 3 (State Employment Policies); Title 15 (Prohibited Acts and Penalties), or Title 9, § 9-607, of the Annotated Code of Maryland.
   f. Theft of State property with a value of $300 or less.
   g. After notification, continuing to engage in another business, trade or occupation which conflicts with the employee’s position or prevents the employee from satisfactorily performing the duties of the employee’s position.
   h. Conduct involving dishonesty, fraud, deceit, misrepresentation or illegality.
   i. Causing damage to public property or wasting public supplies through negligence, recklessness or willful conduct.
   j. Willfully making a false official statement or report.
   k. Knowingly assisting another in conduct that is a violation of the State Personnel and Pensions Article, the associated sections under COMAR 17.04.05.00, the NRP Manual of Policies and Procedures, or any other lawful Agency policy.
   l. Violating a lawful order or failing to obey a lawful order given by a superior, or engaging in conduct, violating a lawful order; or failing to obey a lawful order which amounts to
insubordination.
m. Engaging in discrimination prohibited by law.
n. Using leave contrary to law or policy.
o. Committing another act, not previously specified, when there is a connection between the
employee’s activities and an identifiable detriment to the State.

F. Disciplinary Procedures

1. Duty of appointing authority prior to imposing sanctions (procedure, time limits, suspensions) can be
found in the in the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-106 of the Annotated
Code of Maryland.

2. Before taking any disciplinary action related to employee misconduct, the Appointing Authority, or
their designee, will review the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-106(a) of
the Annotated Code of Maryland.

3. Include in the employee’s written notice the following statement for the employee’s signature: “I
certify that I have personally reviewed this notice and understand that my signature does not imply
agreement or disagreement.”
   a. If the employee refuses to sign the written notice, write “Refused to Sign” on the written notice.
   b. A witness to an employee’s refusal to sign a Written Notice of a Disciplinary Action must initial
the written notice.

4. Time Limits - Before taking any disciplinary action related to employee misconduct, the Appointing
Authority, or their designee, will review the State Personnel and Pensions Article, Title 11, Subtitle 1, §
11-106(b) of the Annotated Code of Maryland.

5. Suspensions Without Pay - Before taking any disciplinary action related to employee misconduct,
the Appointing Authority, or their designee, will review the State Personnel and Pensions Article, Title
11, Subtitle 1, § 11-106(c) of the Annotated Code of Maryland.

G. Discipline - Employee Performance

The Appointing Authority may discipline an employee in the skilled or professional services for reasons
related to the employee’s performance. The Appointing Authority, or their designee, will review
COMAR 17.04.05.03 B. The reasons include but are not limited to this section.

H. Procedure - Performance

Before an employee in the skilled or professional service may be disciplined for performance-related
reasons, the appointing authority or designee will review COMAR 17.04.05.03 C.

I. Time Limit - Performance Disciplinary Actions

The appointing authority or designee will review COMAR 17.04.05.03 D, E, and F, for details on time
limits.

J. Performance Appraisals

The appointing authority or designee will review COMAR 17.04.05.03 G, (1), (2), and (3) which covers
(1) What to do when an employee is given a “Needs improvement” or “Unsatisfactory” guidelines
(2) What to do when employee is terminated under provisions of COMAR 17.04.05.03 G (1).
(3) Pay related issues

K. Other procedures related to disciplinary actions

The appointing authority or designee will review the State Personnel and Pensions, Title 11, Subtitle 1, § 11-108, of the Annotated Code of Maryland, which covers the following:

L. Negotiation and Bargaining

Delay of implementation/time periods/lesser discipline/failure to appeal/negotiable time limits/resolution of appeal.

M. Appeals of Disciplinary Action by Employees in Skilled or Professional Service

The appointing authority or designee will review the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-109, of the Annotated Code of Maryland, which covers the following;

- Appeal to the Superintendent (15 days after receive disciplinary action)
  - Conference with Superintendent

- Disposition (15 days after receiving appeal)

  The Superintendent shall issue a written decision to the employee that addresses each point raised in the appeal, within 15 calendar days of receiving an appeal.

N. Appeal to the Secretary, DNR

An employee in the skilled or professional service may appeal a decision of the Superintendent to the Secretary, DNR.

The appointing authority or designee will review the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-110, of the Annotated Code of Maryland,, and COMAR 17.04.05.05 for specifics on the process of appealing to the Secretary of DNR.

The appointing authority or designee will review the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-108, of the Annotated Code of Maryland, which covers the following;

- a. Failure to Appeal
  If an employee fails to appeal a decision within the time limits of Sub-Section N Ø. of this Section, the employee is considered to have accepted the decision.

- b. Failure to Decide an Appeal
  If the NRP fails to decide an appeal within the time limits listed in Sub-Section N Ø. of this Section, this is considered a denial, from which an appeal can be made.
c. Resolution of Appeal
   The employee and the NRP shall make every effort to resolve an appeal at the lowest level possible.

O. Termination of Initial Probationary Employees

The appointing authority or designee will review the State Personnel and Pensions Article, Title 11, Subtitle 1, § 11-302, of the Annotated Code of Maryland, and COMAR 17.04.03.17, to address the following:

   a. Employees serving an initial probationary period.

   b. Appeals by Initial Probationary Employees

   c. Demotion or Removal of Probationary Employees

P. Employees in the Management or Executive Service and Special Appointments

1. The appointing authority or designee will review the following State Personnel and Pensions Articles, from the Annotated Code of Maryland:

   a. A civilian position is in the management service (State Personnel and Pensions Article, § 6-403, Annotated Code of Maryland).

   b. A civilian position is in the executive service (State Personnel and Pensions Article, § 6-404, Annotated Code of Maryland).

   c. Special appointees as described in State Personnel and Pensions Article, § 6-405, Annotated Code of Maryland).

2. The Appointing Authority may take any of the disciplinary actions specified in Sub-Section A. of this Section against an employee in the management service, the executive service or under special appointment.

3. An employee in the management or executive service or under special appointment serves at the pleasure of the Appointing Authority and may be terminated or disciplined for any reason that is not illegal or unconstitutional.

Q. Appeals to the Head of the Principle Unit

An employee in the management or executive service or under special appointment may appeal a disciplinary action in accordance with the State Personnel and Pensions, Article, § 11-113(b), (c) and (d), Annotated Code of Maryland.

R. Forfeited Annual Leave

For information on disciplinary actions, and annual leave forfeited and for annual leave forfeited and transferred to the State Leave Bank as a result of disciplinary action, the appointing authority or designee will review the following section in COMAR 17.04.11.05.
CHAPTER 6 SECTION XIX
STATE PERSONNEL AND PENSIONS ARTICLE

The following hyperlinks below will take you to the relevant statutory language of the State Personnel and Pensions Article. Should any of these hyperlinks become inoperative then personnel are directed to the official printed version of the Annotated Code of Maryland.

Annotated Code of Maryland
State Personnel and Pensions Article
Division I State Personnel
Title 1 Definitions and General Provisions

Subtitle 1 Definitions.
1-101 Definitions

Subtitle 2 General Provisions
1-201 “Day” and “days” defined
1-202 Use of Social Security number prohibited

Annotated Code of Maryland
State Personnel and Pensions Article
Division I State Personnel
Title 2 State Employment Generally

Subtitle 3 State Employment Policies
2-301 Purpose of restructuring; duties of State employees
2-302 Discrimination, harassment prohibited
2-303 Rights and protections of federal law; medical disqualifications
2-304 Political activities
2-305 Reprisals for grievances, complaints, or other actions concerning State employment
2-306 State Substance Abuse Policy
2-307 Use of political influence, influence of State employee or officer or personal influence prohibited
2-308 Teleworking
2-309 Limits on use of leave for birth, adoption, foster placement, or care of child

Annotated Code of Maryland
State Personnel and Pensions Article
Division I State Personnel
Title 9 Leave Time and Holidays

Subtitle 6 State Employees' Leave Bank and Employee-To-Employee Leave Donation Program
§ 9-607 Intimidation, threats, coercion, etc., prohibited; penalties
CHAPTER 6 SECTION XIX
STATE PERSONNEL AND PENSIONS ARTICLE

Annotated Code of Maryland
State Personnel and Pensions Article
Division I State Personnel
Title 11 Disciplinary Actions, Layoffs, and Employment Terminations
In State Personnel Management System

Subtitle 1 Disciplinary Actions
11-101 “Employee” defined
11-102 Scope of subtitle
11-103 Miscellaneous provisions
11-104 Disciplinary actions permitted
11-105 Automatic termination of employment
11-106 Duty of appointing authority prior to imposing sanctions
11-107 Actions which do not constitute disciplinary actions
11-108 Other procedures related to disciplinary actions
11-109 Appeal of disciplinary action by employees in skilled service or professional service
11-110 Appeal to Secretary
11-111 Policies and procedures
11-112 Appeal to peer review panel
11-113 Appeal to head of principal unit
CHAPTER 7

INVESTIGATIONS
CHAPTER 7
INVESTIGATIONS

Sec. I  INTERROGATION
A. Introduction
B. Exclusionary Rule
C. Miranda Warning
D. Confessions
E. Securing Weapons
F. Interrogations in Investigations

Sec. II  SEARCH AND SEIZURE
A. Introduction
B. Probable Cause
C. Search Warrants
D. Search Incident to an Arrest
E. Strip Searches
F. Search of Body Cavity
G. Seizure of Abandoned Property
H. Stop and Frisk
I. Search of Premises and Property
J. Crime Scene Searches
K. Vessel or Vehicle Searches
L. Inventory
M. Use of Force in a Search
N. Consent Searches

Sec. III  EYEWITNESS IDENTIFICATION
A. Purpose
B. Introduction
C. Definitions
D. Policy
E. General Considerations
F. Procedures & Guidelines
G. Initial Report of the Crime: Answering the Call for Service (Police Communications Operators)
H. Investigating the Scene (Preliminary Investigating Officer)
I. Obtaining Information From the Witness(es)
J. “Mug” Books
K. Composites
L. Documenting the Procedures Utilized for “Mug Book” / Composite Identifications
M. Interviewing the Witness by the Follow-up Investigator
N. Field Identification Procedure - Show-Ups
O. Eyewitness Identification of Suspects - Photo Line-Ups
P. Eyewitness Identification of Suspects - Live Line-Ups
Q. Voice Identification
R. Courtroom Identification
S. Eyewitness Identification of Suspects - Recording Identification Results
CHAPTER 7 SECTION I
INTERROGATION

A. Introduction

1. The purpose of this section is to provide basic information to be used as a guide to NRP personnel; it is not intended to be all-inclusive.

B. Exclusionary Rule

1. Generally, information and evidence discovered during an illegal interrogation is not admissible at the time of trial.
2. Exceptions to this rule may be considered when information developed during an illegal interrogation inevitably would be discovered during another phase of the investigation, or the same information is discovered from an independent source.

C. Miranda Warning

1. In Miranda vs. Arizona, the United States Supreme Court established specific guidelines to be used by police for interrogations. The Miranda decision is based on the Fifth Amendment to the Constitution of the United States, and protects persons against self-incrimination.
2. The Miranda Warning shall be read directly from the card supplied by the agency.
3. The Miranda rule applies to questioning initiated by the police in a custodial atmosphere, where information, statements, and confessions are sought and response would tend to incriminate the individual being questioned. The Miranda warnings must be given when these conditions exist.
4. Miranda rights apply when the police personnel initiate custodial questioning/interrogation. Officers are not obligated to stop an individual who spontaneously offers information and/or a confession, regardless of the custodial situation. The courts have held that the police may inject an essential question for the purpose of clarification and/or keeping the individual from straying from the original topic. Should the situation gravitate to questions and answers, Miranda would be required to be given.
5. Recent Supreme Court rulings have defined the application of Miranda, dispelling the original interpretation where the police are required to advise individuals of Miranda. This is significantly affected by the totality of the circumstances present and will be judged on a case-by-case basis. Personnel confronted with the decision as to the appropriateness of Miranda and who do not have the opportunity for legal advice should advise individuals of their rights prior to questioning.
6. For the Miranda warning to be effective, it must be understood by the individual being interrogated. Read the rights from the Miranda Card. Speak distinctly, providing the opportunity for the person to listen and understand each right. Any questions should be cleared-up before proceeding.
7. An individual subject to interrogation who invokes any of their Miranda rights will not be questioned until they have consulted with an attorney. Additionally, an individual who had waived their rights initially and during the interrogation wishes not to be questioned any further, will not be interrogated until they have consulted with an attorney. The individual will be re-informed of their rights prior to any subsequent questioning.
8. After these warnings have been given and an opportunity to exercise these rights afforded, only the individual interrogated (including juveniles) may waive these rights. In order for this waiver to be
CHAPTER 7 SECTION I  
INTERROGATION  
effective, it must be done voluntarily, knowingly and intelligently. Any evidence that an individual was  
threatened, tricked, or cajoled into a waiver, in whole or in part, may constitute an involuntary waiver.  

D. Confessions  
1. For a confession to be admissible at trial, it must have been given voluntarily. The Miranda  
   warnings should be applied when the police solicit a confession.  

2. Waiver of Prompt Presentment – The Johnson Ruling. This ruling requires that an arrested  
   individual be taken before a judicial officer (commissioner) without unnecessary delay and in no event  
   later than twenty-four hours after the arrest or the first session of court following the filing of the  
   charging document in the instance of a warrantless arrest.  

3. The following are generally accepted as justification for delay pertaining to the Johnson Rule:  
   a. Routine processing procedures.  
   b. Determining whether or not the charging document should be issued.  
   c. Verifying the commission of the specified crime.  
   d. Obtaining information likely to be a significant aid in averting harm to persons or loss of  
      property of substantial value.  
   e. Obtaining relevant non-testimonial information likely to be significant in discovering the identity  
      of accomplices or preventing the loss of relevant evidence.  
   f. The arrested party may voluntarily and knowingly waive the right of prompt presentment. This  
      waiver would substantiate any delay and make admissible any statement or confession obtained  
      prior to presentment.  

E. Securing Weapons  
During an interrogation at a police installation, all personnel involved will secure their weapons in a  
place designated for that purpose.  

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

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

3. Interrogations should be conducted in a professional manner. Every attempt should be made to  
neutralize the atmosphere of the settings, reducing the chance of being accused of threatening, coercing,  
frightening, etc. the suspect under interrogation. If possible, an interrogator of the same sex as the  
suspect should be present.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

A. Introduction

The Fourth Amendment applies to federal law enforcement matters but its constitutional guarantees have been applied to all states through the “due process” clause of the Fourteenth Amendment.

1. Although knowledge of the constitutional provisions relating to search and seizure will not solve the everyday practical problems that officers must face when they conduct a search or make a seizure, it is the starting point with which they can determine the propriety of their intended acts. An officer must always consider the reasonableness of the search, and, in seeking or executing a warrant, especially when considering the description of the persons, places, and items involved. If they do this with care, they can help ensure that their actions will be lawful and that the validity of the search and seizure will stand in a court of law.

2. Under the Exclusionary Rule, evidence obtained or confiscated in violation of the Fourth Amendment cannot be used in any court as evidence against the person from whom it was improperly obtained.

B. Probable Cause

1. The true test of any search is the demonstration that probable cause exists to justify the search. The basis for determining probable cause to search is essentially the same as that of probable cause for arrest. Probable cause to search is demonstrated by the existence of facts and surrounding circumstances, which are sufficient to justify a person of reasonable caution to believe that an offense has been committed and that the particular property to be seized is relative to the offense, and is located at the particular place. Reduced to its essentials, probable cause means that the officer must have reasonable grounds to believe that things related to an offense are on the premises to be searched.

2. Searches may be conducted pursuant to the authority of a search warrant, upon receipt of proper consent, or in conjunction with the various exceptions to the warrant requirements, e.g., incident to arrest, vessel or vehicle searches, stop and frisk, abandoned property, etc. The Supreme Court has ruled that, barring these specific exceptions; all searches without a warrant are unreasonable. Each exception to the warrant requirement imposes its own unique set of guidelines, which must be followed.

C. Search Warrants

1. A search warrant can be an effective investigative tool once it has been determined that evidence of a crime can be found at a specific location, and cannot be obtained by any other means. The following outlines the standard procedure taken in the warrant process:
   a. Obtain guidance and approval from prosecuting attorney.
   b. Consultation with SOD for de-confliction and or assistance.
   c. Review of the application by the affiant’s commander or designee.
   d. Planning the enforcement action to include completion of a risk assessment and operational plan.
   e. Obtaining approval by the Area / Regional Commander.
   f. Executing the search warrant and preserving evidence.
   g. Adherence to all post-operational procedures.

2. Only judges of the Circuit Court and District Court of the State of Maryland will issue search warrants. Once issued, a search warrant will:
   a. Be directed to a law enforcement officer for service.
   b. Authorize the search of the individual, item, vessel, vehicle, building, thing, etc. specifically described in the warrant.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

3. When applying for the issuance of a search warrant, the applicant must present detailed information establishing probable cause to believe the item(s) sought are in possession of an individual or being held at a specific location. This document is known as the affidavit and will become part of the warrant. The affidavit contains a detailed synopsis of the facts at hand, which establishes:
   a. The commission of a specific offense.
   b. That certain specifically identified contraband, evidence, and property directly related to the offense is being sought.
   c. That the contraband, evidence, or property sought is in the possession of an individual and the individual or the item(s) sought are contained in a specific container or at a specific location.

4. Facts, which lead the officer to believe that seizable goods are in certain premises, can come from three sources, first, personal knowledge what the officer has observed, second, what others have observed and related to the officer, and third, confidential informants.
   a. A confidential informant, or "CI," is any individual who provides useful and credible information to a law enforcement officer regarding criminal activities and from whom the law enforcement officer expects or intends to obtain additional useful and credible information regarding such activities in the future. In order to establish the credibility of a CI, the law enforcement officer must have tracked the credibility of past information received from the CI. It is normally critical to conceal the identity of the CI in order to maintain the future flow of information. Where the facts are within the officer’s personal knowledge, he need only set forth in detail in the probable cause sections of the warrant the following:
      (1) The dates and times he observed the facts.
      (2) The place where he observed the facts.
      (3) Exactly what he observed (detail is most important here).
      (4) A brief synopsis of the officer’s experience and training.
   b. Cooperating witnesses or "CWs," differ from CIs in that CWs agree to testify in legal proceedings and are generally known to be cooperating with law enforcement. As such, the identity of the CW normally does not need to be concealed.
   c. Persons who provide information to the NRP but do not fall into one of these specific classifications are referred to generally as "concerned citizens.” A concerned citizen provides information to a law enforcement agency only as a result of legitimate routine access to information or records. Unlike what is often the case with regard to CIs and CWs, a concerned citizen does not collect information by means of criminal association with the subjects of an investigation, but may choose to remain anonymous due to concern over retribution or reprisal.

5. When someone else tells the officer the facts, it is necessary that he include in the affidavit the facts, which caused the other person to believe that seizable goods are on the particular premises and, in addition, why the officer believed what the other person told him. Since there are these two distinct types of information required when the affidavit is to be based on an informant’s observations, such an affidavit will necessarily be more lengthy than one based solely on the officer’s personal knowledge. The probable cause section should contain the following information:
   a. The date the officer was told the facts.
b. The name and address of the person who told the officer the facts, except in the case of a confidential informant or concerned citizen.
c. The date the other person observed the facts.
d. That the other person personally observed the facts.
e. The place where the other person observed the facts.
f. Exactly what facts (in detail) the other observed.
g. An explanation of why the officer believes that what the other person told him is true.
h. A brief synopsis of the officer’s experience and training.

6. Police employees are under no obligation to disclose the identities of their confidential informants in a search warrant affidavit. However, when a confidential informant’s identity is not disclosed, it is especially important that the officer explain fully why he believes that the facts related to him by the informant are true. To substantiate the informant’s reliability, the following should appear in the probable cause section:

   a. The informant’s past record for accuracy.
   b. Whether valid arrests and convictions have been based on that information.
   c. What facts the officer has personally observed which corroborate the information related by the informant.
   d. If appropriate, a statement by the informant indicating that he has committed or has participated in the commission of the crimes indicated.

Note: Give as much detail as possible without revealing the informant’s identity. Where it is important to protect the identity of an informant, it is not necessary to specify the exact date upon which the informant received his information or performed some act, which assisted in establishing probable cause for the issuance of a warrant. Such phrases as”…during the week of…” may be used.

7. Once issued, the search warrant will be executed by any authorized police officer to whom it was issued unless the warrant specifies it is to be served by the applicant or other individual. The police officer executing the warrant has the right to take necessary and appropriate action to protect himself and others; assure that the item(s) sought will not be damaged, destroyed, removed, etc.; the search will not be inhibited; safeguard the scene; collect and remove property; make arrests; etc.

8. If the Natural Resources Police execute a search warrant for an “occupied dwelling” or other premises, the investigating officer / affiant or their designee will complete a Threat Assessment for Warrant Service form (NRP-483). The completion of this form will allow for a complete risk assessment prior to warrant execution thereby ensuring officer safety. The following procedures will be utilized:

   a. A Threat Assessment Form (NRP-483) will be completed during the investigative phase, prior to the Issuance of the Search Warrant.
   b. Copies of the Threat Assessment and any pertinent information used in completing the Threat Assessment will be forwarded to the Area / Unit / Regional / Divisional Commander and the Tactical Response Team (TRT) Supervisor.
   c. The TRT Supervisor or his/her designee shall review and provide recommendations for the level of security protocols required to safely carry out the search warrant to the Area / Unit / Regional / Divisional Commander.
   d. The completed Threat Assessment form and security recommendations will be approved by a commander and returned to the investigating officer prior to the warrant service for inclusion during the Search Warrant briefing.

9. The use of good judgment in executing a warrant is as important as that used in obtaining one. An otherwise valid search can become unlawful if the warrant is not properly executed. The following
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

procedures may be utilized when executing the warrant:
   a. Serve the warrant within fifteen (15) days of its issuance, five (5) days for warrants seeking to
      seize perishable items like fish or wildlife.
   b. The breaking of doors in execution of a search warrant is commensurate with those procedures,
      crimes, and or circumstances established for the breaking of a door in execution of an arrest.
   c. The search warrant will be presented to the person in charge of the premises being searched, if
      such a person is present at the time of service.
   d. The search will include the place specified in the warrant, including all places reasonably and
      logically a part of that building, and everything therein where the lawfully sought articles might be
      concealed.
   e. Only the time necessary under the circumstances may be used to conduct the search.
   f. The officer may seize only those items particularly described in the warrant and any other
      instrumentalities, fruit or contraband while properly searching for the things particularly described.
   g. A search warrant alone does not constitute authority for an arrest, but an arrest may be made on
      probable cause developed during execution of the warrant.
   h. A search warrant for a residence or other premises does not permit a search of all the persons
      present during the search unless so stated. If probable cause is developed during the legal search
      to believe persons on the premises possess items, which reasonably could be objects of the search,
      they may be detained until the proper search warrant is obtained. Regardless of the circumstances
      of the search, reasonable suspicion may justify the frisk of all persons present for offensive
      weapons.
   i. An inventory shall be completed containing an accurate description of all property removed. The
      officer executing the search and seizure warrant in the presence of the person from whom property
      was taken shall sign all copies of inventory sheets.
   j. A copy of the warrant, affidavit, property inventory, and return form will be left with the person in
      charge of the location searched. If no one is present to accept the paperwork, it will be left in a
      conspicuous location where it is reasonably protected from loss or damage.
   k. Return the executed warrant and property inventory to the issuing judge within five (5) days of
      execution.

10. Search warrants may be necessary to obtain evidence from a person, i.e. clothing worn, fingernail
    clipping, hair, body fluids, body cavity searches, etc. With this in mind, the following guidelines will be
    followed:
      a. If an officer has adequate advance information that a person has or will have on their person items
         subject to lawful seizure, then the officer should get a search warrant. An officer should not rely
         upon the person’s consent as the authorization for the search.
      b. If a suspect or witness is asked to provide exemplars for comparison and refuses, application may
         be made to the State’s Attorney for a search warrant requiring the production of the desired
         evidence.
      c. If a person refuses to permit an authorized search, or if there is a good reason not to search in
         public (a strip search, for example), an officer may use reasonable force to detain them, or to take
         them to a place where the search can be appropriately conducted.
      d. To execute a search warrant for the search of a person, premises may be entered under the same
         circumstances and in the same manner as allowed in the execution of an arrest warrant, and
         reasonable force may be used to make the search.
      e. While a search may be made only for those things described in the warrant, if, while making such
         a search, an officer comes upon some other evidence of this or any other crime, it may be seized.

11. To avoid a possible loss of evidence, property which is under the temporary control of an officer may
    be held while a warrant authorizing a further search is obtained. Moreover, in some such instances where

(Revised 12/17)
probable cause to obtain a warrant does not immediately exist, the property may be held pending a reasonable brief investigation to determine whether there is in fact probable cause for a search warrant.

12. Generally, when there is sufficient time and no opportunity to tamper with, remove, destroy, conceal, etc. property or evidence, a search warrant should be obtained.

D. Search Incident to an Arrest

1. A search incident to a lawful arrest is permitted to:
   a. Protect the arresting officer and others.
   b. Prevent escape or suicide.
   c. Seize fruit, instrumentalities, and contraband relating to that arrest.
   d. Prevent the destruction of evidence.

2. An arrest may not be used simply as an excuse to conduct a general search for evidence. When an officer makes a valid arrest, he cannot use that arrest as an excuse to search the arrestee for evidence of a different offense for which the officer had no arrest warrant, probable cause to arrest, or no search warrant.

3. The arrest must be lawful. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court.

4. The arresting officer must conduct the search contemporaneous with the arrest.

5. Until an arrest has been made, there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the search incident-to-arrest exception. If an officer has the right to arrest on a warrant or probable cause and intends to arrest, but because of a sudden emergency or dangerous situation (e.g., possible escape of a person to be arrested or destruction of evidence) the officer first grabs the weapon, narcotics or other item, and then arrests, the seizure is lawful. This is an exception, however, and the courts will apply it strictly.

6. A search made incident to an arrest must be conducted as soon as practical after the arrest. If it is not feasible to search immediately after making an arrest, an officer should do so as soon after the reason for delaying the search has passed. This exception gives an officer the right to search a person lawfully arrested only to protect himself, to prevent escape, or to prevent the destruction of evidence. If an officer delays a search, it may appear that he was not concerned about any of those three possibilities and that he conducted the search for some other reason.

7. As a general rule, an officer may search the arrested person, everything in his possession, and everything, which, in the course of the arrest, is within his immediate reach, lunge, or grasp.
   a. Anything in the actual possession of the person arrested may be searched (for example, a carton, suitcase, or purse being carried by the arrestee).
   b. The things within the reach of the person or within his immediate physical surroundings may be searched. In an emergency situation posing a danger to human life, the scope of the permissible search may extend beyond the person’s immediate surroundings.
   c. A search for the things within a body cavity may be conducted, only as prescribed by Agency policy.
   d. Where an arrestee has on his person some article showing ownership of or right to control personal property from which he is temporarily separated, (e.g., where the arrestee has a locker key in his possession and the arresting officer wishes to search the locker) the officer generally may not
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained. Similarly, if in the course of an arrest an officer observes a suitcase or other closed item in open view but not in the arrested person’s actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

8. Generally, anything in the possession of the person being searched may be subject to seizure. Additionally, an officer lawfully on the premises as when legally effecting an arrest, observing contraband, fruits, weapon, instrumentalities or evidence of that immediate investigation and/or of an unrelated incident in “plain view”, may seize these items even though they may not be considered to be in the immediate possession of the person being arrested, and there is no search warrant available. It must be understood that the “plain view” doctrine is a seizing doctrine and does not in itself automatically constitute the authority for an additional search beyond the seizure of an item in plain sight.

9. When making a reasonable search of the person (whether incident to arrest or with a search warrant) an officer may use only that degree of force necessary to protect himself, prevent the escape of the person searched, and prevent the destruction of evidence.

E. Strip Searches

1. A strip search is defined as the removal or rearrangement of any clothing which permits a visual inspection of the genitals, buttocks, anus, or female’s breasts, or undergarments of an arrestee.

2. A strip search should be considered only when the facts known to the officer, or the observations made by the officer, establish the reasonableness of a search of this extent, i.e., the necessity of viewing these intimate parts of the body and undergarments. Strip searches should never be routine and will be permitted only in the following situations:
   a. When the officer has reasonable cause to believe an arrestee is concealing a weapon.
   b. Upon authority of a valid search warrant.

3. Strip searches must be approved by the officer’s immediate supervisor or the duty officer. Strip searches shall only be conducted in a secluded, private area by a police officer of the same sex and will be done professionally and efficiently, showing care for the arrestee’s privacy and comfort.

F. Search of Body Cavity

1. A search for things within a body cavity may be conducted upon authority of a valid search warrant or incident to a lawful arrest. Time permitting; a State’s Attorney should be consulted before such a search when made incident to an arrest. The following conditions must be met before a search of a body cavity is permitted:
   a. There must be probable cause to believe that the person has within his/her body evidence, which should be removed.
   b. A licensed doctor or nurse working under sanitary conditions and in a medically approved way must make the search.

2. Force may be used only to the extent necessary to effect submission to the examination.

G. Seizure of Abandoned Property

1. If in the course of a lawful arrest (or other lawful action by an officer, such as a surveillance or questioning of a person), a person discards personal property at some place outside his dwelling or its
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

curtilage, an officer may seize such property (even though it is then beyond the person’s physical control) on the grounds that it has been abandoned.

a. To constitute abandonment for this purpose, there is no requirement that the person intended to get rid of the property permanently.

b. If the property is discarded in the person’s dwelling or its curtilage (or in his hotel room, automobile, or any other area he controls), it cannot be considered abandoned and cannot be seized. However, if the property thus discarded can be identified on sight as evidence of a crime, it can be seized just as any other evidence of a crime.

H. Stop and Frisk

1. This expansion of a constitutionally permissible search permits a police officer to conduct a carefully limited search of an individual’s outer clothing for offensive weapons, concealed upon the individual. This is permitted when a police officer has reasonable articulable suspicion that the person is armed and dangerous and a danger to the police officer and others.

2. Both the “Stop” and the “Frisk” must be supported by reasonable and articulable suspicion. An unparticularized suspicion or “hunch” will not suffice.

3. The following circumstances may be considered by the officer in determining whether sufficient reasonable suspicion exists to justify a stop. This list is not intended to be all-inclusive.

   a. The actions of the suspect.
   b. The time of day.
   c. Bulges in the suspect’s clothing, which may suggest a concealed weapon.
   d. The appearance of objects the suspect may be carrying.
   e. The suspect’s proximity to a known crime scene.
   f. Officer’s prior knowledge of the suspect including:
      (1) Suspect’s prior record.
      (2) Information from an informant or third party

4. Once sufficient reasonable suspicion is established and the officer decides to initiate the stop, they will:

   a. Be clearly identified as a police officer.
      (1) By being in uniform, or
      (2) If not in uniform, by announcing that they are an officer and at the same time displaying their badge or other police credentials.
   b. Question the individual stopped to discover their name, address, and an explanation of the suspect’s actions.
      (1) The suspect may not be compelled to supply the answer to these or any other questions.
      (2) If the suspect refuses to answer the officer’s questions or provide their identity, they may be questioned further but may not be unduly detained nor be deprived of freedom of movement in any significant way unless the officer is prepared to make a formal arrest without a warrant. There must be some independent justification. The failure or refusal to answer questions does not bar a “frisk,” if the officer reasonably suspects danger to their own or another’s safety.

5. In determining whether reasonable suspicion exists sufficient to support the “frisking” of the suspect, the following factors may be considered:

   a. Reasonableness of the officer’s fears for their own safety or the safety of others.
   b. Dealing with multiple suspects where the officer does not have assistance close at hand.
   c. Officer’s knowledge of the suspect such as criminal record or previous violence towards police.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

d. Bulges in the suspect’s clothing, which may suggest a concealed weapon.
e. Any other information perceived by the officer as having the potential for violence.

6. When the officer has knowledge or information regarding one or more of the above factors or any other information sufficient to justify reasonable suspicion that the person stopped is presently in possession of an offensive weapon, they may frisk the person. The frisk that is permissible is limited to a patting down of the suspect’s outer clothing for the discovery of such weapons and for no other purpose. If the frisk fails to disclose evidence of an offensive weapon, no further search may be made. However, if the frisk indicates reasonable suspicion that the suspect has an object on their person that could be a weapon, the officer is authorized to search that part of the suspect’s clothing containing such object, but may not search any further.

7. If the object felt and found in the course of the frisk is in fact an offensive weapon and the evidence is that the possession thereof violates the law, the officer may arrest the suspect committing a crime in their presence.

Incident to such a lawful arrest, the officer may make a further, more detailed, search of the suspect and their immediate surroundings. On the other hand, if the officer searches in or beneath the clothing of the suspect in the belief that an object felt in patting them down is a weapon and it turns out not to be a weapon but an item of contraband or evidence of a crime, the object may nevertheless be used to justify arrest of the suspect.

I. Search of Premises and Property

1. An officer may search premises without a warrant in the following situations:
   a. Exigent Circumstances
   b. Hot Pursuit
   c. Prevent the Destruction of Evidence
   d. Plain View
   e. Abandoned Property - A dwelling that has been permanently vacated, i.e. hotel room, rented space, etc., may be searched without a warrant and without the permission of the previous tenant. The consent of the property owner or agent should be obtained.

2. Open Fields - Under certain conditions “open fields,” even though privately owned, may be searched without a warrant. In Oliver v. U.S., the Supreme Court held that “open fields” do not enjoy the same reasonableness as to privacy as does a home, office, commercial structure, etc.

3. Observation of a dwelling or its curtilage may be made without a warrant from any place outside the curtilage. Binoculars, flashlights, and similar devices may be used in such surveillance, as long as there is no physical trespass onto the curtilage. However, the use of thermal-imaging devices is considered a search under the Fourth Amendment. In Kyllo v. United States (2001), the Supreme Court held that where the Government used a device that is not in general public use, to explore details of a private home that would previously have been unknowable without physical intrusion, the surveillance is unreasonable without a warrant.

4. Listening to conversations or other sounds occurring in a dwelling or its curtilage may be accomplished without a warrant if there is no physical trespass onto the curtilage. No electronic or mechanical device may be used without a warrant. If a physical trespass is necessary, a warrant must be obtained.
5. A search warrant must be obtained prior to placing and monitoring an electronic tracking device. In United States v. Jones (2012), the Supreme Court held that the attachment of a GPS device to a vehicle, and the use of that device to monitor the vehicle’s movements, constitutes a search under the Fourth Amendment.

6. Search of Premises Incident to Arrest
   a. In the course of a lawful arrest, an officer may search not only the arrestee’s person, but also a limited portion of the premises, which is within the arrestee’s immediate control and from which he might be able to reach a weapon or destructible evidence. The area to be searched may be expanded if there is cause to believe there may be other persons on the premises who may reasonably be expected to interfere with the arrest or attempt to destroy evidence. A search of the surrounding area for such persons may be made. The justification for such a search is to:
      (1) Find and seize any weapons the arrestee may use to resist the arrest or to effect an escape.
      (2) Find and seize any evidence the arrestee might try to conceal or destroy.
      (3) To protect the officer and others present.
   b. If while making a lawful arrest, evidence is observed beyond the arrestee’s immediate control in plain view.
   c. If an arrest is affected at a certain place or time as a disguise to conduct a search of those premises, the search may be invalid.
   d. Since a search incident to an arrest is very limited in scope, it is better to secure a search warrant at the same time that the arrest warrant is issued if a detailed search is to be conducted. When this is not possible, or when a warrantless arrest is made, a search warrant should be applied for immediately after the arrest. It is proper to allow an officer to guard the premises to prevent the destruction of evidence while the warrant is being secured.

J. Crime Scene Searches

1. Entry and subsequent warrantless search of premises are permitted in exigent situations when there exists reasonable belief that there is a need for immediate assistance.

2. The scope of the search is strictly limited by existence of the exigent circumstances. Evidence and/or contraband observed in plain view during this restricted search may be properly seized.

3. The fact that a crime has occurred at a specific location does not automatically authorize an unlimited search of the premises. Unless the situation meets the existing exceptions to warrant requirements, a warrantless search of a crime scene will be unreasonable and any evidence discovered during the search will be inadmissible at trial.

K. Vessel or Vehicle Searches

1. The limitations of vessel or vehicle searches are varied and must be based on the existence of specific conditions. These conditions and limitations will be discussed individually in this subsection.

2. The laws governing searches of vessels or vehicles provide expanded latitudes to the police. These considerations are based on the need to protect the law enforcement officer, mobility of the vessel or vehicle, increased opportunity for contraband or evidence to be lost or destroyed, and, finally, probable cause. The Carroll Doctrine established the parameters of vessel or vehicle searches and has been reinforced by a number of U.S. Supreme Court rulings: U.S. v. Ross (1982), Belton v. New York (1981), and Thornton v. US (2004).
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

Generally, vessels or vehicles may be searched without a warrant:
   a. Incident to an arrest of one or more of the occupants.
   b. When probable cause exists that it contains seizable items.
   c. When it has been abandoned.
   d. Under “Plain View”.

3. A search of a vessel or vehicle incident to a lawful custodial arrest of one or more of its occupants is predicated on the officer’s right to protect themselves and others, seize evidence, and prevent the destruction of evidence. The search may include the person(s) arrested, the interior (passenger compartment) of the vessel or vehicle and any packages, containers, and property, either opened or closed, contained therein. Locked containers should not be searched as this has been interpreted to preclude the arrestee’s ability to reach the contents. In order for the search to be valid, it must be:
   a. A lawful custodial arrest.
   b. Contemporaneous to the arrest. Since the search incident to a lawful custodial arrest is predicated on the possibility of the arrestee utilizing a weapon or destroying evidence, by delaying a search until a later time, i.e. after removal of the suspect, and relocating the vessel or vehicle, there would be no grounds for the search without a warrant. The police officer may summon additional manpower to secure the suspect(s) at the scene or reasonably close thereto while the arresting officer conducts the search of the entire passenger compartment, as well as any containers found within. Probable cause or even mere suspicion that contraband, evidence or a weapon is in the vessel or vehicle is not required.

4. Warrantless searches of vessels or vehicles based on probable cause that seizable property is contained therein is validated by the imposition of a separate set of circumstances.
   a. The Carroll Doctrine establishes that a police officer having probable cause that a vessel or vehicle contains seizable items may search a mobile vessel or vehicle, which could conceivably leave the jurisdiction before a warrant could be obtained.
   b. If probable cause establishes that a vessel or vehicle contains a specific item, then the reasonableness and scope of the search will be determined by the nature of the item sought and its being located, if:
      c. Probable cause establishes that the vessel or vehicle is used to conceal a specifically identified container, then the search is limited to those locations where the container may be hidden and continued only until the container is located.
      d. A lawful arrest is made. The search may be expanded based on the search incident to arrest principle.
      e. When a vessel or vehicle is to be searched without a warrant based on probable cause, it may be:
         (1) Searched at the location it was first stopped or taken into custody.
         (2) Searched after being removed to another location for reasons of safety, custody, and convenience
      f. If probable cause were not obtained until after the vessel or vehicle has lost its mobility or until it was taken into custody a warrantless search would be improper. Whenever possible, a vessel or vehicle to be retained as evidence or for further processing should be transported from its place of recovery to an NRP Installation by the investigating officer to provide for proper safeguarding and chain of custody of evidence. The investigating officer shall arrange for such removal by a tow vehicle/vessel. The officer should secure the vessel or vehicle prior to towing and follow the vessel or vehicle as it is being towed to its destination to provide for proper safeguarding and chain of custody of evidence.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

L. Inventory

1. If the vessel or vehicle is taken as evidence of a crime, either as an instrumentality by which the crime was committed (e.g. a hit-and-run homicide) or as fruit of a crime (a stolen car), it may be subject to a later, more careful examination after a search and seizure warrant has been secured.

2. The inventory of vessels or vehicles and other objects under police control, where they have lawful custody, is proper when done to protect the owner against property loss, to avoid a claim of destruction, and to protect the police against any hidden danger. Police cannot assume custody as a pretext for inventory if not reasonably necessary. The inventory must be carried out as part of established Agency procedure.

3. An abandoned vessel or vehicle may be seized and searched without a warrant and without probable cause, unless the owner can be identified.

4. Evidence of probable cause justifying a search of a vessel or vehicle does not necessarily empower an officer to search its occupants.

5. The “plain view” exception applies to all vessels or vehicles. Any contraband or evidence of a criminal offense seen while the officer is in the proper conduct of an investigation or while interviewing an occupant of the vessel or vehicle may be seized and will justify probable cause for a subsequent arrest and a more detailed search.

M. Use of Force in a Search

1. If an officer has a legal right to conduct a warrantless search and the occupant interferes with the officer, the officer may use whatever force is reasonable and necessary to affect the search.

2. Using unreasonable force to stop a vessel or vehicle may make the subsequent search of that vessel or vehicle illegal even though it was based on probable cause, and may also cause any evidence to be excluded.

N. Consent Searches

1. A subject’s consent to a search of their person or of property under their control by an officer acts as a waiver of their Fourth Amendment right to be free from an unreasonable search. Therefore, a search based on consent is lawful, even where there is no other justification for the search, if the consent is voluntary, i.e., freely given without duress or coercion, and the person has the legal standing to consent to the search. The courts will examine the circumstances of each case to determine if the individual was aware of their rights.

2. If the person indicates that they would like to consult with an attorney or anyone else before deciding whether to consent, they should be given an opportunity to do so.

3. Consent to enter is not consent to search. After a legal entry, whatever evidence is in plain view may be seized. A statement that an officer is welcome to search may not imply that he is welcome to search without a warrant.

4. Written consent should be obtained where practical.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

5. A valid consent to a search may be given only by the person with the right to grant the consent. Examples include:
   a. A landlord cannot consent to a search of a tenant’s premises, unless the tenant has abandoned the premises or has been evicted.
   b. A host can give consent to a search of premises occupied by a guest. But if a particular area of the premises to be searched has been set aside for a long-term guest’s exclusive use, or if the search is of an object which is exclusively the guest’s, the consent of the host may not authorize a search.
   c. A parent can give consent to a search of premises occupied by a dependent child.
   d. An employee cannot consent to the search of an employer’s premises, unless he has been delegated general authority to act as the agent of the employer. An employer may generally consent to a search of premises used by an employee in his work, unless it is a particular area set aside for the employee’s exclusive use.
   e. A person with custody of personal property belonging to another may consent to its search only if he has been given full control over the property, or if the property has been left on his premises without his authorization. Consent by a person having only conditional custody, such as that given for storage or shipment is not valid.

6. If two or more persons have equal rights to the occupation of the premises, consent to search may be given by any one of them, but only for the areas of use common to all. It must be understood that refusal to grant consent by one occupant may over-ride the consent given by the other. A legal consent search shall be valid against all occupants. Examples include:
   a. Generally, one spouse can consent to a search of a residence shared with the other spouse.
   b. One joint tenant can consent to a search of jointly held premises.
   c. A partner can consent to a search of partnership premises.

7. Valid consent to search may be presumed to continue until all areas specified in the consent have been searched. Consent may be revoked, however, at any time before the search is completed. If consent is revoked prior to completion of the search, all evidence found prior to the revocation may be retained. This evidence may be used as probable cause to obtain a search and seizure warrant.
CHAPTER 7 SECTION III
EYWITNESS IDENTIFICATION

A. Purpose

The purpose of this policy is to establish guidelines for all DNR law enforcement officers in obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, §3-506 and §3-506.1, and the Maryland Police Training Commission’s Eyewitness Identification Model Policy. This section of the Code requires that all law enforcement agencies within the State comply with the U.S. Department of Justice standards on obtaining accurate eyewitness identification.

B. Introduction

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Indeed, recent studies have shown that if certain minimum standards are not followed in the eyewitness identification process, the eyewitness identification can lead to innocent persons being wrongly accused and/or convicted. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding officer may not be the first person to interview a witness. A witness’s initial contact with law enforcement may be with a dispatcher or call-taker. Therefore, not only shall all DNR sworn law enforcement officers, but also all DNR police communications operators will be familiar with these policies and procedures to ensure that as much accurate information as possible is gathered during the initial report.

C. Definitions

In this section the following words have the meanings indicated.

1. “Administrator” - means the person conducting an identification procedure.

2. “Blind” - means the administrator does not know the identity of the suspect.

3. “Blinded” - means the administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness.

4. “Composite” - Renderings or recollections of a witness describing a suspect’s appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.

5. “Eyewitness” - means a person who observes another person at or near the scene of an offense.

6. “Field View” - The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

7. “Filler” - means a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

8. “Folder Shuffle Method” - means a system for conducting a photo lineup that:
   a. Complies with the requirements of this section; and
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

b. Is conducted by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

9. “Identification Procedure” - means a procedure in which a live lineup is conducted or an array of photographs, including a photograph of a suspect and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness in hard copy form or by computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

10. “Identification Statement” - means a documented statement that is sought by the administrator when an identification is made:
   a. From the eyewitness;
   b. In the own words of the eyewitness, describing the eyewitness's confidence level that the person identified is the perpetrator of the crime;
   c. Given at the time of the viewing by the eyewitness during the identification procedure; and
   d. Given before the eyewitness is given feedback.

11. “Live Line-Up” - The live presentation of a number of people to an eyewitness for the purpose of obtaining identification. The procedure is to place the perpetrator among a group of other persons whose general appearance resembles the perpetrator.

   A line-up differs from a field view in that it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

12. “Mug Book” - A collection of photographs of previously arrested individuals known or suspected to be involved in certain types of crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.


14. “Photo Line-Up” / “Photo Array” - A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect’s description or appearance at the time of the incident.

15. “Show-Up” – The live presentation of one suspect to an eyewitness shortly after the commission of a crime in an effort to obtain identification.

16. “Suspect” - means a person who is suspected of committing an offense.

17. “Voice Line-Up” - A procedure whereby a witness is permitted to hear the voices of several people for the purpose of obtaining an identification of a suspect’s voice.

D. Policy

It shall be the policy of the Maryland Natural Resources Police and the Maryland Park Service:

1. Eyewitnesses will be given specific instructions prior to being shown a suspect;

2. Photo arrays and line-ups will be conducted using sequential rather than simultaneous presentation.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

3. Photos arrays, line-ups, and voice identifications, and other identification procedures will be conducted using a blind or blinded administrator.

4. To avoid any action that would be unduly suggestive during any eyewitness identification process.

5. That all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.

6. That a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.

7. That except in unusual circumstances, a witness will participate in one and only one type of eyewitness identification procedure. This will help insure that an eyewitness’s memory is not tainted by viewing a suspect more than once. The types of eyewitness identification are:
   a. Viewing a Mug Book
   b. Participating in the preparation of Composite
   c. Participating in a Show-Up
   d. Participating in a Live Line-Up
   e. Viewing a Photo Line-Up

8. That any identification or non-identification of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.

9. That any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

10. Whenever feasible, lineups should be a double-blind lineup. A “double-blind” lineup is one in which neither the administrator nor the eyewitness knows who the suspect is. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal cues to influence the eyewitness to pick the suspect.

11. When combined with a “blind” administrator, presenting lineup members one-by-one (sequentially), rather than all at once (simultaneously) has been proven to significantly increase the overall accuracy of eyewitness identifications. This would include photo arrays in which the photos are presented sequentially in a random order. Therefore, for the NRP, the preferred lineup method shall be sequential.

E. General Considerations

1. Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner. Due process is violated when identification procedures conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.

2. Upon response to the scene of a crime, an officer should make an effort to prevent eyewitnesses from comparing their recollections of the offender or the incident. Officers may accomplish this by promptly separating the witnesses and interviewing each out of the earshot of the others. Witnesses should not participate in identification procedures together. For example, witnesses should not be transported together to view a suspect during a show-up.

3. Officers should use caution when interviewing eyewitnesses. Specifically, they should avoid
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

whenever possible the use of leading questions.

4. Prior to asking an eyewitness to identify a suspect, police officers should obtain a detailed description of the offender.

5. If practicable, the officer should record the procedure and the witness’ statement of certainty. If not, the officer should write down the witness’ exact words and incorporate them into their report. The witness should be asked to initial and date the front of the photograph selected.

6. A report of every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this should be accomplished by submitting the appropriate witness instruction form), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

7. An identification procedure shall be conducted by a blind or blinded administrator.
   a. An administrator may be blinded through the use of:
      (1) An automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed; or
      (2) The folder shuffle method.

8. Before an identification procedure is conducted, an eyewitness shall be instructed, without other eyewitnesses present, that the perpetrator may or may not be among the persons in the identification procedure.

9. When identification is made in a live lineup or photo array, the administrator shall document in writing all identification statements made by the eyewitness.

10. Use of fillers in an identification procedure:
    a. Each filler shall resemble the description of the perpetrator given by the eyewitness in significant physical features, including any unique or unusual features;
    b. At least five fillers, in addition to the suspect, shall be included when an array of photographs is displayed to an eyewitness; and
    c. At least four fillers, in addition to the suspect, shall be included in a live lineup

11. Fillers -- When eyewitness has previously participated in related identification procedure.
    If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure.

12. Multiple Eyewitnesses:
    a. If there are multiple eyewitnesses:
       (1) The identification procedure shall be conducted separately for each eyewitness;
       (2) The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness; and
       (3) The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

13. Written Record & Contents.:
    a. Except as provided in paragraph (2) of this subsection, the administrator shall make a written
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

record of the identification procedure that includes the following information:
(1) All identification and nonidentification results obtained during the identification procedures;
(2) The signed identification statement of the eyewitness;
(3) The names of all persons present at the identification procedure;
(4) The date and time of the identification procedure;
(5) Any eyewitness identification of a filler; and
(6) All photographs used in the identification procedure.

b. If a video or audio record of the identification procedure captures all of the information in paragraph (1) of this subsection, a written record is not required.

F. Procedures & Guidelines

The following Department of Justice (DOJ) procedures on eyewitness identification procedures are intended as a guide to the best practices in eyewitness identification. As stated in the DOJ’s “Eyewitness Evidence – A Guide for Law Enforcement” the procedures are meant as a guide and are “…not meant to inhibit the development and field testing of new technologies and procedures. On the contrary, it anticipates those developments and can provide a framework for innovation.”

All DNR law enforcement personnel and police communications operators shall abide these eyewitness identification procedures and guidelines.

G. Initial Report of the Crime: Answering the Call for Service (Police Communications Operators)

The information obtained from a witness is critical to the safety of those involved in an incident and may be important to the investigation. The manner in which facts are elicited from a caller can influence the accuracy of the information obtained.

As the initial point of contact for the witness, the Police Communications Operator (PCO) must obtain and disseminate, in a non-suggestive manner, complete and accurate information from the caller. This information can include the description/identity of the perpetrator of a crime. The actions of the PCO can affect the safety of those involved as well as the entire investigation.

1. During a 9-1-1 / emergency call and after obtaining preliminary information and dispatching police-the PCO should:

   a. Assure the caller the police are on the way.

   b. Ask open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended questions (e.g., “What color was the car?”).

   c. Avoid asking suggestive or leading questions (e.g., “Was the car red?”).

   d. Ask if anything else should be known about the incident.

   e. Transmit information to responding officer(s).

   f. Update officer(s) as more information comes in.
The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the follow-up investigation.

Preservation and documentation of the scene, including information from witnesses and physical evidence, are necessary for a thorough preliminary investigation. The methods used by the preliminary investigating officer have a direct impact on the amount and accuracy of the information obtained throughout the investigation.

1. After securing the scene and attending to any victims and injured persons, the preliminary investigating officer should:
   
a. Identify the perpetrator(s).
      (1) Determine the location of the perpetrator(s).
      (2) Detain or arrest the perpetrator(s) if still present at the scene.

b. Determine/classify what crime or incident has occurred.

c. Broadcast an updated description of the incident, perpetrator(s), and/or vehicle(s).

d. Verify the identity of the witness(es).

e. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.

   f. Canvass the area for other witnesses.

I. Obtaining Information From the Witness(es)

Information obtained from the witness(es) can corroborate other evidence (e.g., physical evidence, accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.

The manner in which the preliminary investigating officer obtains information from a witness has a direct impact on the amount and accuracy of that information.

1. When interviewing a witness, the preliminary investigating officer should:

   a. Establish rapport with the witness.

   b. Inquire about the witness’s condition.

   c. Use open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended questions (e.g., “What color was the car?”). Avoid leading questions (e.g., “Was the car red?”).

   d. Clarify the information received with the witness.

   e. Document information obtained from the witness, including the witness' identity, in a written
f. Encourage the witness to contact investigators with any further information.

g. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.

h. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

J. “Mug” Books

“Mug books” (i.e., collections of photos of previously arrested persons) may be used in cases in which a suspect has not yet been determined and other reliable sources have been exhausted. This technique may provide investigative leads, but results should be evaluated with caution.

Non-suggestive composition of a mug book may enable the witness to provide a lead in a case in which no suspect has been determined and other reliable sources have been exhausted.

“Mug” books must be objectively compiled to yield investigative leads that will be admissible in court.

1. Preparing “Mug” Books:

In selecting photos to be preserved in a mug book, the preparer should:

   a. Group photos by format (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out.

   b. Select photos of individuals that are uniform with regard to general physical characteristics (e.g., race, age, sex).

   c. Consider grouping photos by specific crime (e.g., sexual assault, gang activity).

   d. Ensure that positive identifying information exists for all individuals portrayed.

   e. Ensure that photos are reasonably contemporary.

   f. Ensure that only one photo of each individual is in the mug book.

2. Instructing the Witness – Mug Books:

Instructions to the witness prior to conducting the procedure can facilitate the witness’s recollection of the perpetrator.

The investigator / person conducting the procedure shall provide instructions to the witness prior to conducting the procedure.

The investigator / person conducting the procedure should:

   a. Instruct each witness without other persons present.
b. Describe the mug book to the witness only as a “collection of photographs.”

c. Instruct the witness that the person who committed the crime may or may not be present in the mug book.

d. Consider suggesting to the witness to think back to the event and his/her frame of mind at the time.

e. Instruct the witness to select a photograph if they can and to state how they know the person if they can.

f. Assure the witness that regardless of whether they make an identification, the police will continue to investigate the case.

g. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

h. To document that the witness has been advised of the instructions and understands the instructions, the investigator / person conducting the procedure shall have the witness read and complete NRP Form, NRP-560 (Witness Advisory - Mug Books).

K. Composites

The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining a description from the witness that will enable the development of a reasonable likeness of the suspect.

Composite images can be beneficial investigative tools; however, they should not be used as stand-alone evidence and may not rise to the level of probable cause.

Composites provide a depiction that may be used to develop investigative leads.

1. Developing and Using Composite Images:

The person preparing the composite should:

a. Assess the ability of the witness to provide a description of the perpetrator.

b. Select the procedure to be used from those available (e.g., identikit-type, artist, or computer-generated images).

c. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite.

d. Select an environment for conducting the procedure that minimizes distractions.

e. Conduct the procedure with each witness separately.

f. Determine with the witness whether the composite is a reasonable representation of the perpetrator.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

2. Instructing the Witness – Composites:

Instructions to the witness prior to conducting the procedure can facilitate the witness’s recollection of the perpetrator.

The investigator / person conducting the procedure shall provide instructions to the witness prior to conducting the procedure.

The investigator / person conducting the procedure should:

a. Instruct each witness without other persons present.

b. Explain the type of composite technique to be used.

c. Explain to the witness how the composite will be used in the investigation.

d. Instruct the witness to think back to the event and his/her frame of mind at the time.

L. Documenting the Procedures Utilized for “Mug Book” / Composite Identifications

Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.

The investigator / person conducting the procedure should:

a. Document the procedure employed (e.g., identikit-type, mug book, artist, or computer-generated image) in writing.

b. Document the results of the procedure in writing, including the witness’s own words regarding how certain they are of any identification.

c. Document items used and preserve composites generated.

M. Interviewing the Witness by the Follow-up Investigator

1. Pre-Interview Preparation:

Pre-interview preparation will enable the investigator to elicit a greater amount of accurate information during the interview, which may be crucial to the investigation.

Preparing for an interview maximizes the effectiveness of witness participation and interviewer efficiency.

Prior to conducting the interview, the investigator should:

a. Review available information.

b. Plan to conduct the interview as soon as the witness is physically and emotionally capable.

c. Select an environment that minimizes distractions while maintaining the comfort level of the
CHAPTER 7 SECTION III  
EYEWITNESS IDENTIFICATION

witness.

d. Ensure resources are available (e.g., notepad, tape recorder, camcorder, interview room).

e. Separate the witnesses.

f. Determine the nature of the witness' prior law enforcement contact.

2. Pre-Interview Contact with the Witness:

Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information.

Investigators shall conduct themselves in a manner conducive to eliciting the most information from the witness.

On meeting with the witness but prior to beginning the interview, the investigator should:

a. Develop rapport with the witness.

b. Inquire about the nature of the witness' prior law enforcement contact related to the incident.

c. Volunteer no specific information about the suspect or case.

3. Conducting the Interview:

Information elicited from the witness during the interview may provide investigative leads and other essential facts. Proper interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation.

During the interview, the investigator should:

a. Encourage the witness to volunteer information without prompting.

b. Encourage the witness to report all details, even if they seem trivial.

c. Ask open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended, specific questions (e.g., “What color was the car?”).

d. Avoid leading questions (e.g., “Was the car red?”).

e. Caution the witness not to guess.

f. Ask the witness to mentally recreate the circumstances of the event (e.g., “Think about your feelings at the time”).

g. Encourage nonverbal communication (e.g., drawings, gestures, objects).

h. Avoid interrupting the witness.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

i. Encourage the witness to contact investigators when additional information is recalled.

j. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

k. Encourage the witness to avoid contact with the media or exposure to media accounts concerning
   the incident.

l. Thank the witness for his/her cooperation.

4. Recording Witness Recollections:

Complete and accurate documentation of the witness’s statement is essential to the integrity and success
of the investigation and any subsequent court proceedings.

The investigator must ensure that there is a record of the witness’s statements which accurately and
completely reflects all information obtained and preserves the integrity of this evidence.

During or as soon as reasonably possible after the interview, the investigator should:

   a. Document the witness’s statements (e.g., audio or video recording, stenographer’s
documentation, witness’s written statement, or written summary using witness’s own words).

   b. Review written documentation; ask the witness if there is anything they wish to change, add, or
   emphasize.

5. Assessing the Accuracy of Individual Elements of a Witness’s Statement:

Point-by-point consideration of a statement may enable judgment on which components of the statement
are most accurate. This is necessary because each piece of information recalled by the witness may be
remembered independently of other elements.

After conducting the interview, the investigator should:

   a. Consider each individual component of the witness’s statement separately.

   b. Review each element of the witness’s statement in the context of the entire statement. Look for
   inconsistencies within the statement.

   c. Review each element of the statement in the context of evidence known to the investigator from
   other sources (e.g., other witnesses’ statements, physical evidence).

6. Maintaining Contact With the Witness:

Re-establishing contact and rapport with the witness often leads to recovery of additional information.
Maintaining an open communication channel with the witness throughout the investigation is critical, for
the witness may remember and provide additional information after the initial interview has concluded.

During post-interview, follow-up contact with the witness, the investigator should:

   a. Reestablish rapport with the witness.
b. Ask the witness if they have recalled any additional information.

c. Follow interviewing and documentation procedures as set forth in previous subsections.

d. Provide no information from other sources.

N. Field Identification Procedure: Show-Ups

1. Conducting Show-Ups:

When circumstances require the prompt display of a single suspect to a witness, the inherent suggestiveness of the encounter can be minimized through the use of procedural safeguards.

When conducting a show-up, the investigator should:

a. Determine and document, prior to the show-up, a description of the perpetrator.

b. Consider transporting the witness to the location of the detained suspect to limit the legal impact of the suspect’s detention.

c. When multiple witnesses are involved:
   (1) Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
   (2) If a positive identification is obtained from one witness, consider using other identification procedures (e.g., lineup, photo array) for remaining witnesses.

d. Caution the witness that the person they are looking at may or may not be the perpetrator.

e. Obtain and document a statement of certainty for both identifications and non-identifications.

f. To document that the witness has been advised of the instructions and understands the instructions, the investigator / person conducting the procedure shall have the witness read and complete NRP Form, NRP-561 (Witness Advisory – Show-Ups).

2. Recording Show-Up Results:

The record of the outcome of the field identification procedure accurately and completely reflects the identification results obtained from the witness.

When conducting a show-up, the investigator should:

a. Document the time and location of the procedure.

b. Record both identification and non-identification results in writing, including the witness’s own words regarding how certain they are.

O. Eyewitness Identification of Suspects: Photo Line-Ups

1. Composing Photo Line-Ups:
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

In a photo line-up the suspect should not unduly stand out. Fair composition of a lineup enables the witness to provide a more accurate identification or non-identification. An identification obtained through a photo lineup using the following procedures should result in a strong evidentiary value.

In composing a photo lineup, the investigator should:

a. Include only one suspect in each identification procedure.

b. Select fillers 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 of the perpetrator 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 investigator, select a photo that resembles the suspect description or appearance at the time of the incident.

d. Include a minimum of five fillers (non-suspects) 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 feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

g. Consider placing suspects in different positions 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 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.

l. Ideally, the lineup procedure should be electronically recorded. If this is impracticable, an audio or written record shall be made.

2. Instructing the Witness Prior to Viewing a Photo Line-Up:

Instructions given to the witness prior to viewing a lineup can facilitate an identification or non-identification based on his/her own memory.

Prior to presenting a photo line-up, the investigator should:

a. Instruct the witness that they will be asked to view a set 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 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.

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

e. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.

f. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

g. To document that the witness has been advised of the instructions and understands the instructions, the investigator/person conducting the procedure shall have the witness read and complete NRP Form, NRP-562 (Witness Advisory – Line-Ups).

3. Conducting the Identification for Simultaneous Photo Line-Ups:

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness’s identification.

The simultaneous method means showing the photos to the witness all at same time.

When presenting a simultaneous photo lineup, the investigator should:

a. Provide viewing instructions to the witness as outlined in the previous subsection regarding “Instructing the Witness Prior to Viewing a Photo Line-Up.”

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 an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness’ statement of certainty.

e. Record any identification results and witness’ statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

f. Document in writing the photo lineup procedures, including:
   (1) Identification information and sources of all photos used.
   (2) Names of all persons present at the photo lineup.
   (3) Date and time of the identification procedure.

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.

4. Conducting the Identification for Sequential Photo Line-Ups:
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness’s identification.

The sequential method means showing the photos to the witness one at a time. This method shall be the Maryland Natural Resources Police’s preferred method over the simultaneous method.

When presenting a sequential photo lineup, the investigator should:

a. Provide viewing instructions to the witness as outlined in the previous subsection “Instructing the Witness Prior to Viewing a Photo Line-Up.”

b. Provide the following additional viewing instructions to the witness:
   (1) Individual photographs will be viewed one at a time.
   (2) The photos are in random order.
   (3) Take as much time as needed in making a decision about each photo before moving to the next one.
   (4) All photos will be shown, even if an identification is made.

c. Confirm that the witness understands the nature of the sequential procedure.

d. Present each photo to the witness separately, in a previously determined order, removing those previously shown.

e. Avoid saying anything to the witness that may influence the witness’s selection.

f. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness’ statement of certainty.

g. Record any identification results and witness' statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

h. Document in writing the photo lineup procedures, including:
   (1) Identification information and sources of all photos used.
   (2) Names of all persons present at the photo lineup.
   (3) Date and time of the identification procedure.

i. 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.

P. Eyewitness Identification of Suspects - Live Line-Ups

1. Composing Live Line-Ups:

In composing a live line-up, the investigator should:

a. Include only one suspect in each identification procedure.

b. Select fillers who generally fit the witness' description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

should resemble the suspect in significant features.

c. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly unless, where local practice allows, the suspect or the suspect's attorney requests a particular position.

d. Include a minimum of four fillers (non-suspects) per identification procedure.

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

f. 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.

g. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

2. Instructing the Witness Prior to Viewing a Live Line-Up:

Prior to presenting a live lineup, the investigator should:

a. Instruct the witness that they will be asked to view a group of individuals.

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 individuals present in the lineup 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.

d. Instruct the witness that the person who committed the crime may or may not be present in the group of individuals.

e. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.

f. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

3. Conducting the Identification for Simultaneous Live Line-Ups:

When presenting a simultaneous live lineup, the investigator / lineup administrator should:

a. Provide viewing instructions to the witness as outlined in previous subsection “Instructing the Witness Prior to Viewing a Live Line-Up.”

b. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.

c. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

the lineup.

d. Avoid saying anything to the witness that may influence the witness’ selection.

e. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness’ statement of certainty.

f. Record any identification results and witness’ statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

g. Document the lineup in writing, including:
   (1) Identification information of lineup participants.
   (2) Names of all persons present at the lineup.
   (3) Date and time the identification procedure was conducted.

h. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.

i. 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.

4. Conducting the Identification for Sequential Live Line-Ups:

When presenting a sequential live lineup, the lineup administrator / investigator should:

   a. Provide viewing instructions to the witness as outlined in the previous subsection “Instructing the Witness Prior to Viewing a Live Line-Up.”

   b. Provide the following additional viewing instructions to the witness:
      (1) Individuals will be viewed one at a time.
      (2) The individuals will be presented in random order.
      (3) Take as much time as needed in making a decision about each individual before moving to the next one.
      (4) If the person who committed the crime is present, identify him/her.
      (5) All individuals will be presented, even if an identification is made.

   c. Begin with all lineup participants out of the view of the witness.

   d. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.

   e. Present each individual to the witness separately, in a previously determined order, removing those previously shown.

   f. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.

   g. Avoid saying anything to the witness that may influence the witness’ selection.

   h. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness’ statement of certainty.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

i. Record any identification results and witness' statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

j. Document the lineup procedures and content in writing, including:
   (1) Identification information of lineup participants.
   (2) Names of all persons present at the lineup.
   (3) Date and time the identification procedure was conducted.

k. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly. Photo documentation can be of either the group or each individual.

l. 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.

Q. Voice Identification

1. Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness’ eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard their voice. If officers wish to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with the Criminal Investigation Section’s supervisor and, when feasible, the State’s Attorney’s Office.

2. As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, they have a right to the presence of counsel at the voice identification procedure.

3. Where a voice identification is attempted, the following procedures should be employed to the extent possible:

   a. As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers should not be known to the officer administering the procedure, and officers should abide by the guidelines for photo array and line-up fillers as described above;

   b. The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;

   c. All participants, including the suspect, shall be instructed to speak the same words in the same order;

   d. The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;

   e. When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;

   f. If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

4. As with any identification procedure, police officers should avoid any words or actions that suggest to the voice witness that a positive identification is expected or who they expect the witness to identify.

5. The investigating officer should carefully instruct the witness by reading from a departmental Voice Identification Line-up Instruction Form, and the witness should be asked to sign the form indicating that they understand the instructions. The officer should also sign and date the form. If practicable, the officer should record the procedure.

6. Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating officer should leave the room while the administrator conducts the procedure.

R. Courtroom Identification

1. Prior to conducting any courtroom identification procedure, officers should consult the State’s Attorney’s Office. The same right to an attorney and the same due process considerations that apply to all other identification procedures also apply to station house and courtroom identifications.

   a. If the suspect has been arraigned or indicted, they have a right to have counsel present at any in-person identification/confrontation.

   b. Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.

   c. Officers shall not state or suggest that the suspect has been arrested or booked or that they have made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness’ identification, particularly if it takes place in a police station or courtroom, must be a result of their recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

S. Eyewitness Identification of Suspects - Recording Identification Results

The record of the outcome of the identification procedure accurately and completely reflects the identification results obtained from the witness.

When conducting an identification procedure, the investigator should:

   a. Record both identification and non-identification results in writing, including the witness’s own words regarding how sure they are.

   b. Ensure 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 any materials that will be used in other identification procedures.
CHAPTER 7

INVESTIGATIONS
CHAPTER 7
INVESTIGATIONS

Sec. I INTERROGATION
A. Introduction
B. Exclusionary Rule
C. Miranda Warning
D. Confessions
E. Securing Weapons
F. Interrogations in Investigations

Sec. II SEARCH AND SEIZURE
A. Introduction
B. Probable Cause
C. Search Warrants
D. Search Incident to an Arrest
E. Strip Searches
F. Search of Body Cavity
G. Seizure of Abandoned Property
H. Stop and Frisk
I. Search of Premises and Property
J. Crime Scene Searches
K. Vessel or Vehicle Searches
L. Inventory
M. Use of Force in a Search
N. Consent Searches

Sec. III EYEWITNESS IDENTIFICATION
A. Purpose
B. Introduction
C. Definitions
D. Policy
E. General Considerations
F. Procedures & Guidelines
G. Initial Report of the Crime: Answering the Call for Service (Police Communications Operators)
H. Investigating the Scene (Preliminary Investigating Officer)
I. Obtaining Information From the Witness(es)
J. “Mug” Books
K. Composites
L. Documenting the Procedures Utilized for “Mug Book” / Composite Identifications
M. Interviewing the Witness by the Follow-up Investigator
N. Field Identification Procedure - Show-Ups
O. Eyewitness Identification of Suspects - Photo Line-Ups
P. Eyewitness Identification of Suspects - Live Line-Ups
Q. Voice Identification
R. Courtroom Identification
S. Eyewitness Identification of Suspects - Recording Identification Results
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CHAPTER 7 SECTION I
INTERROGATION

A. Introduction

1. The purpose of this section is to provide basic information to be used as a guide to NRP personnel; it is not intended to be all-inclusive.

B. Exclusionary Rule

1. Generally, information and evidence discovered during an illegal interrogation is not admissible at the time of trial.

2. Exceptions to this rule may be considered when information developed during an illegal interrogation inevitably would be discovered during another phase of the investigation, or the same information is discovered from an independent source.

C. Miranda Warning

1. In Miranda vs. Arizona, the United States Supreme Court established specific guidelines to be used by police for interrogations. The Miranda decision is based on the Fifth Amendment to the Constitution of the United States, and protects persons against self-incrimination.

2. The Miranda Warning shall be read directly from the card supplied by the agency.

3. The Miranda rule applies to questioning initiated by the police in a custodial atmosphere, where information, statements, and confessions are sought and response would tend to incriminate the individual being questioned. The Miranda warnings must be given when these conditions exist.

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

5. Recent Supreme Court rulings have defined the application of Miranda, dispelling the original interpretation where the police are required to advise individuals of Miranda. This is significantly affected by the totality of the circumstances present and will be judged on a case-by-case basis. Personnel confronted with the decision as to the appropriateness of Miranda and who do not have the opportunity for legal advice should advise individuals of their rights prior to questioning.

6. For the Miranda warning to be effective, it must be understood by the individual being interrogated. Read the rights from the Miranda Card. Speak distinctly, providing the opportunity for the person to listen and understand each right. Any questions should be cleared-up before proceeding.

7. An individual subject to interrogation who invokes any of their Miranda rights will not be questioned until they have consulted with an attorney. Additionally, an individual who had waived their rights initially and during the interrogation wishes not to be questioned any further, will not be interrogated until they have consulted with an attorney. The individual will be re-informed of their rights prior to any subsequent questioning.

8. After these warnings have been given and an opportunity to exercise these rights afforded, only the individual interrogated (including juveniles) may waive these rights. In order for this waiver to be
CHAPTER 7 SECTION I
INTERROGATION

Effective, it must be done voluntarily, knowingly and intelligently. Any evidence that an individual was threatened, tricked, or cajoled into a waiver, in whole or in part, may constitute an involuntary waiver.

D. Confessions

1. For a confession to be admissible at trial, it must have been given voluntarily. The Miranda warnings should be applied when the police solicit a confession.

2. Waiver of Prompt Presentment – The Johnson Ruling. This ruling requires that an arrested individual be taken before a judicial officer (commissioner) without unnecessary delay and in no event later than twenty-four hours after the arrest or the first session of court following the filing of the charging document in the instance of a warrantless arrest.

3. The following are generally accepted as justification for delay pertaining to the Johnson Rule:
   a. Routine processing procedures.
   b. Determining whether or not the charging document should be issued.
   c. Verifying the commission of the specified crime.
   d. Obtaining information likely to be a significant aid in averting harm to persons or loss of property of substantial value.
   e. Obtaining relevant non-testimonial information likely to be significant in discovering the identity of accomplices or preventing the loss of relevant evidence.
   f. The arrested party may voluntarily and knowingly waive the right of prompt presentment. This waiver would substantiate any delay and make admissible any statement or confession obtained prior to presentment.

E. Securing Weapons

During an interrogation at a police installation, all personnel involved will secure their weapons in a place designated for that purpose.

F. Interrogations in Investigations

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

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

3. Interrogations should be conducted in a professional manner. Every attempt should be made to neutralize the atmosphere of the settings, reducing the chance of being accused of threatening, coercing, frightening, etc. the suspect under interrogation. If possible, an interrogator of the same sex as the suspect should be present.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

A. Introduction

The Fourth Amendment applies to federal law enforcement matters but its constitutional guarantees have been applied to all states through the “due process” clause of the Fourteenth Amendment.

1. Although knowledge of the constitutional provisions relating to search and seizure will not solve the everyday practical problems that officers must face when they conduct a search or make a seizure, it is the starting point with which they can determine the propriety of their intended acts. An officer must always consider the reasonableness of the search, and, in seeking or executing a warrant, especially when considering the description of the persons, places, and items involved. If they do this with care, they can help ensure that their actions will be lawful and that the validity of the search and seizure will stand in a court of law.

2. Under the Exclusionary Rule, evidence obtained or confiscated in violation of the Fourth Amendment cannot be used in any court as evidence against the person from whom it was improperly obtained.

B. Probable Cause

1. The true test of any search is the demonstration that probable cause exists to justify the search. The basis for determining probable cause to search is essentially the same as that of probable cause for arrest. Probable cause to search is demonstrated by the existence of facts and surrounding circumstances, which are sufficient to justify a person of reasonable caution to believe that an offense has been committed and that the particular property to be seized is relative to the offense, and is located at the particular place. Reduced to its essentials, probable cause means that the officer must have reasonable grounds to believe that things related to an offense are on the premises to be searched.

2. Searches may be conducted pursuant to the authority of a search warrant, upon receipt of proper consent, or in conjunction with the various exceptions to the warrant requirements, e.g., incident to arrest, vessel or vehicle searches, stop and frisk, abandoned property, etc. The Supreme Court has ruled that, barring these specific exceptions; all searches without a warrant are unreasonable. Each exception to the warrant requirement imposes its own unique set of guidelines, which must be followed.

C. Search Warrants

1. A search warrant can be an effective investigative tool once it has been determined that evidence of a crime can be found at a specific location, and cannot be obtained by any other means. The following outlines the standard procedure taken in the warrant process:
   a. Obtain guidance and approval from prosecuting attorney.
   b. Consultation with SOD for de-confliction and or assistance.
   c. Review of the application by the affiant’s commander or designee.
   d. Planning the enforcement action to include completion of a risk assessment and operational plan.
   e. Obtaining approval by the Area / Regional Commander.
   f. Executing the search warrant and preserving evidence.
   g. Adherence to all post-operational procedures.

2. Only judges of the Circuit Court and District Court of the State of Maryland will issue search warrants. Once issued, a search warrant will:
   a. Be directed to a law enforcement officer for service.
   b. Authorize the search of the individual, item, vessel, vehicle, building, thing, etc. specifically described in the warrant.
c. Authorize the seizure of the item(s) described in the warrant as well as any other property found liable to seizure under the criminal laws of this state.

d. Be valid for a period of fifteen (15) days from the date of issue, except for Natural Resources violations for which the period of validity is five (5) days.

3. When applying for the issuance of a search warrant, the applicant must present detailed information establishing probable cause to believe the item(s) sought are in possession of an individual or being held at a specific location. This document is known as the affidavit and will become part of the warrant. The affidavit contains a detailed synopsis of the facts at hand, which establishes:

a. The commission of a specific offense.
b. That certain specifically identified contraband, evidence, and property directly related to the offense is being sought.
c. That the contraband, evidence, or property sought is in the possession of an individual and the individual or the item(s) sought are contained in a specific container or at a specific location.

4. Facts, which lead the officer to believe that seizable goods are in certain premises, can come from three sources, first, personal knowledge what the officer has observed, second, what others have observed and related to the officer, and third, confidential informants.

a. A confidential informant, or "CI," is any individual who provides useful and credible information to a law enforcement officer regarding criminal activities and from whom the law enforcement officer expects or intends to obtain additional useful and credible information regarding such activities in the future. In order to establish the credibility of a CI, the law enforcement officer must have tracked the credibility of past information received from the CI. It is normally critical to conceal the identity of the CI in order to maintain the future flow of information. Where the facts are within the officer’s personal knowledge, he need only set forth in detail in the probable cause sections of the warrant the following:

(1) The dates and times he observed the facts.
(2) The place where he observed the facts.
(3) Exactly what he observed (detail is most important here).
(4) A brief synopsis of the officer’s experience and training.

b. Cooperating witnesses or "CWs," differ from CIs in that CWs agree to testify in legal proceedings and are generally known to be cooperating with law enforcement. As such, the identity of the CW normally does not need to be concealed.

c. Persons who provide information to the NRP but do not fall into one of these specific classifications are referred to generally as "concerned citizens.” A concerned citizen provides information to a law enforcement agency only as a result of legitimate routine access to information or records. Unlike what is often the case with regard to CIs and CWs, a concerned citizen does not collect information by means of criminal association with the subjects of an investigation, but may choose to remain anonymous due to concern over retribution or reprisal.

5. When someone else tells the officer the facts, it is necessary that he include in the affidavit the facts, which caused the other person to believe that seizable goods are on the particular premises and, in addition, why the officer believed what the other person told him. Since there are these two distinct types of information required when the affidavit is to be based on an informant’s observations, such an affidavit will necessarily be more lengthy than one based solely on the officer’s personal knowledge. The probable cause section should contain the following information:

a. The date the officer was told the facts.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

b. The name and address of the person who told the officer the facts, except in the case of a confidential informant or concerned citizen.
c. The date the other person observed the facts.
d. That the other person personally observed the facts.
e. The place where the other person observed the facts.
f. Exactly what facts (in detail) the other observed.
g. An explanation of why the officer believes that what the other person told him is true.
h. A brief synopsis of the officer's experience and training.

6. Police employees are under no obligation to disclose the identities of their confidential informants in a search warrant affidavit. However, when a confidential informant’s identity is not disclosed, it is especially important that the officer explain fully why he believes that the facts related to him by the informant are true. To substantiate the informant’s reliability, the following should appear in the probable cause section:
   a. The informant’s past record for accuracy.
   b. Whether valid arrests and convictions have been based on that information.
   c. What facts the officer has personally observed which corroborate the information related by the informant.
   d. If appropriate, a statement by the informant indicating that he has committed or has participated in the commission of the crimes indicated.

Note: Give as much detail as possible without revealing the informant’s identity. Where it is important to protect the identity of an informant, it is not necessary to specify the exact date upon which the informant received his information or performed some act, which assisted in establishing probable cause for the issuance of a warrant. Such phrases as”…during the week of…” may be used.

7. Once issued, the search warrant will be executed by any authorized police officer to whom it was issued unless the warrant specifies it is to be served by the applicant or other individual. The police officer executing the warrant has the right to take necessary and appropriate action to protect himself and others; assure that the item(s) sought will not be damaged, destroyed, removed, etc.; the search will not be inhibited; safeguard the scene; collect and remove property; make arrests; etc.

8. (This paragraph has been redacted due to it containing confidential policy and/or procedural information).
   a.
   b.
   c.
   d.

9. The use of good judgment in executing a warrant is as important as that used in obtaining one. An otherwise valid search can become unlawful if the warrant is not properly executed. The following procedures may be utilized when executing the warrant:
   a. Serve the warrant within fifteen (15) days of its issuance, five (5) days for warrants seeking to seize perishable items like fish or wildlife.
   b. The breaking of doors in execution of a search warrant is commensurate with those procedures, crimes, and or circumstances established for the breaking of a door in execution of an arrest.
   c. The search warrant will be presented to the person in charge of the premises being searched, if such a person is present at the time of service.
   d. The search will include the place specified in the warrant, including all places reasonably and logically a part of that building, and everything therein where the lawfully sought articles might be
concealed.
e. Only the time necessary under the circumstances may be used to conduct the search.
f. The officer may seize only those items particularly described in the warrant and any other instrumentalities, fruit or contraband while properly searching for the things particularly described.
g. A search warrant alone does not constitute authority for an arrest, but an arrest may be made on probable cause developed during execution of the warrant.
h. A search warrant for a residence or other premises does not permit a search of all the persons present during the search unless so stated. If probable cause is developed during the legal search to believe persons on the premises possess items, which reasonably could be objects of the search, they may be detained until the proper search warrant is obtained. Regardless of the circumstances of the search, reasonable suspicion may justify the frisk of all persons present for offensive weapons.
i. An inventory shall be completed containing an accurate description of all property removed. The officer executing the search and seizure warrant in the presence of the person from whom property was taken shall sign all copies of inventory sheets.
j. A copy of the warrant, affidavit, property inventory, and return form will be left with the person in charge of the location searched. If no one is present to accept the paperwork, it will be left in a conspicuous location where it is reasonably protected from loss or damage.
k. Return the executed warrant and property inventory to the issuing judge within five (5) days of execution.

10. Search warrants may be necessary to obtain evidence from a person, i.e. clothing worn, fingernail clipping, hair, body fluids, body cavity searches, etc. With this in mind, the following guidelines will be followed:
   a. If an officer has adequate advance information that a person has or will have on their person items subject to lawful seizure, then the officer should get a search warrant. An officer should not rely upon the person’s consent as the authorization for the search.
   b. If a suspect or witness is asked to provide exemplars for comparison and refuses, application may be made to the State’s Attorney for a search warrant requiring the production of the desired evidence.
   c. If a person refuses to permit an authorized search, or if there is a good reason not to search in public (a strip search, for example), an officer may use reasonable force to detain them, or to take them to a place where the search can be appropriately conducted.
   d. To execute a search warrant for the search of a person, premises may be entered under the same circumstances and in the same manner as allowed in the execution of an arrest warrant, and reasonable force may be used to make the search.
   e. While a search may be made only for those things described in the warrant, if, while making such a search, an officer comes upon some other evidence of this or any other crime, it may be seized.

11. To avoid a possible loss of evidence, property which is under the temporary control of an officer may be held while a warrant authorizing a further search is obtained. Moreover, in some such instances where probable cause to obtain a warrant does not immediately exist, the property may be held pending a reasonable brief investigation to determine whether there is in fact probable cause for a search warrant.

12. Generally, when there is sufficient time and no opportunity to tamper with, remove, destroy, conceal, etc. property or evidence, a search warrant should be obtained.

D. Search Incident to an Arrest

1. A search incident to a lawful arrest is permitted to:
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

a. Protect the arresting officer and others.
b. Prevent escape or suicide.
c. Seize fruit, instrumentalities, and contraband relating to that arrest.
d. Prevent the destruction of evidence.

2. An arrest may not be used simply as an excuse to conduct a general search for evidence. When an officer makes a valid arrest, he cannot use that arrest as an excuse to search the arrestee for evidence of a different offense for which the officer had no arrest warrant, probable cause to arrest, or no search warrant.

3. The arrest must be lawful. If the arrest is unlawful for any reason, the incidental search of the arrested person is also unlawful, and any fruits of such a search will be inadmissible in court.

4. The arresting officer must conduct the search contemporaneous with the arrest.

5. Until an arrest has been made, there is no right to search. If the search precedes the arrest and supplies the probable cause for the arrest, the search is unlawful unless it can stand without use of the search incident-to-arrest exception. If an officer has the right to arrest on a warrant or probable cause and intends to arrest, but because of a sudden emergency or dangerous situation (e.g., possible escape of a person to be arrested or destruction of evidence) the officer first grabs the weapon, narcotics or other item, and then arrests, the seizure is lawful. This is an exception, however, and the courts will apply it strictly.

6. A search made incident to an arrest must be conducted as soon as practical after the arrest. If it is not feasible to search immediately after making an arrest, an officer should do so as soon after the reason for delaying the search has passed. This exception gives an officer the right to search a person lawfully arrested only to protect himself, to prevent escape, or to prevent the destruction of evidence. If an officer delays a search, it may appear that he was not concerned about any of those three possibilities and that he conducted the search for some other reason.

7. As a general rule, an officer may search the arrested person, everything in his possession, and everything, which, in the course of the arrest, is within his immediate reach, lunge, or grasp.
   a. Anything in the actual possession of the person arrested may be searched (for example, a carton, suitcase, or purse being carried by the arrestee).
   b. The things within the reach of the person or within his immediate physical surroundings may be searched. In an emergency situation posing a danger to human life, the scope of the permissible search may extend beyond the person’s immediate surroundings.
   c. A search for the things within a body cavity may be conducted, only as prescribed by Agency policy.
   d. Where an arrestee has on his person some article showing ownership of or right to control personal property from which he is temporarily separated, (e.g., where the arrestee has a locker key in his possession and the arresting officer wishes to search the locker) the officer generally may not search for and seize such property unless there is danger that someone else will remove the property before a warrant can be obtained. Similarly, if in the course of an arrest an officer observes a suitcase or other closed item in open view but not in the arrested person’s actual physical possession, then the item may be seized as a protective measure, but a search warrant should be obtained before opening it.

8. Generally, anything in the possession of the person being searched may be subject to seizure. Additionally, an officer lawfully on the premises as when legally effecting an arrest, observing contraband, fruits, weapon, instrumentalities or evidence of that immediate investigation and/or of an
unrelated incident in “plain view”, may seize these items even though they may not be considered to be in the immediate possession of the person being arrested, and there is no search warrant available. It must be understood that the “plain view” doctrine is a seizing doctrine and does not in itself automatically constitute the authority for an additional search beyond the seizure of an item in plain sight.

9. When making a reasonable search of the person (whether incident to arrest or with a search warrant) an officer may use only that degree of force necessary to protect himself, prevent the escape of the person searched, and prevent the destruction of evidence.

E. Strip Searches

1. A strip search is defined as the removal or rearrangement of any clothing which permits a visual inspection of the genitals, buttocks, anus, or female’s breasts, or undergarments of an arrestee.

2. A strip search should be considered only when the facts known to the officer, or the observations made by the officer, establish the reasonableness of a search of this extent, i.e., the necessity of viewing these intimate parts of the body and undergarments. Strip searches should never be routine and will be permitted only in the following situations:
   a. When the officer has reasonable cause to believe an arrestee is concealing a weapon.
   b. Upon authority of a valid search warrant.

3. Strip searches must be approved by the officer’s immediate supervisor or the duty officer. Strip searches shall only be conducted in a secluded, private area by a police officer of the same sex and will be done professionally and efficiently, showing care for the arrestee’s privacy and comfort.

F. Search of Body Cavity

1. A search for things within a body cavity may be conducted upon authority of a valid search warrant or incident to a lawful arrest. Time permitting; a State’s Attorney should be consulted before such a search when made incident to an arrest. The following conditions must be met before a search of a body cavity is permitted:
   a. There must be probable cause to believe that the person has within his/her body evidence, which should be removed.
   b. A licensed doctor or nurse working under sanitary conditions and in a medically approved way must make the search.

2. Force may be used only to the extent necessary to effect submission to the examination.

G. Seizure of Abandoned Property

1. If in the course of a lawful arrest (or other lawful action by an officer, such as a surveillance or questioning of a person), a person discards personal property at some place outside his dwelling or its curtilage, an officer may seize such property (even though it is then beyond the person’s physical control) on the grounds that it has been abandoned.
   a. To constitute abandonment for this purpose, there is no requirement that the person intended to get rid of the property permanently.
   b. If the property is discarded in the person’s dwelling or its curtilage (or in his hotel room, automobile, or any other area he controls), it cannot be considered abandoned and cannot be seized. However, if the property thus discarded can be identified on sight as evidence of a crime, it can be seized just as any other evidence of a crime.
H. Stop and Frisk

1. This expansion of a constitutionally permissible search permits a police officer to conduct a carefully limited search of an individual’s outer clothing for offensive weapons, concealed upon the individual. This is permitted when a police officer has reasonable articulable suspicion that the person is armed and dangerous and a danger to the police officer and others.

2. Both the “Stop” and the “Frisk” must be supported by reasonable and articulable suspicion. An unpaticularized suspicion or “hunch” will not suffice.

3. The following circumstances may be considered by the officer in determining whether sufficient reasonable suspicion exists to justify a stop. This list is not intended to be all-inclusive.
   a. The actions of the suspect.
   b. The time of day.
   c. Bulges in the suspect’s clothing, which may suggest a concealed weapon.
   d. The appearance of objects the suspect may be carrying.
   e. The suspect’s proximity to a known crime scene.
   f. Officer’s prior knowledge of the suspect including.
      (1) Suspect’s prior record.
      (2) Information from an informant or third party.

4. Once sufficient reasonable suspicion is established and the officer decides to initiate the stop, they will:
   a. Be clearly identified as a police officer.
      (1) By being in uniform, or
      (2) If not in uniform, by announcing that they are an officer and at the same time displaying their badge or other police credentials.
   b. Question the individual stopped to discover their name, address, and an explanation of the suspect’s actions.
      (1) The suspect may not be compelled to supply the answer to these or any other questions.
      (2) If the suspect refuses to answer the officer’s questions or provide their identity, they may be questioned further but may not be unduly detained nor be deprived of freedom of movement in any significant way unless the officer is prepared to make a formal arrest without a warrant. There must be some independent justification. The failure or refusal to answer questions does not bar a “frisk,” if the officer reasonably suspects danger to their own or another’s safety.

5. In determining whether reasonable suspicion exists sufficient to support the “frisking” of the suspect, the following factors may be considered:
   a. Reasonableness of the officer’s fears for their own safety or the safety of others.
   b. Dealing with multiple suspects where the officer does not have assistance close at hand.
   c. Officer’s knowledge of the suspect such as criminal record or previous violence towards police.
   d. Bulges in the suspect’s clothing, which may suggest a concealed weapon.
   e. Any other information perceived by the officer as having the potential for violence.

6. When the officer has knowledge or information regarding one or more of the above factors or any other information sufficient to justify reasonable suspicion that the person stopped is presently in possession of an offensive weapon, they may frisk the person. The frisk that is permissible is limited to a patting down of the suspect’s outer clothing for the discovery of such weapons and for no other purpose. If the frisk fails to disclose evidence of an offensive weapon, no further search may be made. However, if the frisk indicates reasonable suspicion that the suspect has an object on their person that could be a
weapon, the officer is authorized to search that part of the suspect’s clothing containing such object, but may not search any further.

7. If the object felt and found in the course of the frisk is in fact an offensive weapon and the evidence is that the possession thereof violates the law, the officer may arrest the suspect committing a crime in their presence.

Incident to such a lawful arrest, the officer may make a further, more detailed, search of the suspect and their immediate surroundings. On the other hand, if the officer searches in or beneath the clothing of the suspect in the belief that an object felt in patting them down is a weapon and it turns out not to be a weapon but an item of contraband or evidence of a crime, the object may nevertheless be used to justify arrest of the suspect.

I. Search of Premises and Property

1. An officer may search premises without a warrant in the following situations:
   a. Exigent Circumstances
   b. Hot Pursuit
   c. Prevent the Destruction of Evidence
   d. Plain View
   e. Abandoned Property - A dwelling that has been permanently vacated, i.e. hotel room, rented space, etc., may be searched without a warrant and without the permission of the previous tenant. The consent of the property owner or agent should be obtained.

2. Open Fields - Under certain conditions “open fields,” even though privately owned, may be searched without a warrant. In Oliver v. U.S., the Supreme Court held that “open fields” do not enjoy the same reasonableness as to privacy as does a home, office, commercial structure, etc.

3. Observation of a dwelling or its curtilage may be made without a warrant from any place outside the curtilage. Binoculars, flashlights, and similar devices may be used in such surveillance, as long as there is no physical trespass onto the curtilage. However, the use of thermal-imaging devices is considered a search under the Fourth Amendment. In Kyllo v. United States (2001), the Supreme Court held that where the Government used a device that is not in general public use, to explore details of a private home that would previously have been unknowable without physical intrusion, the surveillance is unreasonable without a warrant.

4. Listening to conversations or other sounds occurring in a dwelling or its curtilage may be accomplished without a warrant if there is no physical trespass onto the curtilage. No electronic or mechanical device may be used without a warrant. If a physical trespass is necessary, a warrant must be obtained.

5. A search warrant must be obtained prior to placing and monitoring an electronic tracking device. In United States v. Jones (2012), the Supreme Court held that the attachment of a GPS device to a vehicle, and the use of that device to monitor the vehicle’s movements, constitutes a search under the Fourth Amendment.

6. Search of Premises Incident to Arrest
   a. In the course of a lawful arrest, an officer may search not only the arrestee’s person, but also a limited portion of the premises, which is within the arrestee’s immediate control and from which he might be able to reach a weapon or destructible evidence. The area to be searched may be...
expanded if there is cause to believe there may be other persons on the premises who may reasonably be expected to interfere with the arrest or attempt to destroy evidence. A search of the surrounding area for such persons may be made. The justification for such a search is to:

1. Find and seize any weapons the arrestee may use to resist the arrest or to effect an escape.
2. Find and seize any evidence the arrestee might try to conceal or destroy.
3. To protect the officer and others present.

b. If while making a lawful arrest, evidence is observed beyond the arrestee’s immediate control in plain view.

c. If an arrest is affected at a certain place or time as a disguise to conduct a search of those premises, the search may be invalid.

d. Since a search incident to an arrest is very limited in scope, it is better to secure a search warrant at the same time that the arrest warrant is issued if a detailed search is to be conducted. When this is not possible, or when a warrantless arrest is made, a search warrant should be applied for immediately after the arrest. It is proper to allow an officer to guard the premises to prevent the destruction of evidence while the warrant is being secured.

J. Crime Scene Searches

1. Entry and subsequent warrantless search of premises are permitted in exigent situations when there exists reasonable belief that there is a need for immediate assistance.

2. The scope of the search is strictly limited by existence of the exigent circumstances. Evidence and/or contraband observed in plain view during this restricted search may be properly seized.

3. The fact that a crime has occurred at a specific location does not automatically authorize an unlimited search of the premises. Unless the situation meets the existing exceptions to warrant requirements, a warrantless search of a crime scene will be unreasonable and any evidence discovered during the search will be inadmissible at trial.

K. Vessel or Vehicle Searches

1. The limitations of vessel or vehicle searches are varied and must be based on the existence of specific conditions. These conditions and limitations will be discussed individually in this subsection.

2. The laws governing searches of vessels or vehicles provide expanded latitudes to the police. These considerations are based on the need to protect the law enforcement officer, mobility of the vessel or vehicle, increased opportunity for contraband or evidence to be lost or destroyed, and, finally, probable cause. The Carroll Doctrine established the parameters of vessel or vehicle searches and has been reinforced by a number of U.S. Supreme Court rulings: U.S. v. Ross (1982), Belton v. New York (1981), and Thornton v. US (2004).

Generally, vessels or vehicles may be searched without a warrant:

a. Incident to an arrest of one or more of the occupants.

b. When probable cause exists that it contains seizable items.

c. When it has been abandoned.

d. Under “Plain View”.

3. A search of a vessel or vehicle incident to a lawful custodial arrest of one or more of its occupants is predicated on the officer’s right to protect themselves and others, seize evidence, and prevent the destruction of evidence. The search may include the person(s) arrested, the interior (passenger compartment) of the vessel or vehicle and any packages, containers, and property, either opened or closed,
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

contained therein. Locked containers should not be searched as this has been interpreted to preclude the arrestee’s ability to reach the contents. In order for the search to be valid, it must be:

a. A lawful custodial arrest.
b. Contemporaneous to the arrest. Since the search incident to a lawful custodial arrest is predicated on the possibility of the arrestee utilizing a weapon or destroying evidence, by delaying a search until a later time, i.e. after removal of the suspect, and relocating the vessel or vehicle, there would be no grounds for the search without a warrant. The police officer may summon additional manpower to secure the suspect(s) at the scene or reasonably close thereto while the arresting officer conducts the search of the entire passenger compartment, as well as any containers found within. Probable cause or even mere suspicion that contraband, evidence or a weapon is in the vessel or vehicle is not required.

4. Warrantless searches of vessels or vehicles based on probable cause that seizable property is contained therein is validated by the imposition of a separate set of circumstances.

a. The Carroll Doctrine establishes that a police officer having probable cause that a vessel or vehicle contains seizable items may search a mobile vessel or vehicle, which could conceivably leave the jurisdiction before a warrant could be obtained.
b. If probable cause establishes that a vessel or vehicle contains a specific item, then the reasonableness and scope of the search will be determined by the nature of the item sought and its being located, if:
c. Probable cause establishes that the vessel or vehicle is used to conceal a specifically identified container, then the search is limited to those locations where the container may be hidden and continued only until the container is located.
d. A lawful arrest is made. The search may be expanded based on the search incident to arrest principle.
e. When a vessel or vehicle is to be searched without a warrant based on probable cause, it may be:
   (1) Searched at the location it was first stopped or taken into custody.
   (2) Searched after being removed to another location for reasons of safety, custody, and convenience
f. If probable cause were not obtained until after the vessel or vehicle has lost its mobility or until it was taken into custody a warrantless search would be improper. Whenever possible, a vessel or vehicle to be retained as evidence or for further processing should be transported from its place of recovery to an NRP Installation by the investigating officer to provide for proper safeguarding and chain of custody of evidence. The investigating officer shall arrange for such removal by a tow vehicle/vessel. The officer should secure the vessel or vehicle prior to towing and follow the vessel or vehicle as it is being towed to its destination to provide for proper safeguarding and chain of custody of evidence.

L. Inventory

1. If the vessel or vehicle is taken as evidence of a crime, either as an instrumentality by which the crime was committed (e.g. a hit-and-run homicide) or as fruit of a crime (a stolen car), it may be subject to a later, more careful examination after a search and seizure warrant has been secured.

2. The inventory of vessels or vehicles and other objects under police control, where they have lawful custody, is proper when done to protect the owner against property loss, to avoid a claim of destruction, and to protect the police against any hidden danger. Police cannot assume custody as a pretext for inventory if not reasonably necessary. The inventory must be carried out as part of established Agency procedure.
CHAPTER 7 SECTION II
SEARCH AND SEIZURE

3. An abandoned vessel or vehicle may be seized and searched without a warrant and without probable cause, unless the owner can be identified.

4. Evidence of probable cause justifying a search of a vessel or vehicle does not necessarily empower an officer to search its occupants.

5. The “plain view” exception applies to all vessels or vehicles. Any contraband or evidence of a criminal offense seen while the officer is in the proper conduct of an investigation or while interviewing an occupant of the vessel or vehicle may be seized and will justify probable cause for a subsequent arrest and a more detailed search.

M. Use of Force in a Search

1. If an officer has a legal right to conduct a warrantless search and the occupant interferes with the officer, the officer may use whatever force is reasonable and necessary to affect the search.

2. Using unreasonable force to stop a vessel or vehicle may make the subsequent search of that vessel or vehicle illegal even though it was based on probable cause, and may also cause any evidence to be excluded.

N. Consent Searches

1. A subject’s consent to a search of their person or of property under their control by an officer acts as a waiver of their Fourth Amendment right to be free from an unreasonable search. Therefore, a search based on consent is lawful, even where there is no other justification for the search, if the consent is voluntary, i.e., freely given without duress or coercion, and the person has the legal standing to consent to the search. The courts will examine the circumstances of each case to determine if the individual was aware of their rights.

2. If the person indicates that they would like to consult with an attorney or anyone else before deciding whether to consent, they should be given an opportunity to do so.

3. Consent to enter is not consent to search. After a legal entry, whatever evidence is in plain view may be seized. A statement that an officer is welcome to search may not imply that he is welcome to search without a warrant.

4. Written consent should be obtained where practical.

5. A valid consent to a search may be given only by the person with the right to grant the consent. Examples include:
   a. A landlord cannot consent to a search of a tenant’s premises, unless the tenant has abandoned the premises or has been evicted.
   b. A host can give consent to a search of premises occupied by a guest. But if a particular area of the premises to be searched has been set aside for a long-term guest’s exclusive use, or if the search is of an object which is exclusively the guest’s, the consent of the host may not authorize a search.
   c. A parent can give consent to a search of premises occupied by a dependent child.
   d. An employee cannot consent to the search of an employer’s premises, unless he has been delegated general authority to act as the agent of the employer. An employer may generally consent to a search of premises used by an employee in his work, unless it is a particular area set aside for the employee’s exclusive use.
CHAPTER 7 SECTION II  
SEARCH AND SEIZURE  

e. A person with custody of personal property belonging to another may consent to its search only if he has been given full control over the property, or if the property has been left on his premises without his authorization. Consent by a person having only conditional custody, such as that given for storage or shipment is not valid.

6. If two or more persons have equal rights to the occupation of the premises, consent to search may be given by any one of them, but only for the areas of use common to all. It must be understood that refusal to grant consent by one occupant may over-ride the consent given by the other. A legal consent search shall be valid against all occupants. Examples include:
   a. Generally, one spouse can consent to a search of a residence shared with the other spouse.
   b. One joint tenant can consent to a search of jointly held premises.
   c. A partner can consent to a search of partnership premises.

7. Valid consent to search may be presumed to continue until all areas specified in the consent have been searched. Consent may be revoked, however, at any time before the search is completed. If consent is revoked prior to completion of the search, all evidence found prior to the revocation may be retained. This evidence may be used as probable cause to obtain a search and seizure warrant.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

A. Purpose

The purpose of this policy is to establish guidelines for all DNR law enforcement officers in obtaining accurate eyewitness identification, consistent with the Annotated Code of Maryland, Public Safety Article, §3-506 and §3-506.1, and the Maryland Police Training Commission’s Eyewitness Identification Model Policy. This section of the Code requires that all law enforcement agencies within the State comply with the U.S. Department of Justice standards on obtaining accurate eyewitness identification.

B. Introduction

Eyewitness identification is one of many tools used by law enforcement in the investigation of crime. This investigative tool is vigorously challenged by defense attorneys. Indeed, recent studies have shown that if certain minimum standards are not followed in the eyewitness identification process, the eyewitness identification can lead to innocent persons being wrongly accused and/or convicted. Therefore, it is critical that eyewitness identification be conducted in a professional, structured manner, and supported by written documentation and physical evidence. It is also important to point out that the responding officer may not be the first person to interview a witness. A witness’s initial contact with law enforcement may be with a dispatcher or call-taker. Therefore, not only shall all DNR sworn law enforcement officers, but also all DNR police communications operators will be familiar with these policies and procedures to ensure that as much accurate information as possible is gathered during the initial report.

C. Definitions

In this section the following words have the meanings indicated.

1. “Administrator” - means the person conducting an identification procedure.

2. “Blind” - means the administrator does not know the identity of the suspect.

3. “Blinded” - means the administrator may know who the suspect is but does not know which lineup member is being viewed by the eyewitness.

4. “Composite” - Renderings or recollections of a witness describing a suspect’s appearance. Composites may be completed by an artist, computer program, or Identi-Kit which features a variety of different facial features.

5. “Eyewitness” - means a person who observes another person at or near the scene of an offense.

6. “Field View” - The exposure of an eyewitness to a group of people in a public place on the theory that the subject may be among the group. A field view differs from a show-up in that it may be conducted well after the commission of the crime, and may be conducted with or without a suspect in the group.

7. “Filler” - means a person or a photograph of a person who is not suspected of an offense and is included in an identification procedure.

8. “Folder Shuffle Method” - means a system for conducting a photo lineup that:
   a. Complies with the requirements of this section; and
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

b. Is conducted by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

9. “Identification Procedure” - means a procedure in which a live lineup is conducted or an array of photographs, including a photograph of a suspect and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness in hard copy form or by computer for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

10. “Identification Statement” - means a documented statement that is sought by the administrator when an identification is made:
   a. From the eyewitness;
   b. In the own words of the eyewitness, describing the eyewitness's confidence level that the person identified is the perpetrator of the crime;
   c. Given at the time of the viewing by the eyewitness during the identification procedure; and
   d. Given before the eyewitness is given feedback.

11. “Live Line-Up” - The live presentation of a number of people to an eyewitness for the purpose of obtaining identification. The procedure is to place the perpetrator among a group of other persons whose general appearance resembles the perpetrator.

A line-up differs from a field view in that it is conducted in a controlled setting, such as a police station, a known suspect is in the mix, and the participants are aware that an identification procedure is being conducted.

12. “Mug Book” - A collection of photographs of previously arrested individuals known or suspected to be involved in certain types of crimes. Mug Books are frequently used when there is no clear suspect and other reliable sources have been exhausted.


14. “Photo Line-Up” / “Photo Array” - A display of a photograph of the suspect, along with filler photos of other individuals whose physical characteristics resemble the suspect’s description or appearance at the time of the incident.

15. “Show-Up” – The live presentation of one suspect to an eyewitness shortly after the commission of a crime in an effort to obtain identification.

16. “Suspect” - means a person who is suspected of committing an offense.

17. “Voice Line-Up” - A procedure whereby a witness is permitted to hear the voices of several people for the purpose of obtaining an identification of a suspect’s voice.

D. Policy

It shall be the policy of the Maryland Natural Resources Police and the Maryland Park Service:

1. Eyewitnesses will be given specific instructions prior to being shown a suspect;

2. Photo arrays and line-ups will be conducted using sequential rather than simultaneous presentation.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

3. Photos arrays, line-ups, and voice identifications, and other identification procedures will be conducted using a blind or blinded administrator.

4. To avoid any action that would be unduly suggestive during any eyewitness identification process.

5. That all eyewitness identification be conducted in a structured, professional manner designed to clear the innocent as well as identify suspects in criminal offenses.

6. That a criminal investigation will not be concluded or otherwise cease based solely on eyewitness identification. Investigations will continue until all physical evidence has been collected and examined, all witnesses identified, and all reasonable leads explored.

7. That except in unusual circumstances, a witness will participate in one and only one type of eyewitness identification procedure. This will help insure that an eyewitness’s memory is not tainted by viewing a suspect more than once. The types of eyewitness identification are:
   a. Viewing a Mug Book
   b. Participating in the preparation of Composite
   c. Participating in a Show-Up
   d. Participating in a Live Line-Up
   e. Viewing a Photo Line-Up

8. That any identification or non-identification of a suspect be documented in writing, along with any comments by the eyewitness concerning the identification or non-identification.

9. That any photograph of an individual identified by an eyewitness be retained as evidence and handled as such.

10. Whenever feasible, lineups should be a double-blind lineup. A “double-blind” lineup is one in which neither the administrator nor the eyewitness knows who the suspect is. This prevents the administrator of the lineup from providing inadvertent or intentional verbal or nonverbal cues to influence the eyewitness to pick the suspect.

11. When combined with a “blind” administrator, presenting lineup members one-by-one (sequentially), rather than all at once (simultaneously) has been proven to significantly increase the overall accuracy of eyewitness identifications. This would include photo arrays in which the photos are presented sequentially in a random order. Therefore, for the NRP, the preferred lineup method shall be sequential.

E. General Considerations

1. Due process requires that identifications be conducted in a fair, objective, and non-suggestive manner. Due process is violated when identification procedures conducted by the police are unnecessarily suggestive and conducive to irreparable mistaken identification.

2. Upon response to the scene of a crime, an officer should make an effort to prevent eyewitnesses from comparing their recollections of the offender or the incident. Officers may accomplish this by promptly separating the witnesses and interviewing each out of the earshot of the others. Witnesses should not participate in identification procedures together. For example, witnesses should not be transported together to view a suspect during a show-up.

3. Officers should use caution when interviewing eyewitnesses. Specifically, they should avoid
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION
whenever possible the use of leading questions.

4. Prior to asking an eyewitness to identify a suspect, police officers should obtain a detailed description of the offender.

5. If practicable, the officer should record the procedure and the witness’ statement of certainty. If not, the officer should write down the witness’ exact words and incorporate them into their report. The witness should be asked to initial and date the front of the photograph selected.

6. A report of every show-up, photo array, line-up or voice identification procedure, whether an identification is made or not, shall be submitted. The report shall include a summary of the procedure, the persons who were present for it, instructions given to the witness by the officer (this should be accomplished by submitting the appropriate witness instruction form), any statement or reaction by the witness, and any comments made by the witness regarding the identification procedure.

7. An identification procedure shall be conducted by a blind or blinded administrator.
   a. An administrator may be blinded through the use of:
      (1) An automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed; or
      (2) The folder shuffle method.

8. Before an identification procedure is conducted, an eyewitness shall be instructed, without other eyewitnesses present, that the perpetrator may or may not be among the persons in the identification procedure.

9. When identification is made in a live lineup or photo array, the administrator shall document in writing all identification statements made by the eyewitness.

10. Use of fillers in an identification procedure:
    a. Each filler shall resemble the description of the perpetrator given by the eyewitness in significant physical features, including any unique or unusual features;
    b. At least five fillers, in addition to the suspect, shall be included when an array of photographs is displayed to an eyewitness; and
    c. At least four fillers, in addition to the suspect, shall be included in a live lineup

11. Fillers -- When eyewitness has previously participated in related identification procedure.
    If an eyewitness has previously participated in an identification procedure in connection with the identification of another person suspected of involvement in the offense, the fillers in the identification procedure shall be different from the fillers used in any prior identification procedure.

12. Multiple Eyewitnesses:
    a. If there are multiple eyewitnesses:
       (1) The identification procedure shall be conducted separately for each eyewitness;
       (2) The suspect shall be placed in a different position for each identification procedure conducted for each eyewitness; and
       (3) The eyewitnesses may not be allowed to communicate with each other until all identification procedures have been completed.

13. Written Record & Contents.:
    a. Except as provided in paragraph (2) of this subsection, the administrator shall make a written
record of the identification procedure that includes the following information:
(1) All identification and nonidentification results obtained during the identification procedures;
(2) The signed identification statement of the eyewitness;
(3) The names of all persons present at the identification procedure;
(4) The date and time of the identification procedure;
(5) Any eyewitness identification of a filler; and
(6) All photographs used in the identification procedure.

b. If a video or audio record of the identification procedure captures all of the information in paragraph (1) of this subsection, a written record is not required.

F. Procedures & Guidelines

The following Department of Justice (DOJ) procedures on eyewitness identification procedures are intended as a guide to the best practices in eyewitness identification. As stated in the DOJ’s “Eyewitness Evidence – A Guide for Law Enforcement” the procedures are meant as a guide and are “…not meant to inhibit the development and field testing of new technologies and procedures. On the contrary, it anticipates those developments and can provide a framework for innovation.”

All DNR law enforcement personnel and police communications operators shall abide these eyewitness identification procedures and guidelines.

G. Initial Report of the Crime: Answering the Call for Service (Police Communications Operators)

The information obtained from a witness is critical to the safety of those involved in an incident and may be important to the investigation. The manner in which facts are elicited from a caller can influence the accuracy of the information obtained.

As the initial point of contact for the witness, the Police Communications Operator (PCO) must obtain and disseminate, in a non-suggestive manner, complete and accurate information from the caller. This information can include the description/identity of the perpetrator of a crime. The actions of the PCO can affect the safety of those involved as well as the entire investigation.

1. During a 9-1-1 / emergency call and after obtaining preliminary information and dispatching police-the PCO should:
   a. Assure the caller the police are on the way.
   b. Ask open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended questions (e.g., “What color was the car?”).
   c. Avoid asking suggestive or leading questions (e.g., “Was the car red?”).
   d. Ask if anything else should be known about the incident.
   e. Transmit information to responding officer(s).
   f. Update officer(s) as more information comes in.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

H. Investigating the Scene (Preliminary Investigating Officer)

The preliminary investigation at the scene forms a sound basis for the accurate collection of information and evidence during the follow-up investigation.

Preservation and documentation of the scene, including information from witnesses and physical evidence, are necessary for a thorough preliminary investigation. The methods used by the preliminary investigating officer have a direct impact on the amount and accuracy of the information obtained throughout the investigation.

1. After securing the scene and attending to any victims and injured persons, the preliminary investigating officer should:
   
   a. Identify the perpetrator(s).
      (1) Determine the location of the perpetrator(s).
      (2) Detain or arrest the perpetrator(s) if still present at the scene.
   
   b. Determine/classify what crime or incident has occurred.
   
   c. Broadcast an updated description of the incident, perpetrator(s), and/or vehicle(s).
   
   d. Verify the identity of the witness(es).
   
   e. Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.

I. Obtaining Information From the Witness(es)

Information obtained from the witness(es) can corroborate other evidence (e.g., physical evidence, accounts provided by other witnesses) in the investigation. Therefore, it is important that this information be accurately documented in writing.

The manner in which the preliminary investigating officer obtains information from a witness has a direct impact on the amount and accuracy of that information.

1. When interviewing a witness, the preliminary investigating officer should:
   
   a. Establish rapport with the witness.
   
   b. Inquire about the witness’s condition.
   
   c. Use open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended questions (e.g., “What color was the car?”). Avoid leading questions (e.g., “Was the car red?”).

   d. Clarify the information received with the witness.

   e. Document information obtained from the witness, including the witness' identity, in a written
f. Encourage the witness to contact investigators with any further information.

g. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.

h. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

J. “Mug” Books

“Mug books” (i.e., collections of photos of previously arrested persons) may be used in cases in which a suspect has not yet been determined and other reliable sources have been exhausted. This technique may provide investigative leads, but results should be evaluated with caution.

Non-suggestive composition of a mug book may enable the witness to provide a lead in a case in which no suspect has been determined and other reliable sources have been exhausted.

“Mug” books must be objectively compiled to yield investigative leads that will be admissible in court.

1. Preparing “Mug” Books:

In selecting photos to be preserved in a mug book, the preparer should:

a. Group photos by format (e.g., color or black and white; Polaroid, 35mm, or digital; video) to ensure that no photo unduly stands out.

b. Select photos of individuals that are uniform with regard to general physical characteristics (e.g., race, age, sex).

c. Consider grouping photos by specific crime (e.g., sexual assault, gang activity).

d. Ensure that positive identifying information exists for all individuals portrayed.

e. Ensure that photos are reasonably contemporary.

f. Ensure that only one photo of each individual is in the mug book.

2. Instructing the Witness – Mug Books:

Instructions to the witness prior to conducting the procedure can facilitate the witness’s recollection of the perpetrator.

The investigator / person conducting the procedure shall provide instructions to the witness prior to conducting the procedure.

The investigator / person conducting the procedure should:

a. Instruct each witness without other persons present.
b. Describe the mug book to the witness only as a “collection of photographs.”

c. Instruct the witness that the person who committed the crime may or may not be present in the mug book.

d. Consider suggesting to the witness to think back to the event and his/her frame of mind at the time.

e. Instruct the witness to select a photograph if they can and to state how they know the person if they can.

f. Assure the witness that regardless of whether they make an identification, the police will continue to investigate the case.

g. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

h. To document that the witness has been advised of the instructions and understands the instructions, the investigator / person conducting the procedure shall have the witness read and complete NRP Form, NRP-560 (Witness Advisory - Mug Books).

K. Composites

The use of composite images can yield investigative leads in cases in which no suspect has been determined. Use of these procedures can facilitate obtaining a description from the witness that will enable the development of a reasonable likeness of the suspect.

Composite images can be beneficial investigative tools; however, they should not be used as stand-alone evidence and may not rise to the level of probable cause.

Composites provide a depiction that may be used to develop investigative leads.

1. Developing and Using Composite Images:

The person preparing the composite should:

a. Assess the ability of the witness to provide a description of the perpetrator.

b. Select the procedure to be used from those available (e.g., identikit-type, artist, or computer-generated images).

c. Unless part of the procedure, avoid showing the witness any photos immediately prior to development of the composite.

d. Select an environment for conducting the procedure that minimizes distractions.

e. Conduct the procedure with each witness separately.

f. Determine with the witness whether the composite is a reasonable representation of the perpetrator.
2. Instructing the Witness – *Composites*:

Instructions to the witness prior to conducting the procedure can facilitate the witness’s recollection of the perpetrator.

The investigator / person conducting the procedure shall provide instructions to the witness prior to conducting the procedure.

The investigator / person conducting the procedure should:

a. Instruct each witness without other persons present.

b. Explain the type of composite technique to be used.

c. Explain to the witness how the composite will be used in the investigation.

d. Instruct the witness to think back to the event and his/her frame of mind at the time.

L. Documenting the Procedures Utilized for “Mug Book” / Composite Identifications

Documentation of the procedure and its outcome improves the strength and credibility of the results obtained from the witness and can be an important factor in the investigation and any subsequent court proceedings.

The investigator / person conducting the procedure should:

a. Document the procedure employed (e.g., identikit-type, mug book, artist, or computer-generated image) in writing.

b. Document the results of the procedure in writing, including the witness’s own words regarding how certain they are of any identification.

c. Document items used and preserve composites generated.

M. Interviewing the Witness by the Follow-up Investigator

1. Pre-Interview Preparation:

Pre-interview preparation will enable the investigator to elicit a greater amount of accurate information during the interview, which may be crucial to the investigation.

Preparing for an interview maximizes the effectiveness of witness participation and interviewer efficiency.

Prior to conducting the interview, the investigator should:

a. Review available information.

b. Plan to conduct the interview as soon as the witness is physically and emotionally capable.

c. Select an environment that minimizes distractions while maintaining the comfort level of the
d. Ensure resources are available (e.g., notepad, tape recorder, camcorder, interview room).

e. Separate the witnesses.

f. Determine the nature of the witness' prior law enforcement contact.

2. Pre-Interview Contact with the Witness:

Establishing a cooperative relationship with the witness likely will result in an interview that yields a greater amount of accurate information.

Investigators shall conduct themselves in a manner conducive to eliciting the most information from the witness.

On meeting with the witness but prior to beginning the interview, the investigator should:

a. Develop rapport with the witness.

b. Inquire about the nature of the witness' prior law enforcement contact related to the incident.

c. Volunteer no specific information about the suspect or case.

3. Conducting the Interview:

Information elicited from the witness during the interview may provide investigative leads and other essential facts. Proper interview procedures will enable the witness to provide the most accurate, complete description of the event and encourage the witness to report later recollections. Witnesses commonly recall additional information after the interview that may be critical to the investigation.

During the interview, the investigator should:

a. Encourage the witness to volunteer information without prompting.

b. Encourage the witness to report all details, even if they seem trivial.

c. Ask open-ended questions (e.g., “What can you tell me about the car?”); augment with closed-ended, specific questions (e.g., “What color was the car?”).

d. Avoid leading questions (e.g., “Was the car red?”).

e. Caution the witness not to guess.

f. Ask the witness to mentally recreate the circumstances of the event (e.g., “Think about your feelings at the time”).

g. Encourage nonverbal communication (e.g., drawings, gestures, objects).

h. Avoid interrupting the witness.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

i. Encourage the witness to contact investigators when additional information is recalled.

j. Instruct the witness to avoid discussing details of the incident with other potential witnesses.

k. Encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident.

l. Thank the witness for his/her cooperation.

4. Recording Witness Recollections:

Complete and accurate documentation of the witness’s statement is essential to the integrity and success of the investigation and any subsequent court proceedings.

The investigator must ensure that there is a record of the witness’s statements which accurately and completely reflects all information obtained and preserves the integrity of this evidence.

During or as soon as reasonably possible after the interview, the investigator should:

a. Document the witness’s statements (e.g., audio or video recording, stenographer’s documentation, witness’s written statement, or written summary using witness’s own words).

b. Review written documentation; ask the witness if there is anything they wish to change, add, or emphasize.

5. Assessing the Accuracy of Individual Elements of a Witness’s Statement:

Point-by-point consideration of a statement may enable judgment on which components of the statement are most accurate. This is necessary because each piece of information recalled by the witness may be remembered independently of other elements.

After conducting the interview, the investigator should:

a. Consider each individual component of the witness’s statement separately.

b. Review each element of the witness’s statement in the context of the entire statement. Look for inconsistencies within the statement.

c. Review each element of the statement in the context of evidence known to the investigator from other sources (e.g., other witnesses’ statements, physical evidence).

6. Maintaining Contact With the Witness:

Re-establishing contact and rapport with the witness often leads to recovery of additional information. Maintaining an open communication channel with the witness throughout the investigation is critical, for the witness may remember and provide additional information after the initial interview has concluded.

During post-interview, follow-up contact with the witness, the investigator should:

a. Reestablish rapport with the witness.
b. Ask the witness if they have recalled any additional information.

c. Follow interviewing and documentation procedures as set forth in previous subsections.

d. Provide no information from other sources.

N. Field Identification Procedure: Show-Ups

1. Conducting Show-Ups:

When circumstances require the prompt display of a single suspect to a witness, the inherent suggestiveness of the encounter can be minimized through the use of procedural safeguards.

When conducting a show-up, the investigator should:

a. Determine and document, prior to the show-up, a description of the perpetrator.

b. Consider transporting the witness to the location of the detained suspect to limit the legal impact of the suspect’s detention.

c. When multiple witnesses are involved:
   (1) Separate witnesses and instruct them to avoid discussing details of the incident with other witnesses.
   (2) If a positive identification is obtained from one witness, consider using other identification procedures (e.g., lineup, photo array) for remaining witnesses.

d. Caution the witness that the person they are looking at may or may not be the perpetrator.

e. Obtain and document a statement of certainty for both identifications and non-identifications.

f. To document that the witness has been advised of the instructions and understands the instructions, the investigator / person conducting the procedure shall have the witness read and complete NRP Form, NRP-561 (Witness Advisory – Show-Ups).

2. Recording Show-Up Results:

The record of the outcome of the field identification procedure accurately and completely reflects the identification results obtained from the witness.

When conducting a show-up, the investigator should:

a. Document the time and location of the procedure.

b. Record both identification and non-identification results in writing, including the witness’s own words regarding how certain they are.

O. Eyewitness Identification of Suspects: Photo Line-Ups

1. Composing Photo Line-Ups:
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

In a photo line-up the suspect should not unduly stand out. Fair composition of a lineup enables the witness to provide a more accurate identification or non-identification. An identification obtained through a photo lineup using the following procedures should result in a strong evidentiary value.

In composing a photo lineup, the investigator should:

a. Include only one suspect in each identification procedure.

b. Select fillers 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 of the perpetrator 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 investigator, select a photo that resembles the suspect description or appearance at the time of the incident.

d. Include a minimum of five fillers (non-suspects) 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 feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

g. Consider placing suspects in different positions 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 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.

l. Ideally, the lineup procedure should be electronically recorded. If this is impracticable, an audio or written record shall be made.

2. Instructing the Witness Prior to Viewing a Photo Line-Up:

Instructions given to the witness prior to viewing a lineup can facilitate an identification or non-identification based on his/her own memory.

Prior to presenting a photo line-up, the investigator should:

a. Instruct the witness that they will be asked to view a set 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 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.

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

e. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.

f. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

g. To document that the witness has been advised of the instructions and understands the instructions, the investigator / person conducting the procedure shall have the witness read and complete NRP Form, NRP-562 (Witness Advisory – Line-Ups).

3. Conducting the Identification for Simultaneous Photo Line-Ups:

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness’s identification.

The simultaneous method means showing the photos to the witness all at same time.

When presenting a simultaneous photo lineup, the investigator should:

a. Provide viewing instructions to the witness as outlined in the previous subsection regarding “Instructing the Witness Prior to Viewing a Photo Line-Up.”

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 an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness' statement of certainty.

e. Record any identification results and witness’ statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

f. Document in writing the photo lineup procedures, including:
   (1) Identification information and sources of all photos used.
   (2) Names of all persons present at the photo lineup.
   (3) Date and time of the identification procedure.

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.

4. Conducting the Identification for Sequential Photo Line-Ups:
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

The identification procedure should be conducted in a manner that promotes the reliability, fairness, and objectivity of the witness’s identification.

The sequential method means showing the photos to the witness one at a time. This method shall be the Maryland Natural Resources Police’s preferred method over the simultaneous method.

When presenting a sequential photo lineup, the investigator should:

a. Provide viewing instructions to the witness as outlined in the previous subsection “Instructing the Witness Prior to Viewing a Photo Line-Up.”

b. Provide the following additional viewing instructions to the witness:
   1. Individual photographs will be viewed one at a time.
   2. The photos are in random order.
   3. Take as much time as needed in making a decision about each photo before moving to the next one.
   4. All photos will be shown, even if an identification is made.

c. Confirm that the witness understands the nature of the sequential procedure.

d. Present each photo to the witness separately, in a previously determined order, removing those previously shown.

e. Avoid saying anything to the witness that may influence the witness’s selection.

f. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness’ statement of certainty.

g. Record any identification results and witness' statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

h. Document in writing the photo lineup procedures, including:
   1. Identification information and sources of all photos used.
   2. Names of all persons present at the photo lineup.
   3. Date and time of the identification procedure.

i. 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.

P. Eyewitness Identification of Suspects - Live Line-Ups

1. Composing Live Line-Ups:

In composing a live line-up, the investigator should:

a. Include only one suspect in each identification procedure.

b. Select fillers who generally fit the witness' description of the perpetrator. When there is a limited/inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

should resemble the suspect in significant features.

c. Consider placing suspects in different positions in each lineup, both across cases and with multiple witnesses in the same case. Position the suspect randomly unless, where local practice allows, the suspect or the suspect's attorney requests a particular position.

d. Include a minimum of four fillers (non-suspects) per identification procedure.

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

f. 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.

g. Create a consistent appearance between the suspect and fillers with respect to any unique or unusual feature (e.g., scars, tattoos) used to describe the perpetrator by artificially adding or concealing that feature.

2. Instructing the Witness Prior to Viewing a Live Line-Up:

Prior to presenting a live lineup, the investigator should:

a. Instruct the witness that they will be asked to view a group of individuals.

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 individuals present in the lineup 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.

d. Instruct the witness that the person who committed the crime may or may not be present in the group of individuals.

e. Assure the witness that regardless of whether an identification is made, the police will continue to investigate the incident.

f. Instruct the witness that the procedure requires the investigator to ask the witness to state, in their own words, how certain they are of any identification.

3. Conducting the Identification for Simultaneous Live Line-Ups:

When presenting a simultaneous live lineup, the investigator / lineup administrator should:

a. Provide viewing instructions to the witness as outlined in previous subsection “Instructing the Witness Prior to Viewing a Live Line-Up.”

b. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.

c. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

the lineup.

d. Avoid saying anything to the witness that may influence the witness' selection.

e. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness' statement of certainty.

f. Record any identification results and witness' statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

g. Document the lineup in writing, including:
   (1) Identification information of lineup participants.
   (2) Names of all persons present at the lineup.
   (3) Date and time the identification procedure was conducted.

h. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.

i. 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.

4. Conducting the Identification for Sequential Live Line-Ups:

When presenting a sequential live lineup, the lineup administrator / investigator should:

a. Provide viewing instructions to the witness as outlined in the previous subsection “Instructing the Witness Prior to Viewing a Live Line-Up.”

b. Provide the following additional viewing instructions to the witness:
   (1) Individuals will be viewed one at a time.
   (2) The individuals will be presented in random order.
   (3) Take as much time as needed in making a decision about each individual before moving to the next one.
   (4) If the person who committed the crime is present, identify him/her.
   (5) All individuals will be presented, even if an identification is made.

c. Begin with all lineup participants out of the view of the witness.

d. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.

e. Present each individual to the witness separately, in a previously determined order, removing those previously shown.

f. Ensure that any identification actions (e.g., speaking, moving) are performed by all members of the lineup.

g. Avoid saying anything to the witness that may influence the witness' selection.

h. If an identification is made, avoid reporting to the witness any information regarding the individual they have selected prior to obtaining the witness' statement of certainty.
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

i. Record any identification results and witness' statement of certainty as outlined in the succeeding subsection “Recording Identification Results.”

j. Document the lineup procedures and content in writing, including:
(1) Identification information of lineup participants.
(2) Names of all persons present at the lineup.
(3) Date and time the identification procedure was conducted.

k. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly. Photo documentation can be of either the group or each individual.

l. 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.

Q. Voice Identification

1. Although considerably less common than visual identifications, voice identifications may be helpful to criminal investigations where the victim or other witness was blind, the crime took place in the dark, the subject was masked, the witness’ eyes were covered by the perpetrator, or they were never in the same room with the perpetrator but heard their voice. If officers wish to conduct a voice identification procedure with a witness who also saw the subject, they must first consult with the Criminal Investigation Section’s supervisor and, when feasible, the State’s Attorney’s Office.

2. As with any in-person identification or confrontation, if the suspect has been arraigned or indicted, they have a right to the presence of counsel at the voice identification procedure.

3. Where a voice identification is attempted, the following procedures should be employed to the extent possible:

   a. As in a line-up, there should be at least six persons whose voices will be listened to by the witness; one-on-one confrontations should be avoided. Because line-ups will be administered by an officer who does not know the identity of the suspect, the fillers should not be known to the officer administering the procedure, and officers should abide by the guidelines for photo array and line-up fillers as described above;

   b. The suspect and other participants shall not be visible to the witness; this can be done by using a partition, or by similar means;

   c. All participants, including the suspect, shall be instructed to speak the same words in the same order;

   d. The words recited by the participants shall not be the ones spoken by the offender during the crime; the line-up participants should speak neutral words in a normal tone of voice;

   e. When both a visual and voice line-up are conducted, the witness should be informed that the line-up participants will be called in a different order and by different numbers;

   f. If there are two or more suspects of a particular crime, present each suspect to witnesses in separate line-ups. Different fillers should be used to compose each line-up.

(Revised 07/16)
CHAPTER 7 SECTION III
EYEWITNESS IDENTIFICATION

4. As with any identification procedure, police officers should avoid any words or actions that suggest to the voice witness that a positive identification is expected or who they expect the witness to identify.

5. The investigating officer should carefully instruct the witness by reading from a departmental Voice Identification Line-up Instruction Form, and the witness should be asked to sign the form indicating that they understand the instructions. The officer should also sign and date the form. If practicable, the officer should record the procedure.

6. Adhere to the principles of blind administration as described above. As is the case with photo arrays and line-ups, the investigating officer should leave the room while the administrator conducts the procedure.

R. Courtroom Identification

1. Prior to conducting any courtroom identification procedure, officers should consult the State’s Attorney’s Office. The same right to an attorney and the same due process considerations that apply to all other identification procedures also apply to station house and courtroom identifications.

   a. If the suspect has been arraigned or indicted, they have a right to have counsel present at any in-person identification/confrontation.

   b. Live confrontations and informal viewings of the suspect by witnesses must be conducted in such a manner as to minimize any undue suggestiveness.

   c. Officers shall not state or suggest that the suspect has been arrested or booked or that they have made any confession or incriminating statement or that any incriminating evidence has been uncovered. The witness’ identification, particularly if it takes place in a police station or courtroom, must be a result of their recollection of the appearance of the perpetrator and must not be unduly influenced by information or suggestions originating from the police.

S. Eyewitness Identification of Suspects - Recording Identification Results

The record of the outcome of the identification procedure accurately and completely reflects the identification results obtained from the witness.

When conducting an identification procedure, the investigator should:

   a. Record both identification and non-identification results in writing, including the witness’s own words regarding how sure they are.

   b. Ensure 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 any materials that will be used in other identification procedures.
CHAPTER 8

UNIFORMS AND EQUIPMENT
CHAPTER 8
UNIFORMS AND EQUIPMENT

Sec. I  CLOTHING
A. Personal Appearance
B. Accessories and Accouterments
C. Insignia of Rank
D. Dress Uniform
E. Winter Uniform
F. Summer Uniform
G. Utility Uniform
H. Civilian Business Attire
I. Drill Instructor Uniform
J. Uniform and Related Clothing
K. Body Armor Policy

Sec. I-A RIBBONS & COLLAR BRASS ILLUSTRATIONS

Sec. I-B FOLDING SLEEVES ON CLASS D LONG SLEEVE SHIRT

Sec. II VEHICLES AND VESSELS
A. Preventive Maintenance
B. Vehicle Operation
C. Vessel Operation
D. Use of Personal Flotation Devices
E. Authorized Passengers in DNR Vehicles and Vessels
F. Vehicle and Vessel Accidents
G. Installation of Personal Equipment
H. Vehicle and Vessel Identification

Sec. III COMPUTERS
A. Laptops
B. Management Information System Security

Sec. IV MISCELLANEOUS
A. Telephones
B. Personal Water Craft (PWC)
C. Wildlife Decoys
D. Surveillance Equipment
E. Vehicle Operations
F. Speed Detection Devices
G. Sound Level Meter (SLM)
H. Body Recovery Equipment and Resources
I. Potassium Iodide (KI)

Sec. V EQUIPMENT IN GENERAL
A. Care of Agency Issued Equipment
B. Damage to Agency Issued Equipment
C. Return of Agency Issued Equipment
### CHAPTER 8
UNIFORMS AND EQUIPMENT

<table>
<thead>
<tr>
<th>Sec. VI</th>
<th>FIREARMS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Training and Qualifications</td>
</tr>
<tr>
<td>B.</td>
<td>Duties and Responsibilities</td>
</tr>
<tr>
<td>C.</td>
<td>Firearms and Equipment</td>
</tr>
<tr>
<td>D.</td>
<td>Security and Care</td>
</tr>
</tbody>
</table>
CHAPTER 8 SECTION I
CLOTHING

A. Personal Appearance

1. Personnel shall at all times, while on duty and/or while in uniform maintain a neat, clean, and well-groomed appearance. Their uniforms must be clean and pressed. In addition, leather goods and shoes must be polished regularly, and metal and brass accessories must be clean and shined when reporting for duty.

2. Exceptions for NRP officers from the Agency’s personal appearance standards may be authorized by the member’s Bureau Commander when in conjunction with a special duty assignment. In these cases, notification shall be sent through the chain of command to the Deputy Superintendent. Personnel granted an exception are excluded from the following provisions.

3. Appearance Standards – General
   a. Wigs or hairpieces may be worn provided that they conform to the aforementioned standards.
   b. The length or bulk of the hair will not be excessive or present a ragged, unkempt, or extreme appearance.
   c. In all cases the bulk or length of the hair shall not interfere with the normal wearing of Agency headgear.
   d. Perfume or cologne may be used in moderation.
   e. Jewelry - the following articles of jewelry are permissible:
      (1) Wrist watch.
      (2) Rings – No more than two (2) rings may be worn.
      (3) Earrings- Female officers may wear plain post earrings, one per earlobe. Male officers may not wear earrings.
      (4) Bracelets - No more than one bracelet may be worn on each wrist. Identification and Medic-Alert bracelets may be worn and are not considered jewelry.
      (5) Neck Chains may be worn as long as they are not visible.
      (6) Pins, insignias, or buttons other than those specifically issued and/or authorized by the Agency shall not be worn or attached to any part of the uniform.
      (7) The frames and retainers of eyeglasses and sunglasses shall be of a neutral or subdued color.

4. Appearance Standards - Body Modifications
   a. For this policy, body modifications includes the following definitions:
      (1) Tattoo: Marking the skin with indelible designs, forms, figures, art, etc., by making punctures in the skin and inserting pigment.
      (2) Scarification: Intentionally cutting the skin to create a design, form, figure, or art.
      (3) Branding: Intentionally burning the skin to create a design, form, figure, or art.
      (4) Gauging: Gradually increasing the radius of a surgically induced circular opening of the flesh in areas such as the ear lobes.

   b. Body modifications that are medically necessary due to deformity or injury are not covered by this policy. Body modifications covered by this policy include:
      (1) Tongue splitting or bifurcation.
      (2) Abnormal shaping of the ears, eyes, or nose.
      (3) Abnormal filing of the teeth.
      (4) Branding or scarification.
      (5) Trans-dermal implantation of any object other than hair replacement.
      (6) Gauging.
      (7) Tattoos.

(Revised 06/18)
CHAPTER 8 SECTION I
CLOTHING

C. Prohibited body modifications include, but are not limited to:
   (1) Depictions of nudity or violence;
   (2) Sexually explicit, drug related, or vulgar art, works or phrases;
   (3) Profane language;
   (4) Symbols likely to incite a strong reaction in the workplace (e.g., swastikas);
   (5) Initials, acronyms, or numbers that represent criminal or historically-oppressive organizations (e.g. AB, KKK, SS, MM, BGF, HA, 666) or street gang names, numbers, or symbols;
   (6) Body modifications of the face, ears, neck, head, and hands;
   (7) Teeth, whether natural, capped or veneers, that are ornamented with designs, jewels, etc.
   (8) Visible piercings.

d. Exceptions to the prohibited body modifications listed above:
   (1) Earrings as worn by female officers in accordance with policy;
   (2) Simulated ring band tattoos on fingers.
   (3) Any tattoo that does not fall into a prohibited category.

e. Applicants for Sworn & Cadet Positions:
   (1) Applicants for both sworn and cadet positions will be screened for compliance with this policy as part of the application process.
   (2) Applicants with body modification(s) that are not prohibited will not be disqualified from employment.
   (3) Applicants will be informed that, if hired, they will be required to comply with this policy.
   (4) When possible, for both sworn and cadet applicants who are denied employment based on prohibited body modification(s), a picture of such modification(s) will be taken and placed in the applicant’s file.

f. This policy will be enacted October 1, 2016. To be exempt, current sworn and cadet personnel not in compliance with this policy shall provide a photograph of any prohibited body modification. The photo will be secured in their NRP personnel file after being verified by the disability panel.

   EXCEPTION: Current sworn personnel serving in an undercover capacity will be exempt from this policy to the extent that they will be able to be in compliance when no longer undercover.

   Failure to comply with the above policy may be grounds for disciplinary action.

5. Appearance Standards – Male Personnel

   a. Male personnel shall wear their hair neatly trimmed and tapered to the sides of the head and to the back of the neck not to extend beyond the top of a buttoned uniform shirt collar. The coloring, style, or cut shall not detract from the intent of the uniform or position.

   b. Sideburns shall be neatly trimmed and shall not extend beyond a line drawn parallel to the bottom of the external opening of the ear, where they shall end with a clean-shaven horizontal line. Sideburns shall be no wider at the bottom than they are at the top.

   c. Mustaches are permitted; however, no hair shall extend down over the upper lip nor extend past either side of the mouth and must be kept trimmed at all times.

   d. Beards are prohibited, and officers shall be clean-shaven at all times. Exemptions will be made with the appropriate medical documentation. The affected officer will forward the medical

8 I 2 (Revised 06/18)
CHAPTER 8 SECTION I
CLOTHING

documentation along with a request for a shaving waiver through his chain of command to the Medical Review chairperson. Medical documentation and a request for waiver must be submitted twice annually by January 15th and July 15th of each year.

e. Once granted, the officer must keep facial hair trimmed not to exceed ¼ inch in length. Officers with shaving waivers are not permitted to shape the facial hair into goatee or “Fu Manchu” styles, or any style that is determined to give an unprofessional appearance.

6. Appearance Standards - Female Personnel

a. Female personnel shall wear their hair styled in such a manner as to prevent it from extending or hanging down beyond the bottom edge of a buttoned uniform shirt collar. The coloring, style, or cut shall not detract from the intent of the uniform or position.

b. The hair shall be groomed so that when Agency headgear is worn, the hair does not fall below the eyebrows or extend out to the front, side, or rear of the hat in excess of one inch.

c. No decorations shall be worn in the hair. Items such as hair bands shall be solid black or of a color that is inconspicuous and blends with the hair.

d. Make-up
   (1) Make-up, if worn, shall create a natural appearance.
   (2) Uniformed personnel may wear only conservative or clear polish on their fingernails.

B. Accessories and Accouterments

1. Each officer shall be held responsible for the safekeeping and operating efficiency of all items of State property issued to them.

2. The Natural Resources Police Supply Section Personnel are the only Agency representatives authorized to issue or receive uniforms. When replacement items are issued to NRP personnel, an old item will be turned in for each one received with the exception of collar brass, gloves, ties, tie tacks, baseball caps, rain cover for hats, belt keepers and flag pins. The Superintendent may grant an exception to this for special issue items.

3. The accessories and accouterments are to be worn in the following manner:

   a. Badge:

   The uniform badge shall be displayed on the outermost garment according to the following instructions and exceptions:
   (1) The badge shall not be worn on any foul weather jacket or exposure suit unless it has a badge tab.
   (2) When worn on the uniform shirt, the badge shall be worn centered above the left breast pocket. The uniform badge pin shall be inserted two and one-half inches above the top of the pocket flap. The location of embroidered badge tabs may be ignored.
   (3) When worn on the green dress blouse, the badge shall be worn centered on the left breast pocket flap. The badge shall be positioned with the top of the badge even with, but not extending above, the top of the pocket flap.
   (4) For other outer garments, the badge shall be displayed affixed to the badge holder provided
on the garment. If a badge holder is not provided, the badge shall be worn centered in the area where the left breast pocket flap would normally be located.

(5) Plainclothes personnel, while acting in their official capacity at the scene of an investigation or other police emergency where their identity should be known, shall display their badge on an outer garment.

b. **Badge and Identification Card**

(1) The badge and identification card issued to a sworn member of the Agency is for the use of that member only and will be used by no other person.

(2) All sworn members, excluding officers assigned to covert operations, will be required to carry their credentials while on duty. Credentials will be displayed upon request by a citizen when the member is out of uniform.

c. **Collar Ornaments**

(1) **Commissioned Personnel:** Collar rank insignia shall be worn on both Class B and Class C shirts by officers at the rank of Lieutenant and above. Rank insignia is worn between one-half inch and one inch from and parallel to the front edge of the collar. The State of Maryland seal shall be worn on the green dress blouse by commissioned officers. The insignias shall be positioned upright on the blouse, one on each side of the collar above the lapels. The insignia shall be placed in an upright position, with the bottom on a line drawn between the upper collar points, and five-eighths of one inch in from the collar points.

(2) **Non-Commissioned Personnel:** NRP collar insignia shall be worn on both Class B and Class C shirts by officers below the rank of Lieutenant. NRP insignia is worn three-quarters of one inch below the neck line and one-half of one inch from the front edge of the collar. NRP collar insignia shall be worn on the green dress blouse by non-commissioned officers. They shall be positioned on the blouse, one on each side of the lapels. The insignia shall be placed in an upright position, with the bottom on a line drawn between the lower lapel points, and one and one-eighth inches in from the lapel point. NRP collar insignia will not be worn on the uniform shirt when wearing the green dress blouse.

(See Chapter 8, Section I-A, Appendix A - Ribbons & Collar Brass Illustrations)

d. **Firearms Qualifications or Instructor's Badges** shall be displayed over the left breast pocket of the uniform shirt and Class A blouse. Firearms badges will not be worn on any other garment. It shall be displayed centered and placed directly above the pocket, with the bottom edge touching the top seam of the pocket flap. Personnel are authorized to wear only the most current issued firearms badge. The Regional Firearms Instructor shall be responsible for monitoring its compliance.

e. **Flashlights:** Personally owned flashlights are authorized to be carried on the weapons belt. The flashlight and holder shall be black in color.

f. **Handcuffs:** Generally, this item will be carried by non-commissioned personnel and may be carried by Commissioned personnel. When carried by uniformed personnel, handcuffs shall be placed in an enclosed handcuff case worn on the uniform weapons belt (non-commissioned personnel) or waist belt (commissioned personnel) where it is conveniently accessible to the individual. The actual carrying and the method of carrying handcuffs by non-uniform personnel will be determined by the nature of the individual's assignment.

g. **Handguns:** The issuance and use of handguns by sworn personnel will conform to the Agency’s
CHAPTER 8 SECTION I
CLOTHING

Firearms Policy.

h. **Holsters:** Only holsters issued by the Agency as an item of uniform equipment may be used by sworn personnel while in uniform. Holsters will not be supplied to fit any weapon other than those weapons issued by the Agency.

i. **Knives and Knife Case:** Personnel are authorized to wear and carry personal folding knives. When worn on the weapons belt, the knife shall be carried folded in a black case. The folded knife and case should not exceed six inches in length. The knife and case may be worn on the weapons belt wherever it is comfortable for the individual.

j. **Magazines and Pouch:** Only the issued magazines and magazine pouch shall be carried. This item will be placed on the weapons belt of non-commissioned personnel wherever they are most convenient and accessible for the individual.

k. **Name Plates:** When in uniform, a name plate shall be worn on all outer garments. The brass name plate shall be worn and properly displayed on the Class B and Class C uniform shirt, Class A blouse, black jacket, coat, and rain gear.
   (1) When worn on the Class B and Class C uniform shirt or Class A blouse, the name plate shall be centered and placed directly above the right pocket, with the bottom edge touching the top seam of the pocket flap.
   (2) On any other outer garment, the name plate shall be placed on the name plate tab, if it has one.

l. **Portable Radio Holster:** Shall be placed on the weapons belt of all non-commissioned personnel where it is most convenient, accessible, and comfortable for the individual.

m. **Shoulder Strap:** Shall be worn by non-commissioned personnel when the Class A dress blouse is worn. It shall be worn over the shoulder, under the epaulet opposite the holster, and attached to the weapons belt.

n. **Tie Tack:** The issued tie tack bearing the State of Maryland insignia shall be used to secure the tie in line with the horizontal bottom edge of the shirt pocket flaps.

o. **Ribbons:** Personnel awarded commendation ribbons by the NRP may wear the ribbons with the following limitations:
   (1) Ribbons will be displayed in their order of prominence.
      (a) NRP issued ribbons shall have prominence over any other ribbons.
      (b) The most prominent ribbon will be displayed closest to the heart.
      (c) Each “✯” represents one additional award in that particular area.

   (2) The below listed ribbons are identified in “order of prominence.”
      (a) Medal of Valor
      (b) Award of Merit
      (c) Superintendent’s Commendation
      (d) Officer of the Year
      (e) Service Award
      (f) Awards from Other Organizations

   (3) NRP personnel may wear up to six ribbons in two rows.
CHAPTER 8 SECTION I
CLOTHING

(a) When wearing two rows of ribbons the most prominent ribbon will be worn on the top row, closest to the heart, up to two additional ribbons may be placed in order of prominence next to the most prominent ribbon, except for the Medal of Valor.

(b) Each row of ribbons will be worn centered over the right pocket, with the first row one-half of one inch above the nameplate. The top row will be centered one half of one inch above the bottom row.

(c) No more than three ribbons will be worn on any one row, filling the bottom row first.

(4) Wearing the Medal of Valor
(a) Shall always be worn centered and alone on the top row or centered on a single row.
(b) No other ribbon will be worn on the same row with the Medal of Valor. It will be worn alone on the top row.

(5) Commendation ribbons issued by other organizations
(a) May be worn only when approved by the NRP Awards Review Board. For the purpose of consistency, the Awards Review Board may authorize the wearing of substitute ribbons in lieu of wearing any commendations awarded by other organizations.
(b) The Awards Review Board may issue stars “✯” in place of numerous ribbons from outside organizations.
(c) Under certain circumstances the NRP Awards Review Board may waive this requirement and authorize the actual award to be worn in a prescribed manner.

(6) Civilian Personnel:
(a) Civilian employees are permitted to wear their commendation ribbons above the area where a right pocket would normally be located.
(b) The commendation ribbons shall be displayed in a manner similar to the way the ribbons are worn by uniformed personnel of the Agency.

(See Chapter 8, Section I-A, Appendix A - Ribbons & Collar Brass Illustrations)

p. Field Training Officer Designation: An officer who has completed MPCTC required training may display the Field Training Officer Insignia.

q. Flight Observer Wings: When authorized, a member may display the pilot or flight observer wings.

r. Honor Guard Designation:
(1) The honor guard designation badge shall be displayed by members of the honor guard at all times on the right breast pocket of the green dress blouse, centered and one-half of one inch below the name plate.
(2) The black and gold braid will be worn on the left shoulder of the green dress blouse by members of the honor guard only while performing honor guard duties. The braid shall be placed under the epaulet with the single strand placed under the arm against the body and the braided portion displayed on the outside of the sleeve.

s. Scuba Diver Designation: A member of the dive team may display the scuba insignia.

t. White Gloves: White gloves shall be worn by members of the honor guard and color guard when attending special events. White gloves shall be worn by other personnel only when authorized by the Superintendent or his designee.

u. Flag Pin: The flag pin shall be displayed on shirts and blouses. The pin shall be displayed centered over and one-half of one inch above the name plate with the following exception.
When worn in conjunction with an Agency-issued award or special achievement designator, the flag pin shall be displayed centered over and one half of one inch above the other accouterment. When authorized, the FTO (Field Training Officer) pin, Dive Team pin, K-9 pin, or Flight Observer pin may be worn on the uniform shirt and green dress blouse, with the flag pin displayed centered over and one-half of one inch above the specialty pin.

v. No decoration or insignia shall be worn by any employee of this Agency on the Maryland Natural Resources Police uniform unless authorized by the Superintendent, who will designate where, when and in what manner the insignia will be worn.

C. Insignia of Rank

1. All insignia of rank shall be furnished by the Agency. Uniformed personnel will display the appropriate rank insignia at all times.

2. Rank Designation: Non-Commissioned Officers:

<table>
<thead>
<tr>
<th>Rank</th>
<th># of Chevrons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Officer</td>
<td>No chevrons</td>
</tr>
<tr>
<td>Officer First Class</td>
<td>One chevron</td>
</tr>
<tr>
<td>Senior Officer</td>
<td>One chevron with rocker attached below.</td>
</tr>
<tr>
<td>Master Officer</td>
<td>One chevron with rocker attached below, and a diamond center.</td>
</tr>
<tr>
<td>Corporal</td>
<td>Two chevrons</td>
</tr>
<tr>
<td>Sergeant</td>
<td>Three chevrons</td>
</tr>
</tbody>
</table>

3. The Class A dress blouse and shirts will be adorned with cloth chevrons. Any lightweight jacket or heavy winter coat currently adorned with sewn on cloth chevrons shall remain in that condition. Chevrons shall be black in color on a yellow background.
   a. The chevrons shall be affixed to both sleeves and positioned one-half of one inch below the shoulder-patch on the left sleeve and in a similar location on the right sleeve.
   b. The cost of applying chevrons to shirts and replacing chevrons on the Class A dress blouse will be borne by the employee.
   c. Cloth shoulder boards will be worn on the winter coat by all non-commissioned officers. On the lightweight jacket, metal chevrons shall be worn on the shoulder with the insignia three quarters of one inch from the shoulder seam and centered on the epaulet.
      (1) The chevrons on the shoulder boards will be yellow in color on black cloth background for sergeants and corporals.
      (2) A gold chevron pin attached to the black cloth of the shoulder board will be the shoulder mark for Officer First Class, Senior Officer, and Master Officer.

4. Rank Designation: Commissioned Officers

<table>
<thead>
<tr>
<th>Rank</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lieutenant</td>
<td>Single Silver Bar</td>
</tr>
<tr>
<td>Captain</td>
<td>Double Silver Bar</td>
</tr>
<tr>
<td>Major</td>
<td>Gold Oak Leaf</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>Silver Oak Leaf</td>
</tr>
<tr>
<td>Superintendent</td>
<td>Silver Eagle</td>
</tr>
</tbody>
</table>

a. Insignia of rank shall be worn on each shoulder of the Class A dress blouse and the lightweight jacket. Insignia are to be centered at the cross point of the stitched seams on the epaulets of the dress blouse and three quarters of one inch in from the shoulder seam on the lightweight jacket.
CHAPTER 8 SECTION I
CLOTHING

Cloth shoulder boards shall be worn on the heavy winter coat and sweater.

b. The uniform shirt shall have rank insignia affixed to the collar. They shall be positioned on the shirt, one on each side of the collar, three-quarters of one inch below the neckline and one-half inch behind the inward edge. The leading edge of the insignia shall be parallel to the inward edge of the collar.

c. When the blouse is worn, insignia of rank will be displayed on the shirt collar and the dress blouse epaulets.

5. An insignia denoting years of service in five-year increments shall be worn on the blouse as follows:
   a. Centered on the left sleeve one-half inch above the sleeve braid.
   b. Personnel will requisition replacement insignia as necessary.

D. Dress Uniform

1. Class A (Dress Uniform) - Green dress blouse, collar ornaments, badge, nameplate, commendations, long sleeve shirt, necktie, winter trousers, felt Stetson, and black oxford or black high-gloss dress shoes only. This uniform shall be designated as the dress uniform.
   a. Non-commissioned officers shall wear a shoulder strap with the buckle in the center of the chest. The weapons belt shall have the “D” rings attached to the weapon side of the belt. The shoulder strap shall be attached to these rings with the strap running through the non-weapon side epaulet and the “D” rings attached in front of and behind the holster. Only a holster, magazine pouch, and handcuff case shall be worn on the weapons belt.
   b. The Class A uniform shall be worn by Commissioned Officers at all official functions as designated. Commissioned Officers shall have immediate access to a Class A uniform.
   c. The Class A uniform shall be worn by non-commissioned personnel only on assignments when authorized or designated by the appropriate supervisor.

E. Winter Uniform

1. Class B (Winter Uniform) - Winter trousers, long sleeve shirt, tie, felt Stetson, and weapons belt. This uniform shall be worn during the winter months (November 1 through March 31), and is to be utilized for most routine duties.

   There is an optional period for wear at the Officer’s discretion based on weather conditions, work assignments, or other circumstances. These dates are: April 1st through May 15th and September 15th through October 31st.

2. Class B may be designated as the uniform of the day for an official function by the appropriate supervisor.

F. Summer Uniform

1. Class C (Summer Uniform) - Summer trousers, short sleeve shirt, straw Stetson, and weapons belt. This uniform shall be worn during the summer months (May 16 through September 14) and is to be utilized for most routine duties.

   There is an optional period for wear at the Officer’s discretion based on weather conditions, work assignments, or other circumstances. These dates are: April 1st through May 15th and September 15th through October 31st.
CHAPTER 8 SECTION I
CLOTHING

2. Class C may be designated as the uniform of the day for an official function by the appropriate supervisor.

3. If a T-shirt is visible it must be black in color.

G. Utility Uniform

1. Class D (Utility Uniform) - Utility trousers, long sleeve, or short sleeve utility shirt, baseball style type cap, and web style weapons belt.
   a. The Class D uniform may be worn for field assignments and on the firearms range.
   b. The Class D uniform shall not be worn to court or official functions.
   c. The Class D uniform may be designated as the uniform of the day by the appropriate supervisor.
   d. If a T-shirt is visible it must be black in color.
   e. Trousers may be b bloused when worn with boots.
   f. When wearing the Class D uniform, the short sleeve shirt shall be worn during the summer months (May 16 – September 14), unless the long sleeve shirt is worn as set forth below.
      (1) For purposes of sun protection and/or protection from environmental dangers (insects, poison ivy, etc.) the long sleeve shirt may be worn during the summer months as long as it is worn with both sleeves rolled down and buttoned at the wrist or with both sleeves evenly rolled up and buttoned above the elbow. Under no circumstances will the sleeves be worn in a half down (middle of the forearm) or other less than professional looking manner.

      (For instructions on how to properly fold the sleeves up, see Chapter 8, Section I-B, Appendix B – Folding Sleeves on Class D Long Sleeve Shirt.)

      (2) The long sleeve shirt shall be worn during the winter months (November 1 – March 31).

There is an optional period for wear of either the short sleeve or long sleeve utility shirt at the Officer’s discretion based on weather conditions, work assignments, or other circumstances. These dates are: April 1st through May 15th and September 15th through October 31st.

2. The accouterments required to be displayed on the utility uniform shirt include rank insignia on the collar, one NRP subdued patch on each sleeve, subdued badge patch over left breast pocket, and subdued name tape over right breast pocket.

H. Civilian Business Attire

1. Class E (Civilian Business Attire) - This attire may be worn when working in an investigative unit, attending meetings, training, or special assignments.

2. Clothing shall be clean and neat and conform to the standards normally followed by personnel in business offices, unless otherwise directed. Supervisors shall insure that Class E clothing is presentable and appropriate for the assignment.

3. An officer who serves primarily in a uniformed capacity is required to receive approval by a supervisor prior to wearing Class E attire. Supervisors shall grant permission for an officer to wear Class E clothing on an assignment basis only.
CHAPTER 8 SECTION I
CLOTHING

I. Drill Instructor Uniform

1. **Class F (Drill Instructor Uniform)** - May only be worn by certified Drill Instructors and only within the NRP Training Academy environment or as authorized by the Training and Recruitment Unit Commander.

2. The Drill Instructor (DI) uniform shall consist of the following:
   a. Black Campaign Hat with 2 piece strap.
   b. BDU Long-Sleeve Top (standard issue).
   c. Black Crew-Neck T-Shirt.
      (1) “DI” Pin (Worn centered and three inches above the right-hand breast name tape).
   d. “DI” Belt Buckle w/ issued Black Belt.
   e. BDU Pants (standard issue).
   f. Boots (Black in color, highly shined).

3. The DI pin is authorized to be worn on the class A, B and C uniforms.
   a. The DI pin shall be centered three-quarters of an inch above the brass name tag (above the right breast pocket), and three-quarters of an inch below the flag pin.

4. For detailed instructions on how to properly wear the DI Uniform, see the Training & Recruitment Unit’s, Standard Operating Procedure, Drill Instructor Program.

J. Uniform and Related Clothing

1. **Blouse** - A green dress jacket. This item will be issued to all commissioned and non-commissioned officers and worn as the Class A uniform.

2. **Coat** - A green, heavy weight, insulated work coat. This coat is provided for wear during colder weather and may be worn with Class B or Class C uniforms. It is to be worn for field enforcement activities and will not be worn to court or public relations details. The coat shall be worn with the front zipper closed at least halfway up from the bottom.

3. **Flotation Suit** - A green, insulated garment equipped with flotation capabilities designed to protect the wearer from the cold and provide buoyancy if the wearer falls overboard. This suit is provided for wear during cold weather and while on boat patrol. The weapons belt shall be worn over this garment.

4. **Footwear** - Footwear shall be black in color, smooth leather, round plain toe style with no buckles or straps. Footwear shall be kept clean, well maintained, and shined when reporting for duty.
   a. During field patrol duties, special use footwear (hip boots, insulated boots, etc.) may be worn as required.
   b. Discretion should be used as to style, design, and color of special use footwear so as to conform as closely as possible to desirable standards.
   c. Wearing of special use footwear as described above shall not be permitted for court or other formal function.
   d. Black high-gloss dress shoes shall be worn with the Class A uniform.

5. **Hat, Baseball Type** - The issued black baseball cap is authorized to be worn with the Class B and C uniform during field type assignments. The green cap shall only be worn with the Class D uniform.
   a. The cap shall not be worn to court.
CHAPTER 8 SECTION I
CLOTHING

b. The hunter orange cap should be worn, in compliance with the above restrictions, when an officer feels it is necessary for safety purposes.
c. The cap is to be kept clean and presentable at all times.

6. Hat, Boonie Type:
a. For purposes of sun protection and/or protection from environmental dangers (insects, poison ivy, etc.), the green boonie hat may be worn with the Class D uniform while on patrol in a woodland or marine environment.
b. The boonie hat will not be worn to court, during traffic stops, or on other occasions when an officer is expected to present more than a casual appearance.
c. The boonie hat will not be an issued item, but officers may order and purchase an Agency approved hat at cost from the NRP Supply Section.

7. Hat, Stetson: Felt and Straw. The Stetson hats are issued in two types. The winter style is constructed of green felt and the summer style of tan straw.
a. The Stetson will be worn with the Class B or Class C uniform during special assignments, public relation events or other situations where a formal appearance is appropriate. Officers shall have the appropriate Stetson readily available when wearing the Class B or C uniform.
b. Hat straps will be worn circling the base of the crown, fit through the slots in the brim and circle the back of the head. Swivel type straps may be used when attached to existing hat straps. The buckle of the hat strap shall be centered at the front of the hat.
c. Occasional brushing of the felt Stetson is recommended.

8. Jacket, OD Green – The OD green Blauer softshell jacket may be worn with the Class B, Class C, and Class D uniforms. This jacket has a subdued NRP patch and a subdued badge sewn on. This jacket also functions as a liner when zipped into the black Blauer rain jacket.

9. Jacket, Lightweight Duty, Black -- The black lightweight duty jacket may be worn with the Class B and Class C uniforms only. This jacket has the standard NRP patch sewn on along with a badge holder and tabs for a name plate.

10. Personal Flotation Devices -U.S.C.G. approved Type III vest, self-inflating PFD, Flotation suit, or float coat. NRP policy dictates that officers wear one of these PFDs while on boat patrol under certain circumstances.

11. Rain Gear - Standard issue rain gear shall consist of a lightweight hooded jacket, and pants. The jacket and pants may be worn separately or as a set.

12. Shirts:
a. Class B uniform shirts shall be long sleeve and will be worn with the collar closed with a tie and the sleeves extended and buttoned. The collar may be unbuttoned when worn with the mock turtleneck.
b. Class C uniform shirts shall be short sleeve and will be worn with the collar open. If a T-shirt is visible it must be black in color.
c. Utility uniform shirts are issued in both short and long sleeves. Both shall be worn with the collar open. If a T-shirt is visible, it must be black in color.
d. Shirt pockets will not be utilized as storage areas for items which detract from the appearance of the uniform.
e. Rolling of the sleeves is prohibited on Class B uniforms.
CHAPTER 8 SECTION I
CLOTHING

13. Shoulder Boards - These are issued to the rank of Officer First Class through Colonel. Shoulder Boards shall be black in color with specified rank embroidered or designated with metal chevrons. Officers shall wear the black shoulder boards on the heavy weight winter coat.

14. Socks - Socks, if visible, shall be black in color.

15. Ties - The regulation issue tie will be black in color and shall be worn with the Class B uniform if the mock turtleneck is not worn. It shall be secured to the shirt with the issued tie tack.

16. Turtleneck Shirt, mock - A black long sleeve turtleneck shirt, with "MNRP" or “NRP” in gold lettering on the collar.
   a. The mock turtleneck shirt can be worn underneath the long sleeve uniform shirt (Class B) or long sleeve utility shirt (Class D).
   b. The mock turtleneck shall not be worn to court or other places/occasions when an officer is expected to present more than a casual appearance.

K. Body Armor Policy

1. Purpose

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

2. Policy

It is the policy of the Maryland Natural Resources Police to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures. All uniformed personnel working in field activities, from the rank of Sergeant and below, will wear their issued body armor while on duty.

3. Definitions

   a. Body Armor - The soft body armor (ballistic vest) is issued to all personnel to provide a measure of protection against assault and its usage shall be governed by the Agency’s Body Armor Policy, which can found in this section.

   b. External Body Armor Carrier - A sleeveless vest, either black or green in color, designed to accept the ballistic panels from the standard issue body armor and designed to be worn over the Class B, C, or D uniform.

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

4. Procedures

   a. Issuance of Body Armor
      (1) All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.
      (2) All officers shall be issued Agency-approved body armor, including the standard concealable
CHAPTER 8 SECTION I
CLOTHING

carrier as well the external carrier.

(3) Body armor that is worn or damaged shall be replaced by the Agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

b. Use of Body Armor
(1) Officers shall wear only Agency-approved body armor.

(2) Wearing Body Armor:
(a) Body armor shall be worn by recruit officers during both classroom and field training.
(b) All sworn officers will wear their issued body armor while actively engaged in a patrol function.
(c) In addition, officers that are assigned to a uniformed function and non-uniformed sworn officers are mandated to wear body armor while:
(i) Training or qualifying on the range.
(ii) Conducting warrant service.
(iii) Whenever supervisory personnel determine that an assignment may be especially hazardous, such as stakeouts, search and seizure operations; or,
(iv) Any other high risk assignment.

(3) Exemptions to Wearing Body Armor
(a) When an Agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor;
(b) When the officer is involved in undercover or plain clothes work that their supervisor determines could be compromised by wearing body armor; or
(c) When the Agency determines that circumstances make it inappropriate to mandate wearing body armor.

(4) If not required to be worn, and not exempted from wearing, all personnel shall have their body armor readily available while on duty.

(5) The concealable body armor carrier may be worn under any shirt by any sworn officer.

(6) Body Armor External Carrier:
(a) The agency issues two styles of external carriers for body armor.
(i) The OD Green Mac 08 carrier is issued to non-commissioned officers and shall be worn only with the Class D uniform.
(ii) The black quilted carrier is issued to commissioned officers, and may be worn over the Class B, C, or D uniform shirt.
(b) The subdued embroidered badge and subdued embroidered name tape shall be appropriately displayed on the OD Green Mac 08 tactical carrier.
(c) The external carrier will not be worn to court or on other occasions when an officer is expected to present more than a casual appearance.

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

d. Care, Maintenance, and Replacement of Body Armor.
(1) Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.
CHAPTER 8 SECTION I
CLOTHING

(2) As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer’s instructions.

(3) Officers are responsible for the proper storage, maintenance, and care of body armor in accordance with manufacturer’s instructions.

(4) Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.

(5) Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

e. Training

The Technical Services Division Commander shall be responsible for:

(1) Monitoring technological advances in the body armor industry that may necessitate a change in body armor.

(2) Assessing weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(3) Ensuring training programs are provided that demonstrate body armor’s stopping power under actual firing conditions and that emphasize its safe and proper use.

(4) Maintaining statistics on incidents where armor has or has not protected officers from harm, including traffic accidents.
MEDAL OF VALOR - MOST PROMINENT

AWARD OF MERIT - SECOND MOST PROMINENT

SUPERINTENDENT=S COMMENDATION - THIRD MOST PROMINENT

OFFICER OF THE YEAR - FOURTH MOST PROMINENT

SERVICE AWARD - FIFTH MOST PROMINENT

OUTSIDE AGENCY - LEAST PROMINENT

RIBBON AWARDS

SINGLE AWARD - MEDAL OF VALOR
TWO AWARDS - MEDAL OF VALOR -

SMITH

TWO RIBBONS IN ORDER OF PROMINENCE

SMITH

MEDAL OF VALOR - WITH ONE ADDITIONAL RIBBON
FOUR RIBBONS

Collar Brass
(These Illustrations Do Not Depict Actual Measurements)

The bottom edge of the insignia shall be at a right angle to the inward edge of the collar.
The idea behind the zip sleeve roll is to help keep you cool in the summer, but allow for a quick zip down of your sleeves for full arm protection. Just grab the cuff and pull.

The goal is to have the finished folded sleeve ending just above your elbow with a neat, finished appearance. Depending on your arm length and Class D long sleeve shirt, you’ll be doing a 3 step or 4 step roll.

Take off your Class D long sleeve shirt - you can't do this with it on.

Lay out and smooth the sleeve on a flat surface.

Un-button the cuff.

Fold up the sleeve to the top of the elbow reinforcement seam for a 3 roll.

On a 4 roll, keep going until you're about an inch from the armpit.

Keep smoothing and try to keep the seams aligned.

Ready for next fold.

Fold again and smooth.

For a 4 roll, you'll be folding partway up and then again to the edge of the cuff.
Ready for finish fold.

The secret to doing this right is insuring that the inside of the cuff fabric is slightly wider than the folded part of the sleeve. Start over if it's not.

Keep smoothing

Finish folding by pulling the cuff back over the folded sleeve.

Check seam alignment and smooth as much as possible.

Button the cuff and you're ready to go.

When done, you shouldn't see any folded "white fabric" below the cuff or excess sleeve fabric above the cuff seam.
A. Preventive Maintenance

1. Officers are responsible for conducting daily pre-patrol checks on all vessels and trailers they utilize. Full directions for these checks can be found in the Boat Operator’s Verification Program which can be found on the NRP Network at the following link:

\Tawesdata2\nrp\Common\NRP-Manuals\Boat-Op-Verification

2. Vessel & Trailer Safety Inspections
   a. The Quarterly Vessel & Trailer Safety Inspection Report (Form NRP-421VT) will be administered quarterly by the person whom the vessel and/or trailer is assigned, and the vessel and/or trailer will be inspected randomly by the supervisor.

3. Vehicles
   a. The Quarterly Vehicle Safety Inspection Report (Form NRP-421A) will be administered quarterly by the person whom the vehicle is assigned, and the vehicle will be inspected randomly by the supervisor.
   b. It is the responsibility of the person whom the vehicle is assigned to have the required servicing performed at the scheduled maintenance intervals and enter such into the Vehicle Service Record (Form NRP-417).
   c. A maximum of 1,000 miles over the scheduled maintenance intervals will be acceptable.
   d. The operator shall be responsible for being aware of and obtaining any required special maintenance schedules.

B. Vehicle Operation

1. State Driver Eligibility & Use of State Vehicles:
   a. State-owned vehicles shall be operated only by drivers who have signed the NRP-306ACK, Acknowledgment Statement – Policies & Procedures for Drivers of State Vehicles.
   b. All drivers must have a driver’s license which is valid in the State of Maryland.
   c. Commanders shall not allow any sworn or civilian employee to operate an Agency vehicle unless the employee possesses a driver’s license valid in Maryland of the proper class for the type of vehicle being operated.
   d. DNR Communications shall cause a check to be made of all employee’s driving record yearly and forward any findings noted in e, and f below to the NRP Review Board.
   e. An employee having a driver’s license with six or more points for moving violations shall not operate a State vehicle.
   f. An employee’s eligibility to drive a State vehicle shall be immediately suspended whenever they are charged with any motor vehicle violation for which a penalty of incarceration is possible while driving a State vehicle. Motor vehicle citations for these violations will indicate that the violation is a “Must Appear” violation and that the driver must appear when notified by the Court. Eligibility shall remain suspended until the Agency’s Accident Review Board has reviewed the occurrence, and a decision regarding further action is made.

2. Utilization of State Vehicles:
   a. Vehicles shall be driven only by authorized employees. Exception may be made for those instances when Agency vehicles are being tested in connection with bona fide repair services. As a general rule, civilian personnel shall not be permitted to operate marked vehicles.
   b. Smoking and all other forms of tobacco use, including electronic cigarettes is prohibited in State vehicles.
CHAPTER 8 SECTION II
VEHICLES AND VESSELS

c. All drivers shall operate State Vehicles in a manner that reflects concern for safety and courtesy towards the public.

(1) An authorized driver shall operate a State vehicle in accordance with any license requirements or restrictions, such as corrective lenses, daytime only, etc.

(2) The driver of a State vehicle shall take every precaution to ensure the safety of passengers, vehicle, and its contents. No person may ride in a State vehicle unless properly restrained by a seat belt or, in the case of children, an appropriate child safety seat.

(3) All traffic and parking laws are to be obeyed. Posted speed limits are not to be exceeded, except when responding to an emergency or during a vehicle/vessel pursuit. In all cases, the vehicle is not to be operated above safe driving speeds for current road and traffic conditions. All traffic and parking violations and fines, including any late fees or penalties, are the responsibility of the driver involved. Failure to promptly pay a violation or fine may result in disciplinary action.

(4) The use of a wireless phone by the driver in a moving State vehicle is strongly discouraged, except in cases of emergency. A driver should make every effort to place or receive calls when the vehicle is not moving.

(5) Operators are personally responsible for vehicles operated by them and any damages resulting from misuse, abuse, or willful negligence. If a State vehicle is damaged beyond repair as a result of misuse or gross negligence the operator of the vehicle may be required to make restitution of the difference between the amount obtained as salvage value and the amount of the then current wholesale value of the vehicle as reported in the National Auto Research Black Book Used Car Market Guide, MD Edition.

d. Police radios shall be on at all times when the vehicle is in operation.

e. When Agency vehicles are left unattended, keys will be removed and all doors will be locked.

(1) Unattended means that the employee is not in the immediate vicinity of the vehicle or does not have the vehicle in his clear observation.

f. Out of State on-duty or extended duty use of Agency vehicles must be approved by the Superintendent or their designee.

g. At no times will night vision equipment be used while operating a vehicle.

h. The use of electronic equipment shall be limited while the vehicle is in motion and must not impair the driver’s ability to operate the vehicle safely.

3. Vehicle Mileage Logs:

a. For Officers who complete an Officer’s Daily Log (ODL) within the RMS program, they will add their vehicle information into the ODL. If the vehicle information is entered into the ODL, then the form NRP-306 (Fleetmaster Vehicle Mileage Form) will not be required.

b. Officers who do not complete the Officer’s Daily Log (ODL) within the RMS program, will submit their beginning and ending vehicle mileage onto the NRP 306 (Fleetmaster Vehicle Mileage Form) at the end of the month, or complete the ODL equivalent.

4. Moving Violations in a State Vehicle:

a. A driver charged with a moving violation or a must appear violation while driving a State vehicle shall notify the Agency Fleet Coordinator immediately, through the chain-of-command. In no case shall the notification to the Agency Fleet Coordinator be later than the following business day.

b. The Agency Fleet Coordinator shall notify the DNR Fleet Manager, who will then notify DBM in writing within two business days of receiving notice of the charge.

c. Failure to timely report the receipt of a moving violation or a must appear violation may result in disciplinary action.

d. Accidents - All accidents are to be reported, even if another vehicle is not involved or there are
5. Vehicle & Driver Assignments:
   a. Assignment of a State vehicle to an individual authorized driver is based solely on the needs of the Agency.
   b. In assigning State vehicles, the Superintendent, or their designee, shall consider the needs of the Agency, the driver’s expected official mileage accumulation, specific field assignment, and the need for specialized vehicle equipment in performance of the driver’s job.
   c. Whenever an employee who is assigned a State vehicle is on extended leave (leave that is 15 or more days in duration), then the following procedures shall apply.
      (1) When an employee is scheduled for leave for 15 or more days, or is on any type of sick leave for 15 or more days, then:
         (a) The employee’s commander shall make arrangements to retrieve the employee’s assigned vehicle and have it stored at a secure NRP facility.
         (2) The employee’s commander may return an employee’s assigned vehicle as soon as the employee has been cleared to return to full duty. The vehicle may be returned to the employee up to 3 days prior to them returning to full duty.
         (3) Exceptions to these procedures may be granted with the permission of the Regional or Division Commander. Bureau Commanders must be advised of the Regional or Division Commander’s intention of granting an exception before the exception can be granted.
         (4) These procedures do not prevent the retrieval of any NRP vehicle, during anytime that an employee is on any kind of leave for any length of time.

6. Commute Charges, Records, & Tax Liability:
   a. For those drivers who are not exempt from the commute charge, the driver shall complete a DBM State Auto Commute Charge Form, MFOMS-17, prior to accepting assignment of a State vehicle. This form will be provided by the Agency Fleet Coordinator.
   b. More information concerning the fringe benefit program is available on the DBM website at http://www.dbm.maryland.gov (select Other Services, then select Fleet Management Services.

7. Fueling of State Vehicles:
   a. State vehicles shall be fueled from the Statewide Automated Fuel Dispensing and Management System or at fuel pumps located at a State facility, except for emergencies or rare and unusual instances when such use is not possible.
   b. When available, alternative fuel shall be used in bi-fuel and flexible-fuel vehicles.

8. Maintenance and Repair of State Vehicles:
   a. Vehicles will be kept clean and neat at all times.
   b. Vehicles will be inspected quarterly, at a minimum.
   c. Drivers shall use the existing State of Maryland National Fleet Service Agreement for maintenance and repair of their assigned State vehicle, with the exception of the following circumstances
      (1) When the Agency has an in-house State maintenance and repair facility available.
      (2) Emergency conditions that do not allow the safe operation or towing the vehicle to a network vendor.
      (3) Vehicles not covered under the agreement.
   d. The use of State of Maryland Fleet Service Cards are restricted to State vehicles and under no circumstances are to be left in custody of service station or maintenance facility attendants.
CHAPTER 8 SECTION II
VEHICLES AND VESSELS

C. Vessel Operation

1. Only those persons authorized to operate Agency vessels may do so. Exception may be made for those instances when Agency vessels are being tested in connection with bona fide repair services. Civilian personnel shall not be permitted to operate marked vessels without an officer onboard unless approved by the Superintendent or their designee.

2. All personnel who are required to operate patrol vessels will be trained and competent in their operation, and shall complete the appropriate level of the Boat Operator’s Verification Program. Certain personnel are exempt from the boat operator’s verification program while serving in specific positions.
   a. There are four levels of Boat Operator Verification, which are dependent on the type of vessel the individual is expected to operate.
   b. Each officer shall have access to a Boat Operator’s Verification Manual electronically. The boat operator verification is valid for a three year period. Record of verification shall be maintained at the Area Office for 3 years.
   c. Final verification must be in writing and signed by the area commander or division commander. Copies of the letter of verification shall be given to the employee and placed in the individual’s personnel file, training file and area/division office file.
   d. Operators will not utilize night vision goggles while operating a vessel in excess of 6 knots.

3. Accurate engine hour readings shall be recorded in the RMS Daily Log.

4. Out of State on-duty use of Agency vessels must be approved by the employee’s commander.

D. Use of Personal Flotation Devices

1. All NRP officers, while aboard a vessel, shall wear an agency issued U.S. Coast Guard approved personal flotation device except when below the deck or in an enclosed cabin of a large vessel.
   a. All other persons aboard NRP vessels shall wear a U.S. Coast Guard approved personal flotation device.
   b. With approval of the Unit Commander, officers involved in special operations, such as covert or undercover activities, may be excused from complying with the provisions of this policy.

2. The inflatable personal flotation devices shall be maintained in compliance with the manufacturer’s recommendation. It is the responsibility of the officer to replace the bobbin at least once a year.

E. Authorized Passengers in DNR Vehicles and Vessels

1. Passengers authorized in Agency vehicles/vessels:
   a. Persons that are being transported as a result of an alleged violation of the law.
   b. Persons that are being transported as a result of an emergency (injury, vehicle/vessel breakdown, etc.).
   c. Employees of DNR, other county, State and federal agencies that share a common interest.
   d. Students of an educational institute or service organization serving an internship with DNR as part of their curriculum when an internship agreement is in effect.
   e. An officer’s family that is accompanying the officer on State business, and civilians or other persons, to and from Agency sanctioned events, when previously authorized by the Superintendent or their designee.
   f. Persons that are being transported in conjunction with a Maryland Boating Education or Hunter Safety Education function
   g. All other persons authorized by the Superintendent or their designee.

(Revised 07/16)
CHAPTER 8 SECTION II
VEHICLES AND VESSELS

2. When transporting civilian personnel, excluding Cadets and Reserve Officers, under this policy, an operator may not initiate or become involved in a motor vehicle pursuit or high-risk law enforcement situations.

F. Vehicle and Vessel Accidents

1. All incidents and/or accidents involving vehicles and vessels are to be reported on the date of the accident to the Fleet Coordinator. If after working hours, the accident should be reported the next business day. The procedure for reporting follows below:
   a. Notify the DNR Communications Center.
   b. Check for injuries to all parties.
   c. Notify a supervisor.
   d. In the event of a motor vehicle accident, remain at the scene until another law enforcement agency arrives and completes a vehicle accident report.
   e. Every vehicle and vessel accident requires an Accident Work Sheet (NRP-438) and an FS-1 (NRP-439). Complete the accident worksheet while still at the scene.
   f. Obtain information to include name, address, and telephone numbers from witness, operator, and any other involved party.
   g. If a second vehicle or vessel is involved and there are potential claims against the State, supply the operator with the telephone number of the Insurance Division, Office of the State Treasurer, which is (410) 260-7684. The Insurance Division will advise the claimant/attorney as to the proper procedure for filing a formal notice of claim.

2. Documentation Routing and Due Dates:
   a. NRP-438 and NRP-439 shall not be entered into RMS.
   b. Accident Work Sheet (NRP-438) - a copy is to be faxed or emailed to the Fleet Coordinator within 24 hours of the accident.
   c. “FS-1” (NRP-439) - a copy of side “A” is to be faxed or emailed to the Fleet Coordinator within 48 hours of the accident. The Supervisor will scan a copy of the entire NRP-439 to the Fleet Coordinator when complete. Supervisor will submit the original typed form with side “B” completed, and a copy of the police report immediately through the chain of command to the Field Force Bureau Commander.,
   d. The Fleet Coordinator shall forward a copy of the accident report package to DNR’s Fleet Administrator.
   e. If a multi vehicle accident occurs involving an Agency vehicle or damages from an accident exceed $1,000.00, the involved officer shall report the accident to the Agency’s Fleet Maintenance Company within twenty-four (24) hours.
   f. Documents to be submitted to the Fleet Coordinator within two weeks of the accident:
      (1) For vehicle repairs under $1,000.00, and all vessel repairs, three original estimates for repairs, or
      (2) A letter indicating that there are:
         (i) No damages, and therefore no repairs are necessary, or
         (ii) Damage exists however, no repairs will be made, or
         (iii) Damage exists and repairs will be made in house with an estimate of the cost from the facility completing the repairs.
      (3) If the vehicle repair will be over $1,000.00, an estimate from the Fleet Maintenance Company’s authorized repair center of the repair costs.
CHAPTER 8 SECTION II
VEHICLES AND VESSELS

G. Installation of Personal Equipment

1. No personally owned equipment shall be installed in any patrol unit without the approval of the Commander of the Supply Services Unit.

2. In every case, the officer shall retain full liability for any and all injuries and/or damages resulting from the presence and/or use of his personal equipment.

3. Non-Agency magnets, decals, and stickers are prohibited.

H. Vehicle and Vessel Identification

1. Every motor vehicle of this Agency will be assigned an Agency (NRP) Vehicle Identification Number. With certain exceptions, two NRP registration plates showing the vehicle identification number will be issued.
   a. Marked vehicles - Displays both the NRP registration plates and decals.
   b. Unmarked vehicles – displays only the white MVA Maryland registration plates issued for that vehicle.
CHAPTER 8 SECTION III
COMPUTERS

A. Laptops

1. Officers are required to check their email each shift.

2. Do not store the computer in the vehicle or on the vessel. Remove from both at end of shift.

3. NRP officers assigned a laptop computer will be responsible for the proper care and preventative maintenance of the computer equipment.

4. While a vehicle is in motion, if in use, the computer must be properly secured in the docking station. If the vehicle does not have a docking station, the computer may not be deployed while the vehicle is in motion.

B. Management Information System Security Policy

All NRP employees shall abide the State’s Information Technology Security Policy and Standards.
CHAPTER 8 SECTION IV
MISCELLANEOUS

A. Telephones

All essential employees shall have either a working telephone in their residence or a working cellular telephone where they can be reached while off-duty. Essential employees shall immediately report any change of their telephone numbers or addresses to their superior officers and the NRP Personnel Section.

B. Personal Water Craft (PWC)

1. Training in personal water craft operations will be provided to all officers before operating personal water craft. The training will include:
   a. A review of the owner/operator's manual to insure that personnel are familiar with the proper operation, safety features, maintenance and care of the unit.
   b. The number of hours of operational training stipulated by the manufacturer, which shall be conducted by an approved personal water craft instructor.

2. Personal water craft may be used for special investigations and undercover surveillance. Under these conditions, an officer shall not stop, attempt to stop or apprehend a vessel.

3. Officers using personal water craft for law enforcement patrols will work in conjunction with a marked patrol unit.

4. Officers using personal water craft will record all operation data on the NRP Boat Utilization Forms and submit monthly.

C. Wildlife Decoys

1. Prior to using decoys contact the owner of the property where the decoys are to be used, if applicable.

2. If hunters appear on the scene after the decoys have been deployed, the operation will be terminated.

3. If livestock is in or near the area where the decoys have been deployed, the operation will be terminated.

4. Houses or other occupied buildings should not be in the line of sight of the location where the decoys are to be deployed.

5. There shall be a backstop such as a hill, a dirt bank, woods, etc., behind the location where the decoys are deployed.

6. The decoys shall be placed along roads that normally experience light traffic approximately 75 to 125 yards from the roadway. If traffic increases to the point that it creates an unreasonable risk then the operation shall be terminated. Decoys shall not be placed at intersections, blind curves, crossroads, or where the terrain features create unreasonable risks to vehicular traffic.

7. Posted property or State lands closed to hunting should be utilized whenever possible. Decoys shall not be placed near developed portions of State lands or other public areas. In undeveloped areas, care shall be taken in placing the decoys so that there are no trails or other use areas behind the decoys.
8. Supervisors shall review and authorize proposed plans to use decoys.

9. The decoys shall be kept covered or concealed from view when not in actual use.

10. For safety, all personnel engaged in decoy operations should wear the appropriate NRP uniform, but in any case, the officer who conducts the actual apprehension of the violator(s) must be in uniform.

D. Surveillance Equipment

Specialized surveillance equipment is available through the Covert Operations Unit. This equipment is available to all officers trained in the use of the equipment.

E. Vehicle Operations

The safe operation of a police vehicle shall always be the driver’s primary responsibility. The use of electronic devices shall always be limited when the vehicle is in motion and must not impair the driver’s ability to operate the vehicle safely.

F. Speed Detection Devices

1. Natural Resources Police personnel shall only utilize those speed detection devices obtained by the Agency that have been tested and certified by the International Association of Chiefs of Police (IACP) as meeting the minimum performance specifications published by the National Highway Traffic Safety Administration of the US Department of Transportation.

2. Following the IACP’s recommendations, Area Commanders shall insure that all radar and lidar units assigned to their area are calibrated every two years, or whenever the unit has been “opened up” for or during repair.

3. Speed Detection Device Training - Before conducting speed enforcement actions with an Agency issued speed detection device, the speed detection device operator shall have successfully completed a training program for the type of device to by utilized (radar/lidar).
   a. All speed detection device training, whether conducted by NRP or an outside law enforcement agency must be authorized by the NRP Training Academy and approved by the MPCTC.
   b. Upon successful completion of a speed detection device training program, the operator shall be issued a certification card by the NRP Training Academy.

4. NRP personnel may only utilize Agency issued speed detection devices for speed enforcement on:
   a. Maryland’s waterways.
   b. On lands owned or controlled by DNR; or,
   c. On roadways that adjoin DNR owned or controlled lands, and that provide immediate and direct access to the DNR property.
   d. Other enforcement locations as approved by a supervisor.

5. The radar operator must testify in court. The radar operator shall take to court their Radar Operator's Card, the Calibration Certificate, and Radar Log of the specific radar gun utilized to issue the charge, and any other Radar Enforcement Forms.
CHAPTER 8 SECTION IV
MISCELLANEOUS
G. Sound Level Meter (SLM)

1. A Sound Level Meter measures sound, which is any variation of pressure that the human ear can detect. Decibel is an acceptable measurement of sound; and is the least change in sound that the human ear can detect. dB(a) is decibel measurement on the a-weighted frequency.

2. The noise level limit for vessels operating on the waters of the state is 90 dB(a), utilizing the stationary measurement procedure.

3. Natural Resources Police personnel shall only use Agency issued Sound Level Meters and Calibrators that meet the American National Standards Institute standards for Type 1 or Type 2 sound level meters found in ANSI S1.4, as amended, to measure the decibel level of vessels operating on Maryland waters.

4. Sound Level Meter Operators shall be officers of the Agency who have been trained and qualified to operate the meters.

5. Sound Level Meters and Calibrators must be sent to manufacturer annually for calibration.

6. Measure wind speed - it is not recommended to take sound level measurements when the wind speed exceeds 12 mph.

7. Vessel noise measurements are made using the Stationary Sound Level Measurement procedure as contained in the Marine Environment Sound Level Measurement Procedure SAE J 2005. These procedures provide the following:

   a. **Rationale**
      (1) Most complaints about boat noise originate with boats which are operated without exhaust mufflers. SAE J2005, the Stationary Sound Level Measurement Procedure for Recreational Motorboats, was developed at the request of law enforcement officials who requested an exhaust noise sound level measurement procedure which can be performed in the safest possible manner and without the need for a special test course.
      (2) SAE J2005 can be performed at a dock or in open water with the boat tethered to an enforcement boat. To perform the measurement a boat with above-water exhaust is operated at idle speed in neutral or at its lowest operational speed. The sound level meter is positioned 1.2 to 1.5 m (4 to 5 ft.) above the water surface and at a distance of 1 m (3.3 ft.) from the side of the boat through which the exhaust exits while the average sound level is measured and recorded. Those boats which are excessively noisy during stationary mode operation are considered to have ineffective exhaust muffling. Consequently, this procedure provides law enforcement officials with a safe method of evaluating exhaust noise levels which can be readily performed anywhere on the water.

   b. **General Requirements**
      (1) The measurements shall be conducted only by persons qualified by training to perform these measurements.
      (2) Proper use of all test instrumentation is essential to obtain valid measurements. Operating manuals or other literature furnished by the instrument manufacturer should be consulted for both recommended operation of the instrument, and precautions to be observed.
      (3) Proper acoustical calibration shall comprise the complete measurement system including extension cables, etc. Field calibration shall be performed immediately before and after each
test sequence.

(4) A measurement shall be invalid if changes in the background sound level affect the applicable reading.

(5) The use of the word “shall” in the procedure is to be understood to be mandatory, while the word “should” is to be understood as advisory.

c. Measurement Site

(1) A suitable site is a body of water free of large obstructions or reflective surfaces such as buildings, boats other than those involved in this procedure, large embankments or breakwaters, etc. for a minimum distance of 3 m (10 ft.) from the boat being measured.

(2) The boat being tested shall either be moored to a dock or lashed to another boat (See Figure 1)

![Figure 1 – Typical Boat Position](image)

(3) In most applications involving thru-transom exhaust, the microphone should be positioned as follows:

(a) 1 m (3.3 ft.) aft of the intersection of the vertical plane of the aft-most part of the hull (including the swim platform where applicable) and the vertical plane of the port-most or starboard-most extension of the hull.

(b) 1.2 to 1.5 m (4 to 5 ft.) above the surface of the water.

(c) Free-field microphones shall be oriented toward the exhaust outlet(s)

(d) Grazing incidence microphones shall be oriented at an angle of 45 degrees with respect to the plane of the exhaust outlet(s).

(4) Care must be taken to avoid erroneous readings due to sound reflections by proper positioning of the enforcement boat such that minimal extension of the enforcement hull protrudes into the area surrounding the microphone during measurements. Only one enforcement boat shall be in the area where measurements are being taken.

(5) If the measurement is made from a dock, care should be taken to minimize the effect of sound waves reflected from the dock.

(6) If the measurement is made in open water, the boat being evaluated shall be lashed to the measurement boat to prevent relative motion and to allow positioning of the microphone in the prescribed location.

(7) The measurement boat shall be positioned to minimize reflected sound.
CHAPTER 8 SECTION IV
MISCELLANEOUS

d. **Boat Operation**

(1) The engine shall be operated at low idle speed within the engine manufacturer's recommended operating range, in neutral gear if so equipped.

(2) For motorboats without a neutral gear, the engine shall be operated at its lowest operational speed.

(3) The engine shall be operated for a sufficient amount of time to allow water to flow through the exhaust system before taking sound level measurements.

(4) If sufficient water flow cannot be determined, the engine shall be operated for at least 60 seconds before proceeding with the sound level measurements.

e. **Measurement**

(1) The microphone shall be placed at a distance of 1.2 to 1.5 m (4 to 5 ft.) above the water and no closer than 1 m (3.3 ft.) from the vertical projection of any part of the boat including the swim platform (where applicable) in the area adjacent to the exhaust outlet(s).

(2) The meter shall be set for slow response and the A-weighting network.

(3) The observer reading the meter shall not be closer than arm's length from the microphone to minimize sound reflections.

(4) The applicable reading shall be the average sound level measured during a period when the background sound level is at least 10 dB lower than the measured sound level. Background sound level includes wind effects, noise from boats other than the one being measured, wave action, boat wakes, and other extraneous noises.

(5) Peak readings of intermittent sound levels created by wave slaps or changes in sound level due to wave action and/or engine speed variation shall not be included in the applicable reading.

(6) The observer shall record the applicable reading and the background sound levels taken immediately before and immediately after the applicable reading.

8. Sound Level Meter Operators shall remove the batteries when the SLM unit is to be out of service for an extended period of time.

9. The SLM case is not water-resistant. Therefore, protect the case and SLM equipment in a damp or wet environment.

H. **Body Recovery Equipment & Resources**

1. **Underwater Operations Team**

   a. The Underwater Operations Team may be activated by contacting the SOD Duty Officer.

   b. Information such as: water depth, currents, bottom topography, significant obstructions, contaminants, scope of search, on-scene personnel, and directions to the location of the operation are all critical to the diver. Once you have provided the information to the diver, they will provide you with an assessment of the feasibility of diving as a viable means of recovery.

   c. When a body recovery is made, one surface vessel should be designated to take possession of the body from the diver. The designated platform vessel should be kept free to deal only with the diver and their equipment. When a body is brought to the surface, the change in pressure allows bodily fluids to release into the water. At this time, the diver is at risk from blood borne pathogens in the water. Once the boat crew takes possession of the body, the diver will immediately get clear of the area.
2. Side Scan Sonar  
   a. Need minimum of two to three officers to deploy.  
   b. Some limitations with water depth/structures.

3. Cadaver Canine  
   a. Considerations are the location and the estimated time of arrival of dog to the site.  
   b. Generally utilized one to two days after the event occurred.

4. Bar Drag  
   a. Useful in small, confined areas.  
   b. Can be deployed in less favorable conditions  
   c. Manageable with one vessel and crew

5. Line Drag  
   a. Useful in large, smooth bottom areas,  
   b. Requires four officers and two vessels.

6. Miscellaneous Equipment to aid in body recovery include:  
   a. Poles  
   b. Grapnel Hooks  
   c. Large Treble Hooks  
   d. Haul Seines  
   e. Human Chains  
   f. Sonar – deployed generally as a first attempt to locate in large non-specific locations  
   g. Underwater Cameras

I. Potassium Iodide (KI)

The NRP Health Safety Officer will ensure Matapeake maintains a supply of Potassium Iodine (KI) that is not expired and annually reminds agency personnel the process to request this protective measure.

1. The Agency must take steps to protect its personnel from the harmful affects of radiological exposure. Therefore, the Agency shall make available to all NRP personnel two 130-mg tablets, a two day dose, of potassium iodide (KI).

2. Before being issued the potassium iodide, all Agency personnel must complete NRP Form NRP-481 which will be kept on file at the local Area Office by the Commander. The original form will be forwarded to the NRP Health Safety Officer.  
   a. Area / Unit Commander’s shall issue the KI pills.  
   b. Personnel shall keep their packaged pills with them at all times.

3. The two 130-mg tablets of potassium iodide (KI) are only to be taken during a radiological emergency and shall only be administered upon the authority of a State of Maryland’s health officer (i.e., State of Maryland Medical Director or State of Maryland Department of Health & Mental Hygiene health officer) or a local county health officer. If so directed, personnel shall take one KI pill each day for two days, or until told to stop.

4. Personnel who have experienced an allergic reaction to iodine or to shellfish, SHOULD NOT TAKE THE PILLS.
5. Any personnel experiencing any side effects such as a metallic taste in their mouth, shortness of breath or swelling of the Salivary Glands, should stop taking the KI immediately and CONTACT THE DESIGNATED HEALTH OFFICIAL.

6. For more information about KI see the links below.


CHAPTER 8 SECTION V
EQUIPMENT IN GENERAL

A. Care of Agency Issued Equipment

1. Agency equipment shall be utilized in accordance with established Agency procedures and shall not be abused, damaged, altered, or through negligence, lost. No employee shall cause or contribute to the damage, abuse, alteration, or loss of any Agency equipment through negligence or carelessness.

2. No employee shall have any item of Agency equipment repaired, adjusted, or modified without official authorization.

3. Only authorized employees of this Agency shall be permitted the use of any Agency issued firearm, or the use of any other item of property owned by NRP. However, specific exceptions to this rule may be authorized by the Superintendent.

B. Damage to Agency Issued Equipment

1. An employee shall operate Agency vehicles and vessels in a careful and prudent manner, and shall not through negligence or careless operation incur or cause damage to be incurred to Agency property or to the property of another. Drivers shall obey all laws of the State of Maryland and all local ordinances, and conform to all Agency procedures and regulations pertaining to such operation.

2. In addition to any other reports required, damage to or loss of Agency equipment, or damage to or loss of property of another, shall be reported in writing through the chain of command to the NRP Review Board. The report to the Review Board shall follow the procedures set forth in Chapter 2, Section 6, paragraph D5 (NRP Review Board).

3. In a lost or damaged property incident, where the NRP Review Board has issued a finding of preventable, the Board will also make a determination as to any corrective action that needs to be taken.

4. The involved officer(s) may be subject to one or more of the following corrective actions:
   a. Restitution (only if negligence is indicated)
   b. Remedial Training
   c. Letter of Counseling
   d. Any other action deemed appropriate by the Superintendent.

5. An officer may request an expungement of a lost or damage property incident by submitting a written request, through the chain of command, to the NRP Review Board.
   a. For an officer to request an expungement request, three years must have passed since a finding was rendered by the NRP Review Board.
   b. In cases where a Letter of Counseling was issued, the officer may request an expungement of the Personnel Counseling Record after one year has elapsed since the Counseling Record was issued. The expungement request shall be submitted in writing, through the chain of command, to the Superintendent following the process outlined in Chapter 6 of the Manual.

C. Return of Agency Issued Equipment

1. Suspension from duty shall relieve the member from the privilege of using Agency uniforms and equipment.
   a. Accordingly, an officer suspended from duty shall immediately turn-in to their supervisor the following equipment: All firearms, handcuffs, identification card, and badge.
   b. An officer under suspension shall turn in other such Agency issued equipment as may be
2. Upon termination of employment with the Natural Resources Police, personnel who have been issued State property shall turn-in all equipment listed on the form NRP-490C, as described in Chapter 4, Section VIII, to a designated supervisor or in person to the Quartermaster at Matapeake along with a Supervisor.
CHAPTER 8 SECTION VI
FIREARMS

This Policy governs the training, inventory, wearing, carrying, and use of issued and approved personally owned firearms in an official capacity by MPCTC certified NRP Officers.

A. Training and Qualifications

1. Training

   a. The Training and Recruitment Unit Commander is responsible for the following:
      (1) Approves and provides consistent application of training material and curriculum, including the Regional Firearms Reference Guide.
      (2) Will designate the type of ammunition to be used in Agency issued weapons.
      (3) Receives the NRP-730 (Firearms Qualifications - Range Score Sheet) and NRP-731 (Firearms Qualifications – Training, Range & Test Score Summary) to meet training and qualification guidelines for the Agency and to conform to the standards established by the Maryland Police and Correctional Training Commission (MPCTC).
         (i) The NRP-731 will include all information on personal firearms used to qualify with.
         (ii) Only those weapons identified and qualified with are allowed to be carried on/off duty.
      (4) Will forward copies of the NRP-731 to the Supply Services Unit Commander.
      (5) Will ensure the Agency has adequate personnel trained in the maintenance and repairs of Agency weapons.

   b. All officers must complete annual in-service firearms training as mandated by the MPCTC during the calendar year. Failure to complete the required training during the calendar year will result in an immediate suspension of the officer’s privilege to use or carry an Agency or personally owned firearm beginning January 1 of the next calendar year.

2. Qualifications

   a. It is the officer’s responsibility to maintain the Agency’s firearms proficiency standards.
   b. Shall consist of annual firing of those courses required in the above-mentioned MPCTC standards and includes all classroom training and other training as required by the MPCTC.
   c. Officers assigned an Agency weapon, of any type, will utilize, and qualify with that weapon per MPCTC standards.
   d. Shall be recorded by the Firearms Instructor on Agency approved forms NRP-730 and 731 and submitted to the Training and Recruitment Unit Commander within 10 days of the completion of the qualification session.

3. Failure to Qualify or Complete Required Training

   a. During approved qualification courses of fire and all training sessions, officers must attend and qualify. Officers of this Agency failing to qualify or attend all training sessions with the primary handgun(s) will receive a “Notification of Failure to Qualify” form (NRP-732). Remedial training and retesting is required.
   b. The form (NRP-732) will serve as official notification to NRP officers of their status and their responsibility to receive any required training as approved by the Training and Safety Education Unit Commander.
   c. The Firearms Instructor shall immediately report the officer’s failure status to the officer’s commander within twenty-four (24) hours.
   d. The officer’s commander shall:
      (1) Provide reasonable schedule changes in order to allow the officer and Firearms Instructor to
fulfill the requirements of remedial training.

(2) Temporarily transfer the handgun for which the officer failed to qualify or attend all training, from the officer to the firearms instructor. Note: the officer will be permitted to use the firearm and wear the Agency uniform and weapons belt for the purpose of remedial training, but only while under the supervision of a Firearms Instructor.

(3) Immediately suspend the officer’s authorization to operate a State vehicle.

(4) Immediately reassign the officer to non-law enforcement duty, in civilian attire, and allow the officer sufficient time to meet the firearms qualification requirements.

(5) Notify the Training and Recruitment Unit Commander.

(6) In circumstances where the officer has failed to attend all of the firearms training, the Commander will schedule the missed training as soon as possible.

(7) Maintain the officer in a non-officer status until notification by the firearms instructor of a qualifying score.

e. After the officer shoots a qualifying score they shall be placed in Phase 2 remedial training.

4. Failure to Qualify with Shotgun or Rifle
   a. During an approved qualification course of fire, all officers below the rank of Lieutenant must qualify with an approved shotgun. All NRP officers issued a rifle or shotgun must qualify with an approved rifle/shotgun. Officers failing to qualify with the shotgun or rifle will receive a “Notification of Failure to Qualify” form (NRP-732). Remedial training and retesting is required.

b. The Firearms Instructor shall immediately report the officer’s failure status to the officer’s commander within twenty-four (24) hours.

c. The officer’s commander shall:
   (1) Temporarily transfer the firearm the officer failed to qualify with from the officer to the firearms instructor. Note: the officer will be permitted to use the firearm for the purpose of remedial training but only while under the supervision of a firearms instructor.
   (2) Notify the Training and Recruitment Unit Commander to discuss re-qualifications matrix.
   (3) Allow the officer sufficient time to meet the firearms proficiency requirements.
   (4) Prohibit the officer from possessing a shotgun or rifle while on-duty until re-qualified.

d. After the officer shoots a qualifying score they shall be placed in Phase 2 remedial training.

5. Remedial Training
   a. The Commander of the Training and Recruitment Unit will implement the re-qualifications training matrix once contacted. This will establish the structure and duration of any additional training deemed appropriate for officers who have failed any qualification course. Information related to the training program shall be found in the Firearms Reference Guide.

b. The instructor will insure that a copy of the form NRP-732 (Notice of Failure to Qualify) and the recorded score for the target is forwarded to the Training and Recruitment Unit Commander and to the commander of the involved officer in the most expedient manner.

c. Whenever feasible, the instructor issuing a retest notice will not conduct the retest, but may assist with remedial training.

d. Phase 1
   (1) Instruction to begin within five days of failing to qualify.
   (2) Upon qualification the officer shall be placed in Phase 2 remedial training.

e. Phase 2
   (1) Instruction shall be conducted every three months (4x) for a period of twelve months.

6. Recurring Problem Shooters
   a. Recurring Problem Shooters will be subject to administrative action.
CHAPTER 8 SECTION VI
FIREARMS

b. Any officer who fails to qualify in any two of six consecutive authorized qualification sessions will be deemed a “Recurring Problem Shooter.”

c. Failure to qualify in any three consecutive MPCTC qualification sessions shall be grounds for dismissal.

d. If the officer is deemed a “Recurring Problem Shooter,” they will be placed into a shooter improvement training program. That program will be specified in the Firearms Reference Guide.

7. Failure After Phase 1 Remedial Training
   a. Upon notification of an officer’s failure to pass the qualification test following remedial training as specified in this Section, the officer’s commander shall follow those procedures found in Section A.3., Failure to Qualify.
   b. An officer’s failure to qualify within thirty (30) days will be documented by the firearms instructor and forwarded through the chain of command to the appropriate Bureau Commander.
   c. Any officer, who fails to qualify within thirty (30) calendar days after being notified of a failure to qualify, will be subject to dismissal. The Commander of the Training and Recruitment Unit will notify the Maryland Police and Correctional Training Commission who will then initiate their own independent actions.

8. Quarterly Shooter / Training Program
   a. Quarterly Firearms Training may be initiated by the Firearms Instructor or Area Commander when evidence exists that a shooter, despite qualifying with the Training Commission’s minimum requirement of 70%, is having difficulty. The Officer will be automatically placed in to this program when they post a daylight, or reduced light, qualifying score between 79.9% and 70%.
   b. The training requirements for the Quarterly Shooter / Training Program will be found in the Firearms Reference Guide

B. Duties and Responsibilities

1. Area/Unit Senior Firearms Instructor
   a. The Senior Firearms Instructor may also be designated as the Area/Unit Armorer.
   b. Area/Unit Senior Firearms Instructor responsibilities:
      (1) Assist the Training and Recruitment Unit Commander with complete and accurate tracking of approved training documentation (NRP-730 & 731) within their Area/Unit.
      (2) Will assist the Area/Unit Commander to ensure the security of the Firearms Control Log that captures all Agency issued firearm transactions and consists of all the NRP-736s (Firearms Transaction Reports) and NRP-406As (Firearms Inventory Reports) within their Area/Unit.
      (3) Provides recommendations and feedback on the consistent application of training material and curriculum, including the Firearms Reference Guide
      (4) Maintenance and repair as permitted if designated as an Armorer.
      (5) Issuance of approved ammunition.
      (6) Any other duties necessary for the, inventory, issuance, safety and security of Agency firearms.
   c. Is authorized by the Supply Services Unit Commander to issue and transfer firearms.
      (1) Are not authorized to issue themselves to carry on patrol more than one each of the standard issued weapons (handgun, shotgun, or rifle).

2. Area/Unit Commander
   a. The Area/Unit Commander responsibilities pertaining to Agency firearms:
      (1) Will maintain and ensure the security of the Firearms Control Log that captures all Agency
issued firearm transactions and consists of all the NRP-736s (Firearms Transaction Reports) and NRP-406As (Firearms Inventory Reports) within their Area/Unit.

(2) Will ensure the completed NRP-736 is forwarded to the Supply Services Unit Commander within 24 hours of the transaction.

(3) Will ensure the NRP-406A (Firearms Inventory Report) is completed by visual inspection by supervisors twice a year between April 1 to May 30 and Sept. 1 to Oct. 31.

(4) Will capture all Agency spare weapons under their commander or in their facilities on the NRP-406A.

(5) Will forward a copy of the NRP-406A to the Supply Services Unit Commander within 72 hours of completing.

3. Supply Services Unit Commander
   a. The Supply Services Unit Commander responsibilities pertaining to Agency firearms:
      (1) To ensure the inspection and security of all Agency issued firearms with the assistance of Area/Unit Commanders and Area/Unit Senior Firearms Instructors occur bi-annually.
      (2) Ensures that Headquarters staff has their weapons inventoried bi-annually and the NRP-406A is submitted.
      (3) Will maintain and ensure the security of the Statewide Firearms Control Log that captures all Agency issued firearm transactions, and consists of all the NRP-736s (Firearms Transaction Reports) and all NRP-406As (Firearms Inventory Report) within the State.
      (4) Shall ensure that the Agency Firearms Inventories (NRP-406A) are verified and validated with the state inventory each year by January 1.
      (5) Will be responsible for ensuring that the Matapeake Administrative staff inputs all inventory changes into the DNR Capital Equipment Inventory System (CEIS).
      (6) Will assist in maintenance and repair needs pertaining to Agency weapons required to be shipped or received.
      (7) Oversees the issuance of Agency approved ammunition.
      (8) Any other duties necessary for the safety and security of firearms.
   b. Is authorized by the Superintendent to issue and transfer firearms.

4. Inventory
   a. The Supply Services Unit Commander and the Area/Unit Commanders, shall be responsible for maintaining their respective inventories (Firearms Control Log) of all firearms to include:
      (1) Officer’s Assignment (Area/Unit/HQ)
      (2) District/Section
      (3) Name of assigned officer
      (4) ID Number of assigned officer
      (a) Type of firearm (Handgun, Shotgun, or Patrol Rifle-type)
      (5) Make
      (6) Model
      (7) Serial Number on firearm
      (8) Caliber or Gauge
      (9) Status of firearm’s serviceability (Serviceable or Unserviceable, Not Assigned).
   b. This information will be reported as prescribed on the NRP-406A and maintained in each Area/Unit’s Firearms Inventory Control Log. The Firearms Inventory Control Log will be kept secured in the Area/Unit evidence locker.
   c. The person conducting the inspection/inventory cannot be the same person ultimately responsible for oversight of the property. It must be an independent process.
   d. By May 30th and Oct. 31st of each calendar year the District/Section Supervisors will visually inspect and log on the NRP-406A every Agency owned firearm issued to each officer under their
command. Area Commanders will include any spare firearms assigned within the Area/Unit. Signature verification will be required to validate the inspection process.

e. The original completed inventory (NRP-406A) will be forwarded within 72 hours to the Supply Services Unit Commander who will conduct an audit reconciling the NRP documents with current records, (CEIS and NRP Local Inventories- NRP-406A, 731, 736).

f. The Supply Services Unit Commanders audit will be completed by July 1st and January 1st of each year. The Audit will reconcile all inventory reports with Agency records.

(1) Any unaccounted for firearms will be noted and immediately followed-up on, taking the necessary action to correct the discrepancy. Notification will also be made to the Commander of the Technical Services Division who will in turn notify the chain of command.

(2) The Supply Services Unit Commander will request DNR auditors perform periodic examinations of inventory records to ensure accuracy.

5. Agency personnel are responsible for all equipment that is issued to them.

6. Issue and transfer of Agency Weapons

a. The only Agency personnel who are authorized to approve transfers of service pistols, long guns, or specialty firearms, include:

(1) Supply Services Unit Commander, or a designee as assigned by the Supply Services Unit Commander.

(2) The Area/Unit Commander

(3) Senior Firearms Instructor as needed by policy.

(4) Access to Agency spare firearms should only be afforded to the above personnel on a regular basis.

(5) In the event of an emergency issue of a firearm, in addition to any of the above listed personnel a Commander or Regional Commander can issue or direct a supervisor to issue a firearm. The Supply Services Unit Commander must be notified immediately.

b. Emergency Transfers of firearms in the case of damage or administrative necessity must be reported to Supply Services Unit Commander and the Training and Recruitment Unit Commander immediately and the documentation forwarded within 24 hours to ensure Agency inventory records are updated and training needs are accounted for.

c. All firearms that are transferred will be documented on the NRP-736 (Firearms Transaction Report). The Report will indicate the following:

(1) Date

(2) Type (handgun, shotgun, patrol rifle)

(3) Make

(4) Model

(5) Serial Number

(6) Officer received from and accepting authority

(7) Officer issued to and issuing authority

(8) Disposition

(9) Disposition Date

(10) Reason for Issue

(11) Area Spare (yes/no)

(12) Signatures from the Receiving Officer, Issuing Agent, Area/Unit Commander, and Support Services Unit Commander will be required.

d. The original completed inventory (NRP-736) will be forwarded immediately to the Supply Services Unit Commander who will conduct an audit reconciling the NRP documents with current records, (CEIS and NRP Local Inventories - NRP-406A, 731, & 736). A copy will be
CHAPTER 8 SECTION VI
FIREARMS

(1) The Supply Services Unit Commander will ensure that the Matapeake Administrative staff enters all inventory changes into the DNR Capital Equipment Inventory System.

(2) Copies of all transactions will be maintained in the Matapeake Vault in the Firearms Control Log.

7. Retiree Buy-Back Program
   a. When an officer retires from the Agency all of their issued firearms shall be turned into the Supply Services Unit Commander in order to satisfy separation requirements enumerated elsewhere in this manual.
   b. All Agency firearm buy-backs upon retirement will be completed in accordance with the current established procedures as published by the Supply Services Unit Commander.
   c. At a minimum of 30 days prior to separation, the retiree must contact the Supply Services Unit Commander to initiate this process.

8. Maintenance of Records
   a. All personnel involved in the administrative processes of maintaining the Firearms Inventory and the issuance and transfers of firearms must ensure that every transaction is documented on Agency approved forms and copies retained within their respective Firearms Control Log and copies forwarded to the Supply Service Unit Commander.

9. Confiscated / Forfeited Firearms
   a. Prior to placing the confiscated/forfeited firearm in use, the Supply Services Unit Commander will ensure a Firearms Instructor or Area/Unit Armorer inspects the firearm to ensure safe operation.
   b. The Supply Service Unit Commander will forward a written request through the chain of command to the Superintendent stating the need and purpose of the weapon and its inspection status. If approved the weapon may be carried or utilized in an official capacity.
   c. The Supply Services Unit Commander will ensure that all confiscated or forfeited firearms that are to be used by the State are entered into the DNR Inventory System.
   d. All other seized and forfeited firearms will be destroyed and disposed of yearly in accordance with procedures listed in Chapter 9.

    a. Any Agency firearm not required for use shall be disposed of in accordance with the laws of the State and those policies, procedures, and regulations adopted pursuant thereto.
    b. The Supply Services Unit Commander will be responsible for following the DGS inventory manual located at:
       (See DGS Inventory Control Manual, Section IV, page IV-6, for the disposal of excess Agency weapons.)
    c. Ensures that firearms on State Inventory have been properly declared excess property prior to destruction and removal.
    d. The Supply Services Unit Commander will be:
       (1) Responsible for coordinating the scheduling of the personnel and facilities necessary to execute a disposal.
       (2) Responsible for ensuring the destruction documentation is executed with all witness signatures and stored securely for future audits.

8 VI 6 (Revised 12/17)
CHAPTER 8 SECTION VI
FIREARMS

C. Firearms and Equipment

1. Issued Firearms
   a. Upon meeting the MPCTC and Agency standards for certification and qualification, officers will be issued a handgun(s) for use as a primary firearm, and may be issued a rifle and/or shotgun.
   b. An Area/Unit Armorer for safety, reliability, and accuracy must inspect firearms owned by the Agency prior to issuance in accordance with Paragraph B of this section. Thereafter, periodic inspections of firearms will be conducted at each range and firearms classroom session.
   c. The issued firearm may be modified with strict limitations cast. The Training and Recruitment Unit Commander shall review for approval and recommendation all accessories, equipment, and features attached to any firearm. The list of approved attachments for the issued handgun, issued or personally owned AR-15, and shotgun, can be found below and detailed in the Firearms Reference Guide.

   Approved Attachments
   (1) Weapons Mounted Tactical Light – Optional equipment purchased at the officer’s expense (Streamlight TRL1 or TRL1 HL). One accommodating holster will be provided by the Agency.
      (a) Officers carrying an approved weapon’s mounted light are also required to carry a secondary flashlight on their duty belt at their own expense.
   (2) Pistols – Modified Hand Guards and Grips as inspected and attached by an Agency Armorer.
   (3) Long Guns – Tactical Slings, Shell Carriers, and Recoil Pads

d. The Training and Recruitment Unit Commander will ensure any approved items are updated in the list above and in the Reference Guide.

e. When on-duty, officers will carry the issued handgun.

f. When on-duty and not in uniform, the issued handgun may be carried in a plain view manner provided that the officer’s badge is prominently worn (i.e. next to the handgun or on a chain around the neck). However, while on-duty and not in uniform, officers are encouraged to carry the handgun in a concealed manner.

g. While off-duty and not in uniform, the handgun, if carried, shall be carried in a concealed manner. The officer must have his or her badge and police identification readily accessible and the firearm must be carried in an approved holster, fanny pack or purse specifically designed to securely hold a firearm.

h. Officers are encouraged to carry a firearm while off-duty but are not required to do so unless they are in uniform or operating or occupying an Agency vehicle or vessel.

i. No officer may wear, carry, or use a firearm while their ability to use the firearm is impaired for any reason.

2. Shotguns and Rifles
   a. Shotguns and rifles will be issued to non-commissioned officers as available, with priority given to officers serving in a patrol function.
   b. Patrol vehicles and vessels may be equipped with approved Agency shotguns and/or rifles. Other vehicles may be equipped in accordance with a commander's option.
   c. (Paragraphs C2c thru C2f have been redacted due to the paragraphs containing confidential policy and/or procedural information).

d.

e. 
   (1) 
   (2) 
   (3)
CHAPTER 8 SECTION VI
FIREARMS

(4)

(5)

f.

(1)

(2)

(3)

(4)

g. All NRP officers issued a shotgun or rifle must demonstrate their proficiency in the use, security, safety, cleaning, and care of shotguns, and assigned rifles, to an Agency Firearms Instructor during qualification classes and formal training. These requirements are optional for officers holding a commissioned rank.

h. Notwithstanding the provisions of this Section, a commander, with the approval of the Training and Recruitment Unit Commander and Supply Service Unit Commander, may authorize the use of other firearms. Generally, this applies to officers assigned to the Special Operations Division or the Intelligence & Special Investigation Bureau. Any officer utilizing a firearm authorized by this Section must comply, when applicable, with any and all other procedures and requirements established in the Firearms Policy.

3. Personally Owned Firearms

a. An officer may make application to the Agency for approval to carry a personally owned firearm. The officer shall do so on form NRP-740 (Application to Carry Personally Owned Firearms).

b. An Area/Unit Armorer for safety, reliability, and accuracy must inspect personally owned firearms before they may be carried or utilized in an official capacity.

c. NRP Officers must demonstrate their proficiency before an Agency Firearms Instructor in the use, security, safety, cleaning and care of each firearm before being authorized to carry it. The officer must attain a minimum qualifying score on a qualification course designed and approved for the firearm.

d. Officers wishing to qualify with a variety of approved holsters may do so in one fifty (50) round course of fire.

e. The Agency Firearms Instructor will submit the form NRP-740 containing a description and an evaluation of the firearm and a recommendation as to its serviceability.

(1) A copy of this report will be sent to the employee's commanders and the employee.

(2) The original will be forwarded to the Training and Recruitment Unit Commander for placement in the employee's training file.

f. Officers will provide their own ammunition for all personally owned handguns. The basic criteria for approved ammunition is found in the Firearms Reference Guide.

g. Annual Proficiency training for authorized personally owned firearms will be provided to all officers at the Spring Qualification Session or as needed with the approval of the Commanding Officer(s) of the Firearms Instructor and Officer. The Agency may continue to recertify officers who wish to retain their revolver certification if they have completed an approved NRP and MPS revolver course.

h. Revolvers must be capable of firing double action and have a cylinder capable of holding at least five rounds. The barrel length will not be less than two inches and will not exceed four inches. The following revolver calibers are approved for use: 9 x 19 mm, also known as 9mm Luger or 9mm Parabellum, .38 Special, .357 Magnum, .44 Special or .45ACP.

i. Semi-automatic pistols, if capable of being fired in a single action mode, must be equipped with a decock device which will allow the cocked hammer or striker to be lowered without pulling the trigger. Further, the pistol will not require external cocking by means other than the trigger. The first shot will be of a double action design, and the caliber may not be less than .380.
CHAPTER 8 SECTION VI
FIREARMS

j. Only Remington Model 870, 12 gauge shotguns are approved by the Agency. They must meet the same specifications as the Remington Police Magnum shotgun and have a barrel length of no less than 18” or more than 20”.

k. Only AR15 semi-automatic carbine rifles chambered in .223 Remington (5.56x45 mm), of a manufacturer approved by the Training and Safety Education Unit Commander are authorized. The barrel length shall be no less than 16” or more than 20”. All accessories, equipment, modifications, or features attached to personally owned firearms must be approved by the Training and Safety Education Unit Commander. An approved list of these items may be found in the Firearms Regional Reference Guide.

l. Any change of status of personally owned firearm must be reported to the Agency on form NRP-740.

4. Ammunition
   a. Only ammunition approved and issued by the Agency may be utilized in Agency owned firearms or Agency approved personally owned shotguns and rifles.
   b. Only ammunition approved by the Agency will be carried in an Agency approved personally owned handgun.
   c. The Training Division shall develop the criteria for approved ammunition and publish it in the Firearms Regional Reference Guide.
   d. Ammunition shall be properly secured and kept out of the reach of the public.
   e. Ammunition shall be provided the same degree of security and safety as afforded firearms.

5. Weapons System
   a. Sworn personnel will only use a weapons system issued by the Agency.
   b. The issued weapons system consisting of a weapons belt, trouser belt, handgun, holster, 2 extra magazines with pouch, handcuffs with case, ASP Baton with case, and O.C. Spray with case will be worn at all times while in uniform by personnel below the rank of Lieutenant. Commissioned officers will wear the issued holster and belt, and may wear other equipment listed above at their discretion.
   c. Police personnel below the rank of Lieutenant may be exempted by their Area/Unit Commander from wearing the weapons system when they are not performing patrol functions.

D. Security and Care

1. Safety and Security
   a. Only authorized employees, i.e., officers, hunter safety instructors, etc. may use, clean, or otherwise handle firearms owned or controlled by the Agency.
   b. Prior to cleaning, all firearms will be checked to insure that they are unloaded and safe. It is imperative that cleaning be performed in a safe location free from distraction.
   c. All firearms must be loaded and unloaded in a safe manner and location, and made safe before storage. NRP employees working in a facility equipped with a weapons loading / clearing station shall use the station for these purposes when applicable.
   d. The weapon loading / clearing stations are capable of taking Agency issued handguns, shotguns, and rifles safely. They will be positioned by Senior Firearms Instructors with safety as the guiding factor in its placement. They shall be placed in a conspicuous area, facing an exterior wall. It should be perpendicular to the building so that during the loading / clearing process, the firearm is always pointed in a safe direction. These devices are portable and can be used for Agency firearms training at other locations when deemed appropriate by the Senior Firearms Instructors.
   e. Firearms shall be kept out of the reach of the public and shall not be left unsecured. Security
measures will be utilized when firearms are secured at Agency facilities, i.e. gun safes, interior vaults, alarm systems, etc.

(1) Access will be restricted to those authorized employees who are trained in firearms safety.
(2) Commanders are responsible for the security of firearms at their facilities.

f. The Criminal Law Article, §4-104, requires that a loaded firearm not be accessible to an individual under the age of 16 years. To ensure conformance with that law and promote firearms safety, all Agency issued firearms, when not in use, will be secured by means of an Agency issued trigger lock or other device. Additionally, officers should ensure that all personally owned firearms are secured in conformance with §4-104.

g. (Paragraphs D1g thru D1h have been redacted due to the paragraphs containing confidential policy and/or procedural information).

h.

2. Theft or Loss

a. An officer shall immediately report the theft or loss of a firearm to their supervisor or the duty officer, and DNR Communications Center to obtain an incident number and for entry into NCIC.

b. The supervisor shall immediately notify their commander and the Supply Services Unit Commander of the theft or loss of a firearm.

c. Following the reporting requirements regarding damaged or lost Agency equipment as outlined in Chapter 8 of the NRP Manual of Policies and Procedures, the officer shall complete all required reports within 24 hours and submit them through the chain of command to the:
(1) Assistant Secretary
(2) Secretary of DNR

d. The Investigations Division, and the Integrity and Inspections Unit, when applicable, shall conduct an investigation of the theft or loss of a firearm.

e. The lost firearm report(s) shall be provided to the DNR Director of Management Analysis and Audit through the chain of command within five working days.

3. Repairs and Maintenance

a. Firearms will be cleaned promptly after use and as conditions dictate.

b. Agency personnel will regularly inspect their firearms for dirt or corrosion, and will keep them clean and in good condition at all times.

c. Only the Area/Unit Armorer or approved gunsmiths are permitted to make repairs or internal inspections to Agency owned firearms.

d. With the exception of firearms that have been submersed, all firearms in need of repair will be handled as follows:
(1) The supervisor involved with the firearm transfer will be responsible for notifying the Area/Unit Armorer of the need for repairing the firearm and relaying it to the Area/Unit Armorer.
(2) The necessary repairs or adjustments will be made to the firearm and the firearm will be test fired before it is returned to the officer.

e. Submersed Firearm
(1) When an officer’s firearm becomes submersed in water, they will flush the firearm and the magazine with fresh water and thoroughly clean it. The rounds of ammunition will be towel dried. The officer will then notify his supervisor and the Area/Unit Armorer for further instructions.
(2) When a firearm has been substantially covered with water, such as by a breaking wave or a
drenching rainstorm, but not totally submersed, the officer must still notify his immediate supervisor. After notifying his immediate supervisor, the officer should contact the Area/Unit Armorer for further instructions.

(3) If the firearm is totally submersed or if the Area/Unit Armorer wishes to examine it, the supervisor or Area/Unit Armorer will provide the officer with a spare firearm from the Area Office.

(4) The Area/Unit Armorer will repair the firearm and return it in accordance with paragraph D.3.d. of this Section.
CHAPTER 9

RECORDS, EVIDENCE, AND PROPERTY
CHAPTER 9
RECORDS, EVIDENCE, AND PROPERTY

Sec. I  RECORDS
A. Incident Reporting
B. Incident Notification
C. Citation and Warning Batching Procedure
D. Dissemination of Information from Police Reports & Law Enforcement Records

Sec. II  EVIDENCE AND PROPERTY
A. Handling of Stolen, Lost, Abandoned, or Seized Property – In General
B. Handling of Seized Firearms
C. Guidelines for Dealing with Protective Orders and Seizure of Weapons
D. CDS Evidence
E. Currency
F. Biohazards, Sharps, and Syringes
G. Hazardous Materials and Flammables
H. Debris Removal
I. Vessels
J. Vehicle Towing and Storage
K. Forfeiture of Seized Property
L. Disposal of Vessels and Associated Equipment
M. Disposition of Seafood, and Wildlife
N. Retention of Records
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A. Incident Reporting

1. Responsibilities
   a. When a complaint is received in the DNR Communication Center, all information will be properly coded and electronically entered on the Computer Assisted Dispatch, CAD System.
   b. The officer shall give the NRP Communications Center updates of incident status, including arrival and clear times, incident disposition and other necessary information.

2. Required Reports:
   a. The following incidents require an incident report to be submitted, by the officer assigned.
      (1) Boating accidents, when the accident involves one or more of the following conditions:
          (a) Death or Disappearance of a person.
          (b) Personal Injury of a person involved in the accident.
          (c) Property Damage in excess of $2,000.00.
          (d) Complete Loss of a vessel.
      (2) Hunting involved accidents.
      (3) Airplane crashes.
      (4) Fatalities
      (5) Incidents involving physical injury to a victim.
      (6) Medical incidents, when provided medical treatment, transport, or investigation by a Natural Resources Police Officer.
      (7) Vessel excise tax incidents.
      (9) High speed vehicle pursuit.
      (10) Discharge of a firearm under the following circumstances:
          (a) In self defense
          (b) To apprehend a fleeing felon
          (c) Accidental discharge
          (d) To give an alarm or call for assistance
          (e) To engage in Aversive Conditioning of Nuisance Black Bears with approved rubber buckshot.
          (f) In any instance where the discharge of the firearm resulted in injury or property damage.
      (11) All non-lethal and deadly use of force incidents
      (12) Stolen, Lost, or Abandoned Property.
      (13) Operating while intoxicated arrests.
      (14) Incidents involving CDS or paraphernalia.
      (15) Resisting arrest or assault on police officer.
      (16) Any crime that is not Natural Resources related, these include;
          (a) All felonies
          (b) Crimes against Persons
          (c) Crimes against Property
      (17) When an Officer issues a “Must Appear” citation.
      (18) In preparation of a DNR Administrative suspension or revocation hearing.

B. Incident Notification

1. In order to effectively manage certain aspects of the NRP mission, it is essential that command staff members and state level executive leadership personnel be informed promptly of various incidents when they occur. The two methods of notifying the appropriate personnel are State cell phone and text message. State cell phone will be primary means of communication. Text messaging will update
2. Examples of incidents that require notification include but are not limited to:
   a. The death of any employee and all on-duty serious injuries.
   b. An officer kills or injures another person requiring immediate hospitalization, either deliberately or accidentally, on or off duty, for any reason or under any circumstances whatsoever.
   c. The serious off-duty injury or serious illness of any active employee.
   d. Serious incidents resulting in significant property damage to state property.
   e. Incidents involving all manner of death, missing persons or violent crimes against persons.
   f. Incidents which are newsworthy to the Department of Natural Resources and the media, including such things, as significant crimes, arrests or seizures.

3. The supervisor accountable for overseeing a significant incident as defined in this section shall instruct the NRP Communications Center to send out a text message to NRP command staff. Maryland Park Service (MPS) command staff shall be notified if the incident affects the facilities or operations of the MPS. The supervisor shall provide information on the body of the text to be sent and ensure that the text is accurate, complete, and correct prior to transmission.

4. The Special Operations Division (SOD) commander, or his designee, shall be responsible for text messaging the following notifications to the Maryland State Police (MSP) state duty officer for dissemination to state level executive leadership:
   (1) Any incident involving death or serious injury (this includes, but is not limited to, homicides, vehicle accidents, industrial accidents, fires, and other serious incidents.)
   (2) Missing persons.
   (3) Suspicious incidents that are newsworthy.

C. Citation and Warning Batching Procedures

1. How to Create a Batch
   a. The issuing officer will code every citation, warning, parking ticket with the violation codes found in the Directory of Violations.
   b. The number of warnings issued on an individual notice of violation shall be indicated at the bottom right corner of the headquarters copy by circling the number i.e.
   c. Citations, warnings, and parking tickets shall be forwarded from the officer to the area office through their supervisor. The area office shall complete a Batch Transmittal Form for each batch of citations, warnings, and parking tickets. Citations, warnings, and parking tickets shall be batched separately.
   d. Each batch of citations, warnings, or parking tickets, shall be grouped separately with a maximum of fifty (50) citations, warnings, or parking tickets in each batch.
   e. Wrap the Batch Transmittal Form around each separate batch of citations, warnings, or parking tickets.
   f. The batches will be forwarded to the DNR Law Enforcement Records Center on a weekly basis.

D. Dissemination of Information from Police Reports & Law Enforcement Records

In order to comply with various statutes and regulations regarding the dissemination of information from public records (i.e., police reports and law enforcement records), the following policy sets forth minimum requirements that shall be complied with before a police report, or law enforcement record is released to anyone outside of the Agency or DNR.
CHAPTER 9 SECTION I
RECORDS

1. Acronyms:

The following acronyms will be utilized to identify the various statutory or regulation sections that are used in this policy.


   b. (TA-R) – Annotated Code of Maryland, Transportation Article, Title 20 – Vehicle Laws - Accident & Accident Reports, Section 110 – Motor Vehicle Accident Reports

   c. (COMAR) – Code of Maryland Regulations, Title 08 – Department of Natural Resources, Subtitle 01 – Office of the Security, Chapter 06 – Public Information Requests. (08.01.06)

2. Definitions:

   a. Applicant – a person or governmental unit that requests to inspect a public record. (SG-R, §10-611).

   b. Custodian – an officer or employee of the Agency who is responsible for keeping public records of the Agency. Police reports and law enforcement records are public records. (SG-R, §10-611).

   c. Person In Interest – a person or governmental unit that is the subject of the public record, or a designee of the person or governmental unit. (SG-R, §10-611.)

   d. Personal Information – information that identifies an individual, including the following individual identifiers (SG-R, 10-611):

      (1) Name
      (2) Address
      (3) Telephone number
      (4) Social Security number
      (5) Driver’s license number
      (6) Any other identification number
      (7) Medical or disability information
      (8) Photograph
      (9) Computer generated image

   e. Public Record – the original or any copy of any documentary material that is made or received by the Agency in connection with the transaction of public business. Public Records, such as police reports and law enforcement records, include the following (SG-R, §10-611):

      (1) A card
      (2) A computerized record
      (3) Correspondence
      (4) A drawing
      (5) Film or microfilm
      (6) A form
      (7) A map
      (8) A photograph
      (9) A recording
      (10) A tape

(Revised 07/16)
CHAPTER 9 SECTION I
RECORDS

f. Redaction – refers to the process of editing or blacking out of confidential text, words, sentences, or paragraphs in a document. It is intended to allow the selective disclosure of information in a document while keeping other parts of the document confidential.

Redaction of information from paper documents involves making a copy of the original document and crossing out portions of confidential text from the copy with a wide black pen, followed by photocopying the redacted result.

Effective redaction of electronic documents requires making a copy of the original document file and then the actual removal of the confidential text or image data from the copied document file.

g. Sociological Information – means the following (COMAR, §06):
   (1) Personal address
   (2) Personal telephone number
   (3) Social Security number
   (4) Personal email address
   (5) Medical history
   (6) Educational history
   (7) Work history
   (8) Military service
   (9) Financial information
   (10) Religious preference, membership, and attendance
   (11) Personal relationships, beliefs, and values
   (12) Genealogical charts
   (13) Family history

3. Process for Applicants Requesting a Police Report or Law Enforcement Record

   a. Under no circumstances will an officer release a police report or citation to anyone outside the Agency. Providing approved reports to an authorized judicial officer for court purposes is an exception to this policy.

   b. Anytime a person or governmental unit outside of the Agency requests to inspect a police report or law enforcement record, they must complete and sign an NRP-495 (Request for Copy of Police Report). This form is available on the NRP website.

   c. The cost of inspecting and/or reproducing police reports or law enforcement records shall be $5.00. The custodian may, at their discretion, waive this fee for other governmental units. (SG-R, §10-621; COMAR, §12).

   d. Before disseminating information from a police report or law enforcement record, the custodian shall insure that the applicant’s information is complete and has been verified as required.

4. Information that is Prohibited for Dissemination:

   a. In general, the custodian shall permit the inspection and/or reproduction of police reports and law enforcement records, unless there would be an unwarranted invasion of privacy of the person of interest. (SG-R, §10-612).
b. Except for use in carrying out the Agency’s governmental functions, the custodian shall not disclose any part of a public record that contains Sociological Information relating to an individual. (SG-R, §10-617; COMAR, §06).

To insure that no Sociological Information is released to an applicant, the custodian shall follow the redaction procedures set forth in this policy and redact the public record of all Sociological Information.

The redacted version of the public record shall be the only document that is disseminated to an applicant.

c. The custodian shall deny inspection or reproduction of certain types of public records when the applicant is an attorney or a person associated with an attorney requesting the record for purposes of soliciting or marketing legal services. However, this section does not apply if the applicant is an attorney of record of a person named in the record or a person associated with such an attorney. The types of records that will be denied under this section include (SG-R, §10-616):

(1) Police reports of traffic accidents.
(2) Criminal charging documents prior to service on the defendant named in the document.
(3) Traffic citations filed in the Maryland Automated Traffic System.

d. The custodian shall deny inspection or reproduction of a public record that contains the home address or home telephone number of an employee of the Agency. (SG-R, §10-617).

e. For documents other than police reports or law enforcement records detailed in paragraph D.3 above, the custodian may not knowingly disclose a public record of DNR containing Personal Information, except for use in the normal course of business activity by a financial institution, its agents, employees, or contractors, but only (SG-R, §10-616):

(1) To verify the accuracy of personal information submitted by the individual to the financial institution.
(2) If the information submitted is not accurate, to obtain correct information only for the purpose of:
   (a) Preventing fraud by the individual
   (b) Pursuing legal remedies against the individual.
   (c) Recovering on a debt or security interest against the individual.

   To insure that no Personal Information is released to an applicant, the custodian shall follow the redaction procedures set forth in this policy and redact the public record of all Personal Information.

   The redacted version of the public record shall be the only document that is disseminated to an applicant.

5. Information that May Be Denied for Dissemination:

a. The custodian may deny the inspection or reproduction of the following types of public records (SG-R, §10-618):
   (1) Records of investigations conducted by the Agency.
(2) An investigatory file compiled for any other law enforcement, judicial, correctional, or prosecution purpose.
(3) Records that contain intelligence information or security procedures of the Agency or DNR.
(4) For those items listed in paragraph (1) to (3) above, a custodian may deny the inspection or reproduction to a person in interest only to the extent that it would:
(a) Interfere with a valid and proper law enforcement proceeding.
(b) Deprive another person of a right to a fair trial or an impartial adjudication.
(c) Constitute an unwarranted invasion of personal privacy.
(d) Disclose the identity of a confidential source.
(e) Disclose an investigative technique or procedure.
(f) Prejudice and investigation.
(g) Endanger the life or physical safety of an individual.

b. The custodian may deny the inspection or reproduction of response procedures or plans prepared to prevent or respond to emergency situations (SG-R, §10-618). This would include the permissive denials of the Agency’s Patrol Operations Plans, Incident Action Plans, or Continuity of Operations Plans, Emergency Operations Plan.

c. The custodian may deny the inspection or reproduction of a public record that contains information concerning the site-specific location of an endangered or threatened species of plant or animal, or a species of plant or animal in need of conservation. (SG-R, §618).


In accordance with the Annotated Code of Maryland, Transportation Article, §20-110, the following procedures shall be followed when responding to requests for copies of motor vehicle accident reports.

a. For sixty (60) days following the date a motor vehicle report is filed with the Agency, the following are the only qualified persons who may access the report (TA-R):
(1) Individuals involved in the motor vehicle accident.
(2) The legal representative of an individual involved in the accident.
(3) The insurance producer, insurer, or employee or agent of the insurer of an individual involved in the accident.
(4) A State’s Attorney or other prosecutor.
(5) A representative of a victim services program.
(6) An employee of a radio or television station licensed by the Federal Communications Commission.
(7) An employee of a newspaper.
(8) A unit of local, State, or federal government that is otherwise authorized to have access to the accident report in furtherance of the unit’s duties.

b. A person who accesses a motor vehicle accident report within sixty (60) days after the date the report is filed with the Agency shall present to the custodian (TA-R):
(1) A valid driver’s license or other State-issued identification card.
(2) Proof that the person is a qualified person listed in paragraph “a.” above who is authorized to receive the report.

c. A qualified person requesting to access a motor vehicle accident report within sixty (60) days after the date the report is filed shall complete an NRP-495 and sign the following on the form:
“From the time a person is granted access to the report until 60 days after the date the report is filed, the report will not be used for any commercial solicitation of an individual listed in the report, and that the person will not knowingly disclose any information contained in the report to a third party for commercial solicitation of an individual listed in the report.”

Note: The prohibition against commercial solicitation does not apply to an insurance company or an employee of an insurance company of an individual listed in the accident report. Likewise, there is no prohibition against dissemination of information for news purposes to the general public by a legitimate media organization entitled to access the report.

d. The custodian shall verify all information on the NRP-495 to insure that the applicant is a qualified person who is authorized to access the report.

e. While the statute requires that a person be a qualified person for the sixty (60) day period following the time when the report is filed with the Agency, no such qualifications are required after this sixty day period. However, the custodian must still insure that dissemination of the report will not result in an unwarranted invasion of personal privacy or would not be contrary to the public interest.

7. Redaction Process

a. To comply with statutory and regulatory requirements regarding the release of Personal Information, Sociological Information, or other confidential information, the custodian shall, as required by statute or regulation, redact the following Personal Information, Sociological Information, and any other confidential information from public records before delivering a copy to an applicant:
   (1) Name (To be redacted from all documents, except police reports and law enforcement records.)
   (2) Personal address
   (3) Personal telephone number
   (4) Social Security number
   (5) Driver’s license number
   (6) Personal email address
   (7) Any other identification number
   (8) Photograph
   (9) Computer generated image
   (10) Medical or disability information
   (11) Medical history
   (12) Educational history
   (13) Work history
   (14) Military service
   (15) Financial information
   (16) Religious preference, membership, and attendance
   (17) Personal relationships, beliefs, and values
   (18) Genealogical charts
   (19) Family history

b. To redact information from paper documents the custodian shall:
   (1) Make a copy of the original document.
   (2) Thoroughly examine the copy and cross-out in wide black pen or marker any portion of
CHAPTER 9 SECTION I
RECORDS

Personal Information, Sociological Information, or other confidential information that would be prohibited.

(3) Make a copy of the redacted version of the document for delivery to the applicant.

(4) Staple the original redacted version of the document to the NRP-495 (Request for Copy of Police Report) and retain in files for a three (3) year period.

c. To redact information from an electronic file, the custodian shall:

(1) If it possible to make a printed copy of the electronic file in a readable format, then follow the procedures above for paper documents.

(2) If it is not possible to make a printed copy of an electronic file, then follow the procedures below.

(a) Make an electronic copy of the computer file.

(b) Thoroughly examine the electronic copy and actually remove any portion of Personal Information, Sociological Information, or other confidential information that would be prohibited.

(c) Once the electronic file has been redacted, save the redacted file.

(d) Issue to the applicant an electronic copy of the redacted file.

(e) On the original NRP-495 note that an electronic copy of the file was issued and the location of the file.  The electronic version of the redacted file shall be retained for a three (3) year period.

d. If the applicant is a person in interest, then that specific person’s information does not have to be redacted from the public record.  However, if the record contains information from any other person, then the other person’s information must be redacted.

8. Denials of Requests for Police Reports or Law Enforcement Records.

a. The custodian shall either grant or deny an applicant’s NRP-495 within thirty (30) days of receiving the application (NRP-495).

b. Before denying an applicant’s NRP-495, the custodian shall confer with DNR’s Office of the Attorney General.

c. If a custodian denies an applicant’s NRP-495, then the custodian shall (COMAR, §09; SG-R, §10-614):

(1) Immediately notify the applicant.

(2) Within ten (10) working days give the applicant a written statement that gives:

(a) The reasons for denial.

(b) The legal authority for the denial.

(c) Notice of the remedies for review of the denial.

(3) Permit inspection or reproduction of any part of the record that is not protected or confidential.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

A. Handling of Stolen, Lost, Abandoned, or Seized Property – In General

This Section details the processing and handling of evidence and property in general, this Section will not apply to the Special Operation Division (SOD) Covert Operations Section (COS), as they follow their own internal policy and guidelines on the processing and handling of evidence and property. Should there be an issue not covered by the SOD COS policy, then this Section shall apply.

1. Definitions

   a. Stolen Personal Property - denotes that a theft has occurred. That is, the property has been taken away without legal right and without consent of the owner with the intent to deprive.

   b. Lost Personal Property - the owner has lost the possession or custody of it, involuntarily or by any other means. More particularly, the property was lost by accident or negligence, and the owner is ignorant of its whereabouts or cannot recover it by an ordinarily diligent search.

   c. Abandoned Personal Property - the owner voluntarily relinquishes his right to possession of the property with the intent of terminating his ownership.

   d. Found Property - property that was found that has no known owner at the time it was found.

   e. Evidence - any item, article, or property seized in furtherance of an investigation or prosecution.

   f. State Waters - any waters within the jurisdiction of the State and the territorial waters adjacent to its coast out to 3 miles.

   g. Property Storage Area - secured areas and evidence lockers/rooms.

   h. Temporary Storage Locker – a secure temporary evidence locker at a facility approved by the Area Commander. Property will not be held more than 72 hours in a temporary storage locker.

   i. Property Custodian - an employee, normally the Area or Unit Commander, responsible for implementing the property storage procedures as described in this policy. An alternate, who shall hold the rank of sergeant, shall also be designated.

   j. System Evidence ID Number – unique identifying number created by the Records Management System

2. Determination of Status

   a. The officer receiving the initial complaint shall be responsible for determining whether the personal property is stolen, lost, found, abandoned, or evidence as defined above.

   b. If ownership of the property can be determined and the property has not been reported stolen, the investigating officer shall take steps to make contact with the owner to make a determination of the property’s status. All attempts shall be documented, including date, time, and method of contact, and person contacted, if any, in the RMS Incident Report prepared by the officer.

   c. If ownership of the property cannot be determined, the property shall be considered abandoned.
3. Procedures

a. If the property is found in this State and determined to be stolen, lost, abandoned or seized, it will be handled in the following manner:

(1) The officer responding to the incident will make a determination of the status of the property.

(2) Storage of lost and abandoned property on State lands will be handled according to paragraph A.7b. Storage of lost and abandoned property on private lands will be handled according to paragraphs A.3 thru A.8 of this section.

(3) Seized and stolen property. The Officer will obtain a Report Number; complete an RMS Incident Report, and a Chain of Custody Report (NRP-416-RMS). A Receipt for Seizure (NRP-101) will be completed and issued for all seized property.

b. If the personal property displays an identification number the investigating officer shall request a check for possible registration information, and a check for wanted or stolen, through the DNR Communications Center.

c. Seized/stolen/found property shall be processed as evidence. All property will be entered as “evidence” when being logged into the evidence room. Found property will be logged in as “evidence” but will include comments indicating it was found.

d. All seized property shall be properly inventoried. If evidence is discovered during an inventory, then the evidence shall be handled accordingly. However, upon discovering evidence during an inventory, a search warrant must be obtained before the search of the property can continue, or the search must fall into one of the search and seizure fourth amendment exceptions.

e. If the inventory is of a vehicle, vessel, or some other type of conveyance, then the inventory should be completed prior to its removal. However, when circumstances do not permit the inventory to be conducted safely then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle, vessel, or conveyance reaches the chosen storage location, providing that it does not leave the Agency’s custody.

f. When property is seized, a Receipt for Seizure (NRP-101) will be completed, with one copy given to the owner and one copy retained by the investigating officer. The original is scanned and included with the report in RMS. If the property is returned to the water or donated and not held as evidence then the NRP-101 will be stapled to the citation or warning.

g. Firearms, currency, and CDS evidence shall not be placed on the Chain of Custody Report (NRP-416-RMS) with other evidence. Separate Forms NRP-416-RMS and NRP-101 shall be prepared for firearms, currency, and CDS. The original NRP-416-RMS will be scanned and included with the original RMS Incident Report.

(1) The original form is to be retained by the property custodian while the property is stored at the facility. The original is to accompany the property when it is checked out for any purpose, and shall remain with the property until its final disposition. The final NRP-416-RMS and NRP-101 will be scanned into the approved original RMS Incident Report.

(2) Multiple copies of the NRP-416 are acceptable when property needs to be separated.

h. An adhesive backed evidence label will be printed from the RMS and affixed to the evidence.
(See next page for a sample label). If the evidence would be damaged by the label or does not have a surface to which it may be affixed, the label can be placed on a manila tag. Which is then affixed to the evidence with a wire tie. In the event an evidence label cannot be printed the following information will be written in permanent ink on a manila tag and affixed to the evidence.

1. Evidence ID number
2. Report Number
3. Seized By
4. Property Owner
5. Description of property as it was entered into RMS.

The System Evidence ID Number shall be noted on the Chain of Custody Report (NRP-416-RMS) which accompanies the evidence.

i. The investigating officer must complete a final supplement to the RMS Incident Report detailing the disposition of the property (i.e., forfeited, unclaimed by owner, owner unable to be located, etc.) within 24 hours of the final disposition. The investigating officer will notify the appropriate Property Custodian of the final disposition. The property custodian will ensure that a final supplement stating the disposition of the property has been completed.

4. Temporary Storage of Property-Temporary storage refers to an approved secured temporary locker.

a. To allow for drop-off of property and evidence after hours or when the Property Custodian and the alternate are unavailable, Commanders shall provide, secure storage lockers and freezers for temporary storage of evidence.

These lockers must be constructed so that once property is placed inside and the door closed by the seizing officer, the locker may only be opened by the Property Custodian and the alternate. The temporary freezer must be able to be locked once evidence is placed inside.

This locker will be secured by a keyed padlock for which only the Property Custodian and the alternate have the key.
b. To allow for retrieval of property and evidence by officers after hours, or when the Property Custodian and the alternate are unavailable, Commanders shall provide, at each Area Office, secure storage lockers for temporary storage of evidence.

Evidence being released to an officer for court will be placed inside the locker, which shall be secured by a combination padlock for which only the Property Custodian, the alternate, and the seizing officer have the combination. The combinations will be changed after every use. (No key locks will be used when returning evidence to the officer.

5. Storage of Property

a. The Property Custodian shall maintain a Property Storage Area. The Property Storage Area shall be locked at all times, and access shall be limited to the Property Custodian and one alternate. At no time shall the keys to the Property Storage Area be left in a location where other persons have access to them. Extra keys shall be stored under the control of the Property Custodian.

b. A Property Storage Area Access Control Log (NRP-460) will be maintained outside the Property Storage Area. Anyone entering the Property Storage Area for any reason shall sign in and out as they enter and leave the area. The log shall document the printed name and signature, date, time, and reason for entering the Property Storage Area.

c. General property and CDS shall be stored in the Property Storage Area in bins, or on shelves labeled A-F, G-M, N-S, T-Z, and property placed in the bin, or on the shelf, corresponding to the last name of the seizing officer.

d. The Property Custodian will refuse property not accompanied by the proper documentation.

e. Property shall remain in the Property Storage Area at all times except when items are returned to their rightful owner(s), removed for presentation in court as evidence, for analysis, or for disposal.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

f. Items too large to be stored at an Area Office will be transferred to Matapeake for storage.

6. The Property Custodian shall maintain all Chain of Custody Reports, RMS Incident Reports, and other documentation related to property.
   a. Files for firearms, currency, and CDS will be maintained in a similar fashion but separate from those for general property.
   b. When an officer is transferred or promoted to another Area, all property that has been placed in storage by that officer will remain in the Property Storage Area in the Area Office from which the officer is departing.

7. Property Disposition
   a. If property can be released to the owner, the officer shall attempt to do so without delay.
   b. If the property is abandoned or found in state parks or other DNR land, then custody of such property shall be the responsibility of the managing authority of that land. If the property poses a threat to public safety (such as firearms or CDS) the officer shall take it into custody in order to determine its status and for proper processing.
   c. All property received by an officer shall be documented by a Report Number, an RMS Incident Report, a Chain of Custody Report, if applicable, (NRP-416-RMS) and a Receipt for Seizure (NRP-101).
   d. Property seized as evidence shall be released to its bona fide owner if directed by the court or State’s Attorney. In all cases where property is released, the signature of the person to whom the property is released, acknowledging receipt of the property, will be obtained on the Chain of Custody Report (NRP-416-RMS).
   e. The Agency will make application for title to any property held in accordance with Natural Resources Article 1-2A-01 of the Annotated Code of Maryland.

8. Property Storage at Matapeake
   a. When property must be transported to Matapeake for storage it shall be the responsibility of the officer seizing the property to provide proper security until the item(s) can be received at Matapeake.
   b. When a seized vessel, vehicle, or property held as evidence must be transported to Matapeake for storage, the SOD Duty Officer is to be contacted through the DNR Communications Center to make arrangements for receipt of the property. The quartermaster shall be contacted for storage of non-evidentiary property.
   c. Under no circumstances is a vessel, vehicle, or property to be left at Matapeake for storage without the consent of the Property Custodian.
   d. A copy of all RMS Incident Reports, including supplements to the RMS Incident Reports, indicating case closure, property forfeiture (if applicable), and disposition of seized property, must be forwarded to the property custodian at Matapeake within 24 hours of final disposition.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

e. The Property Custodian will refuse property which is not properly packaged, tagged, or accompanied by the proper documentation.

9. Audits

a. Regional/Division Commanders shall conduct quarterly audits of the property records and Property Storage Areas under their command. An audit shall include a minimum of 10 items of evidence, unless the evidence room has fewer items.

b. The property records and Property Storage Area at each NRP facility shall be audited annually by the Internal Affairs Unit (IAU). The IAU may conduct unannounced inspections at any time, in addition to the required annual inspections.

c. The property custodian will conduct a complete audit whenever a property custodian alternate is replaced. The alternate property custodian will complete the audit if the property custodian is changed.

d. Commanders will promptly notify their Bureau Chief through the chain of command of all discrepancies found during their quarterly audits. The Commander of the IAU shall also be notified.

e. Commanders will initiate an investigation to resolve each discrepancy and forward all reports concerning the investigation through the chain of command to their Bureau Chief. A copy of this report will also be forwarded to the Commander of the IAU.

B. Handling of Seized Firearms

1. In addition to the general requirement in Paragraph A above, an officer shall follow the requirements of this paragraph whenever they seize a firearm.

2. The investigating officer seizing a firearm shall:

a. Insure that the firearm is unloaded and safe for handling.

b. Insure that an NCIC computer check is completed on the firearm to determine if it is stolen. The RMS Incident Report shall indicate that such a check was completed and will give the results of the check.

c. The property custodian shall insure that an ATF E-trace is conducted on a seized regulated firearm. The results of the trace will be forwarded to the seizing officer for inclusion in the RMS Incident Report. A list of regulated firearms can be found at: http://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/FirearmSearch.aspx

d. Immediately after seizing a firearm and before the end of their shift, the investigating officer shall safeguard the firearm by placing it in a temporary storage locker approved by their Commander.

e. All firearms checked out of the Property Storage Area for court, analysis, or other purpose must be placed in a firearms box or carrying case prior to removal from the Area office building. The firearm shall remain in the box or carrying case unless its removal is necessary for presentation
3. Disposition of Confiscated/Forfeited Firearms

a. After a case has been adjudicated by the courts and a firearm forfeited to the State, if no appeal has been filed within 30 days from the date of the final judgment, the investigating officer shall prepare a supplement to the RMS Incident Report detailing such and forward the report to the Area/Unit Commander/Property Custodian.

b. Once the Property Custodian is notified by the investigating officer that a firearm has been forfeited, the firearm, the NRP-416-RMS, the NRP-461, a copy of the report, and forfeiture order from the court, if available, shall be forwarded to the NRP Supply Services and Safety Education Unit Commander for storage at Matapeake within 90 days of the last date for filing an appeal.

c. The NRP Supply Services and Safety Education Unit Commander shall arrange for disposal or destruction of all forfeited firearms annually.

d. If a confiscated or forfeited firearm is converted to Agency use, prior authorization shall be received from the Superintendent. The NRP Supply Services and Safety Education Unit Commander shall ensure it is entered in the CEIS inventory as an Agency owned firearm.

4. Disposal.

a. Any excess firearms will be disposed of in accordance with State statutes including the Annotated Code of Maryland, Criminal Procedure Article, § 13-201 – 206 Forfeited Property (Responsible Gun Safety Act of 2000).

b. Excess firearms may be permanently disabled or destroyed after the NRP Supply Services and Safety Education Unit Commander prepares a record to include the serial number, make, model, etc.

c. The destruction of firearms shall be witnessed by:
   (1) The NRP Supply Services and Safety Education Unit Commander
   (2) A Sworn NRP Officer
   (3) A representative of the Management Analysis and Audit Unit of DNR if available to attend.

C. Guideline for Dealing with Protective Orders and Seizure of Weapons

1. Definitions:

a. An Interim Protective Order is a civil court order to protect any person eligible for relief from abuse. This order shall be effective for not more than seven days after service of the order, and the court may extend the temporary ex parte order as needed but not to exceed 30 days. (Note: There is no requirement that the person surrender their firearms while they have only an ex parte order against them.). (See Family Law Article 4-505)

b. A Final Protective Order is an order issued by the court to protect any person eligible for relief from abuse. This order shall be effective for the period stated in the order, not to exceed 12 months, unless the court extends the terms of the order. (A person is only required to surrender their firearms if the court has included that requirement in the order under Family Law Article 4-
2. Policy - Officers will ensure that all subjects found in violation who are in possession of a firearm will be checked for protective orders. This will be performed by running a warrant check through the DNR Communications Center.

3. Interim Protective Orders
   a. If the subject has an active Interim Protective Order against them, an RMS Incident Report shall be completed.
   b. Document the date, time, location, and type of weapon the person has in their possession. Do not seize the weapon for this violation.
   c. Note the details of the stop and any charges that were placed.
   d. Forward the report through the Chain of Command to the Commander of the Special Operations Division.

4. Final Protective Orders
   a. If the subject has an active Final Protective Order against them, officers are to inquire through the Communications Center if the order requires the surrender of firearms.
   b. If surrender of all firearms was not ordered, follow the Interim Protective Order guidelines.
   c. If surrender of all firearms was ordered, the firearm is to be seized.
   d. Advise the subject that they can seek the return of their firearm after the Final Protective Order has expired.
      (1) If the firearm is a handgun or regulated firearm as defined in the Public Safety Article §5-101, the person is to be charged under the Public Safety Article §5-133 and any other violations found by the officer.
      (2) If the firearm is a long gun, i.e., shotgun, muzzleloader or rifle that is not defined as a regulated firearm, do not charge with the above section. Currently there is no State violation to charge the person. This is a federal violation only.
   e. The officer is to complete a detailed RMS Incident Report and forward a copy of the report to the State’s Attorney in the county the Final Protective Order was issued and request it be reviewed for contempt of court.
   f. The officer will forward a copy of the same report and request to the Commander of the Special Operations Division.

5. Return of Seized Firearms
   a. Before any NRP officer returns a seized firearm to a defendant or owner, an NCIC check must be run on the firearm and the person who is receiving the firearm.
b. NCIC and Maryland Gun Center checks will be conducted on the individual when the firearm is seized and again before the firearm is returned.

c. The firearm shall only be returned if all the checks come back negative.

d. The last NCIC check is to be noted on the bottom of the Chain of Custody Report (NRP-416-RMS) as to the date, time, and results.

e. If the firearm was seized for a Protection Order violation, a copy of the RMS Incident Report and NRP-416-RMS is to be forwarded to the Commander of the Special Operations Division so the case file may be closed.

f. In the event that a seizure occurs and the person denies ownership of the firearm, the following will occur.

(1) The owner of the firearm shall have to provide proof of ownership and a detailed statement as to how the defendant obtained the firearm.

(2) The Property Custodian, with the assistance of the DNR Attorney General’s Office, will render a decision as to whether or not the firearm will be returned before the Protection Order has expired.

D. CDS Evidence

1. When CDS and/or related paraphernalia is seized and a laboratory analysis is needed, the seizing officer shall:

   a. Inventory the evidence.

   b. Complete MSP-67, Request for Laboratory CDS Examination, Chain of Custody Log/Laboratory Report which remains with the evidence until it is destroyed and will serve as the legal chain of custody.

      IMPORTANT NOTE: Do not write in the dark bordered area headed laboratory report. Do not include the weight on this form.

   c. Prior to the end of the officer’s shift; the seizing officer will seal the evidence in an approved plastic heat sealable pouch. (9 2” x 16”, 4.5 mils thick).

   d. The seizing/sealing officer will complete and attach a self-adhesive evidence label to the upper right hand corner of the pouch, next to the side of the pouch that the officer sealed. The seizing/sealing officer will also attach the RMS evidence ID label to the reverse side of the pouch in the upper left hand corner, next to the side of the pouch that the officer sealed.

2. The sealed CDS and MSP-67 will be transported to a temporary storage locker approved by the Area/Unit Commander or their designee by the conclusion of the officer’s shift.

3. The Property Custodian shall make arrangements for the evidence to be transported to the MSP Crime Laboratory, if analysis is required. The Property Custodian is responsible for the security and maintenance of records associated with seized CDS and/or related paraphernalia while stored at their
4. When the laboratory analysis is complete, the laboratory will send a copy of the MSP-67 and analysis to the Area Office. (State’s Attorney’s Office in some counties not the Area Office)

5. When an officer seizes CDS or related paraphernalia for which there are no suspects and no prosecution is anticipated, the CDS shall be packaged and processed, and documented on an NRP-416-RMS,

6. In cases where long-term storage of CDS is not practical, such as with marijuana plants, the seizing officer shall obtain written authorization from the State’s Attorney’s Office in the appropriate jurisdiction to destroy the CDS. After authorization is obtained, the evidence shall be photographed in its entirety, random samples obtained for evidentiary and prosecutorial purposes, and the evidence destroyed pursuant to paragraph D10 of this section.

7. Once notified by the analyzing authority, the Property Custodian shall notify an officer that the CDS is ready for pick up from the laboratory.

   a. The officer will then transport the CDS back to the Area Office and log the CDS in with the Area Property Custodian.

   b. The CDS will be placed back in the locked CDS cabinet until needed as evidence or destroyed.

8. When CDS is no longer needed for evidence, or a case has been adjudicated by the courts and no appeal has been filed within 30 days, the officer involved shall prepare a supplement to the RMS Incident Report detailing such and forward the report to the Property Custodian through the chain of command.

9. CDS ready for destruction shall be segregated from CDS related to active cases and clearly marked that it may be destroyed.

10. Disposal of CDS

   a. Upon receiving notification that CDS is ready for destruction, the Property Custodian shall make arrangements for the proper disposal of the evidence.

   b. The destruction of the CDS evidence shall be witnessed by a person independent of the officer, responsible for the inventory of the evidence. The Property Custodian shall coordinate quarterly destruction of CDS evidence. The Property Custodian shall obtain an RMS Report Number for the destruction of the CDS evidence. The Custodian shall prepare a detailed list which includes all the case numbers for CDS related cases that were destroyed and the date, time, location, and names of witnesses present during the destruction. The MSP-67 and/or the NRP-416-RMS will be scanned into the RMS under each respective case number for conclusion of the case. The custodian will email a copy of the CDS destruction report to the IAU Commander immediately upon completion.

11. Theft or Loss of CDS

   a. Report any theft or loss of CDS immediately to the Area Commander. The Area Commander is responsible for the notification of the Superintendent of the theft or loss of any CDS through the proper chain of command.

(Revised 02/17)
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

b. An investigation shall be completed to determine the cause or circumstances of the theft or loss.

E. Currency

1. Currency that comes into the possession of an NRP officer, whether for safekeeping, as evidence, or for potential forfeiture to the Agency shall be handled with the utmost integrity for the protection of the officer, the Agency, and all other parties involved.

   a. Currency shall be counted by the investigating officer and another sworn member of the agency, placed in a sealed evidence bag, and listed on the Chain of Custody Report (NRP-416-RMS) by specific denomination.

   b. Both officers involved in counting the currency shall initial the Chain of Custody Report (NRP-416-RMS) in the margin alongside the entry for each denomination. Scan the NRP-416-RMS into the original RMS Incident Report.

2. Procedures for handling incidents where currency comes into the officer’s possession as the result of a seizure, and is not needed as physical evidence:

   a. The currency shall be packaged and placed in the Property Storage Area.

   b. Within 5 working days, forward the currency to the NRP Administrative Services Bureau for deposit into the State Holding Account, where the funds will be held until adjudication of the case.

   c. If the defendant is found not guilty, the arresting officer shall request in writing through the chain of command that a check be issued from the State Holding Account to the defendant.

   d. If the defendant is convicted and the currency forfeited, the funds will be deposited into the appropriate DNR fund and will be considered for appropriation into the NRP budget.

3. For situations where currency comes into the possession of an NRP officer for the purposes of safekeeping, the procedures in paragraph E.2 will be followed, unless the currency is able to be released to the victim, victim’s family, or other authorized person before the end of the investigating officer’s shift, in which case it does not need to be forwarded to the Property Custodian. If the currency is able to be released to the victim, victim’s family, or other authorized person within 15 working days, the currency does not need to be sent to NRP Administrative Services Bureau for deposit.

4. Currency that comes into the possession of an NRP officer which is of evidentiary value shall be placed in a sealed evidence bag and placed in the evidence room.

5. When currency has been forfeited to the Agency by the courts and no appeal has been filed within 30 days, officers will prepare a supplement to the RMS Incident Report detailing the court disposition and forward the report to the Property Custodian.

   a. The Property Custodian will then forward the currency to the NRP Administrative Services Bureau for deposit in to the appropriate Agency account(s).
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

F. Biohazards, Sharps, and Syringes

1. Personnel shall utilize proper personal protective equipment when handling items containing bodily fluids. The risk of infection from handling these type items is very real.

2. Wet/biohazard items should be stored at room temperature or cooler, in a paper bag to permit the fluid to dry on the article. CIS personnel should be consulted for proper storage procedures prior to packaging this type of evidence. If it is determined that a crime technician cannot respond upon request then the specimens can temporarily be stored for no more than 8 hours. The item(s) will be relayed to the MSP Crime Lab at the conclusion of the 8 hours.

3. All biohazards should be clearly labeled as such utilizing red biohazard tape.

4. Sharps and syringes should be stored in appropriately marked sharps containers.

G. Hazardous Materials and Flammables

Hazardous materials and flammables shall not be stored in the Property Storage Area. Generally small samples of this type of evidence are sufficient for analysis and bulk amounts should be disposed of after the sample is obtained.

H. Debris Removal

1. Whenever an officer receives a complaint of floating debris upon the tidal waters of the state, they shall determine if the debris creates an obstruction or hazard to navigation. The Officer shall also ensure the USCG is notified so they can make proper public notification.

2. If the debris is a hazard to navigation the officer shall complete an RMS Debris Removal Incident Report, and forward the report, through the chain-of-command, to the Boating Services Abandoned Boat & Debris Program Coordinator.

3. If the debris does not create a hazard to navigation the officer will notify the DNR Communications Center of the status, and the Communications Center will forward a copy of CAD RMS Debris Removal Incident Report to the Boating Services Abandoned Boat & Debris Program Coordinator.

4. In determining whether debris or an obstruction is a hazard to navigation, consider the following factors:
   a. Location of the debris/obstruction in relation to the navigable channel and other navigational traffic patterns,
   b. Depth of water over the debris/obstruction, fluctuation of the water level, and other hydrologic characteristics in the area,
   c. Physical characteristics of the debris/obstruction, and
   d. Location of the debris/obstruction in relation to other obstructions or aids to navigation.

I. Vessels

1. Abandoned Vessels
   a. A vessel is abandoned according to NR §8-721(a) if it has remained at a location without the consent of the owner or person in control of the property.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

(1) More than 30 days on public property, including public marinas, docks, or boatyards

(2) More than 30 days
   (a) At a private dock.
   (b) At or near water’s edge on private property.

(3) More than 90 days
   (a) At a private marina or property operated by a private marina.
   (b) At a private boatyard or property operated by a private boatyard.

(4) More than 180 days on private property other than those properties described above.

(5) Has been found adrift or unattended in or upon the waters of the State in a condition of disrepair as to constitute a hazard or obstruction to the use of the waters or presents a potential health or environmental hazard.

b. Vessels willfully abandoned or willfully cast adrift upon any waters of the State, shall be handled as follows:

(1) When a report of an abandoned boat is received at the DNR Communications Center an incident number will be assigned. A NRP officer will be assigned to verify if any violation exists. Upon inspection of the abandoned boat the investigating officer will attempt to gather information to identify the owner of record.

(2) The investigating officer will complete an RMS Abandoned Boat Report and will take photographs of the vessel. The officer shall include all information on the report and be specific regarding the description of the vessel and its exact location.

(3) The officer will secure and/or mark abandoned vessels and any other objects if they are an immediate hazard to navigation.

(4) The investigating officer may utilize NRP-419N (Abandoned Boat Notice) to give notice to any interested party that the boat is considered abandoned and the Department of Natural Resources will be taking legal actions to have the boat removed at the owner’s expense.

(5) The responsible Supervisor will forward a copy of the abandoned boat report and photographs to the Boating Services Abandoned Boat and Debris Program Coordinator once finalized and approved.

(6) The Boating Services Abandoned Boat and Debris Program Coordinator shall send a letter to the last known owner(s) of record as a notification of the violation.

(7) If the owner or secured party fails to claim the abandoned vessel within three weeks after the certified mail notice or after the notice of publication is given, the Department may proceed to receive title to the vessel pursuant to '8-722 of this subtitle, sell the vessel at public auction, or otherwise dispose of the vessel.

c. If a vessel is determined to be abandoned the officer is to inform the landowner of the procedure for acquiring title to the vessel in accordance with Natural Resources Article §8-721 and §8-722. The officer will complete an RMS Incident Report and RMS Abandoned Boat Report.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

d. In the event the landowner does not want to exercise their rights under the Abandoned Boat Law, and wishes the boat removed, the officer shall remove the vessel and transport it to an approved storage area. The officer shall then complete the documents above and a Chain of Custody Report (NRP-416-RMS). The landowner shall be advised that they are relinquishing all rights and ownership to the vessel.

e. The Boating Services Abandoned Boat and Debris Program Coordinator shall make arrangements for removal of any vessels when the owner fails to take the appropriate action.

f. See the abandoned boat reporting flow chart on the next page.
Flow Chart - Process for Reporting an Abandoned Boat

NRP Communications receives a call about an abandoned boat and it is entered into CAD.

An Officer is sent to assess the situation and if necessary completes an RMS Abandoned Boat Report and takes pictures.

Supervisor sends a copy of the RMS Report and pictures to AB&D via fax or email. Report must state if the vessel is a hazard to navigation, in a state of disrepair, or if the owner was charged. If applicable, declare it abandoned according to NR §8-721(a).

In determining whether a vessel is abandoned, consider the following factors:
1. Location of the vessel in relation to the navigable channel and other navigational traffic patterns,
2. The criteria in NR §8-721(a),
3. Location of the obstruction in relation to other obstructions or aids to navigation, and
4. If the vessel is an eyesore, on land, or an annoyance to complainant it is not necessarily abandoned.

Investigating Officer completes and submits a final RMS Report to AB&D. NRP Communications notifies U.S. Coast Guard and Hydrographic Operations at the request of the investigating Officer.

Hazard to navigation or in a state of disrepair, State will remove immediately. If the vessel is removed AB&D will notify Area Commander and investigating Officer.

Hazard
Not A Hazard
Investigating Officer completes and submits final RMS Report to AB&D.

LEGEND
Natural Resources Police (NRP)
Boating Services
Abandoned Boat & Debris Program (AB&D)
580 Taylor Avenue, E-4
Annapolis, MD 21401
Phone: 410-643-6521
Fax: 410-260-8453
Web: www.dnr.maryland.gov/boating/abandonedboats.asp
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

2. Vessels

a. If an officer recovers a vessel that cannot be immediately returned to the owner, or is seized as evidence, officer shall inventory the vessel and enter all items located on the vessel in the RMS Incident Report and complete a Chain of Custody Report (NRP-416-RMS).

b. The inventory should be completed prior to the vessel’s removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vessel reaches the chosen storage location, providing that it does not leave the Agency’s custody.

c. All property in the vessel must be inventoried, including items in unlocked baggage, unsealed boxes, etc. Items in locked containers should also be inventoried, provided that a key is available.
   (1) All items valued at $50 or greater will be removed from the vessel and secured following established property handling procedures. All items of lesser value shall be left in the vessel, and noted as such in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS).
   (2) Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but may be described on the inventory simply as “miscellaneous clothing” or “vessel mechanic tools,” etc.
   (3) An inventory may extend to any part of the vessel where personal property would ordinarily be kept. If evidence or contraband is discovered during an inventory, a search and seizure warrant must be obtained before proceeding. If the officer is unable to make arrangements for timely return of the vessel to its owner, the vessel may be either transported to Matapeake for storage or stored at another NRP installation. In either case, the officer shall, immediately notify the Matapeake Property Custodian to make them aware of the situation.

3. Found Vessels

a. The Matapeake Property Custodian shall, within 15 days of the recovery of the vessel, send a letter to the last registered owner, via certified mail, notifying them of the recovery of the vessel and the location where the owner may take possession of the vessel.

b. If the last registered owner is unknown, or the certified letter is undeliverable, the Matapeake Property Custodian shall make arrangements for a public notice to be published in a newspaper of general circulation in the area the vessel was recovered.

c. If the last registered owner fails to claim the vessel within 3 weeks of delivery of the certified letter, or publication of the public notice, the Matapeake Property Custodian shall proceed as outlined in paragraph L (Disposal of Vessels and Associated Equipment) of this chapter.

4. Vessels Seized As Evidence

a. Vessels seized as evidence shall, as soon as possible, be transported to the nearest NRP installation which provides secure storage for the vessel and contents.
b. When a seized vessel is too large for storage at an NRP Area Office, or when the Area Office does not have adequate secure outdoor storage available for the vessel, then storage of the vessel shall be handled in accordance with paragraph A.8 (Property Storage at Matapeake) of this chapter.

J. Vehicle Towing and Storage

1. An officer investigating an incident involving a vehicle abandoned on DNR property shall determine if the vehicle is stolen, or has been previously reported as unattended or abandoned.

2. All property in the vehicle must be inventoried and included in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS). The inventory should be completed prior to the vehicle’s removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle reaches the chosen storage location, providing that it does not leave the Agency’s custody.

   a. Items in locked containers should also be inventoried, provided that a key is available.

   b. All items valued at $50 or greater will be removed from the vehicle and secured following established property handling procedures. All items of lesser value shall be left in the vehicle, and noted as such in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS).

   c. Items such as clothing in a suitcase or tools in a tool kit need not be individually itemized, but may be described on the inventory simply as “miscellaneous clothing” or “vehicle’s mechanic tools,” etc.

   d. An inventory may extend to any part of the vehicle where personal property would ordinarily be kept. Evidence or contraband discovered during a bona fide inventory may be seized and used for prosecution.

3. An officer investigating an incident involving a vehicle abandoned on DNR property shall determine if the vehicle is stolen, wanted, or has been previously reported as unattended or abandoned.

   a. If the vehicle is stolen, the officer shall contact the SOD Duty Officer to arrange for the vehicle to be processed at the scene.

      (1) All property in the vehicle must be inventoried and included in the RMS Incident Report and listed on the Chain of Custody Report (NRP-416-RMS). The inventory should be completed prior to the vehicle’s removal. However, when circumstances do not permit the inventory to be conducted safely, or the procedure is not practical in the given situation, then the inventory may be conducted later. In such situations, the inventory will be conducted as soon as the vehicle reaches the chosen storage location, providing that it does not leave the Agency’s custody.

      (2) If there is no other reason to hold the vehicle after processing, it may be released directly to an authorized person. A receipt for release of the vehicle shall be obtained by the officer prior to releasing the vehicle.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

(3) Whenever a vehicle is seized as evidence or seized for further processing, the investigating officer shall arrange for the vehicle to be towed to Matapexaka or to another secure location approved by the Area Commander.

(a) Officers shall have DNR Communications contact an allied State agency in order to obtain an approved towing company.

(b) To maintain a proper chain of custody, the officer shall secure the vehicle prior to towing and follow the vehicle as it is being towed to the NRP installation.

b. If the vehicle is not stolen, the investigating officer shall obtain an RMS Incident Number, and make a reasonable attempt to contact the last registered owner by telephone, or in person if the owner resides within the officer’s normal patrol area, and advise them that the vehicle must be removed within 48 hours. All attempts to contact the last registered owner shall be recorded in the CAD system under the incident number obtained. Prior to removal of the vehicle, officers shall complete a property inventory of items with a value of $50 or more.

c. When a vehicle has been previously recorded in the CAD system as an unattended vehicle and less than 48 hours have elapsed since the initial entry, periodic checks will be made on the vehicle, and its subsequent removal recorded to close the incident in the CAD system.

d. When a vehicle has been recorded as unattended for more than 48 hours, the investigating officer shall contact a supervisor for authorization to have the vehicle removed and stored. The supervisor shall verify with the Communications Center that reasonable efforts to contact the owner have been recorded in the CAD system prior to authorizing removal and storage.

e. Officers shall have DNR Communications contact an allied State agency in order to obtain an approved towing company.

f. When a vehicle is removed by the towing company, the investigating officer shall complete a Vehicle/Vessel Tow Report (NRP-428), which shall include instructions to the tow operator regarding the release status of the vehicle. In addition, the investigating officer shall notify the last known owner by completing a Citizen Tow Letter (NRP-428L), and sending it certified mail, return receipt requested, to the last known owner’s address.

g. The investigating officer shall record the name and telephone number of the towing company under the appropriate CAD entry.

K. Forfeiture of Seized Property

1. During the criminal court proceedings, the States Attorney’s Office may at the request of the officer ask the court to order the seized property forfeited to the State. The court may accept this request and order forfeiture of the seized property to the State, or the court may instruct the officer to initiate forfeiture proceedings civilly.

2. It is the responsibility of the arresting/seizing officer to initiate civil forfeiture proceedings if the State desires to acquire the seized property. The arresting/seizing officer shall be responsible for filing all necessary court documents, and representing the State at all civil court hearings during the forfeiture proceedings.
CHAPTER 9 SECTION II
EVIDENCE AND PROPERTY

3. Seized property will be returned when a judge of a criminal proceeding denies a request for forfeiture. In this case, civil court action will not be initiated. All property is returned when a not guilty verdict is rendered.

4. The NRP officer is responsible to file a Request for Forfeiture (Form NRP-467) with the appropriate State’s Attorney 15 days prior to the originally scheduled date of the court case. Some State’s Attorney’s Offices may elect not to have NRP officers file this form with their office. If this is encountered, it should be noted in the RMS Incident Report, which shall become part of the case file.

5. The NRP officer is responsible to send to the defendant in the case, via certified mail, a Notice of Forfeiture Intent (Form NRP-468) at least 15 days prior to the originally scheduled date of the court case.

L. Disposal of Vessels and Associated Equipment

1. All vessels and associated equipment stored at Matapeake shall be disposed of in accordance with Natural Resources Article, § 1-2A-02, § 8-721, and/or § 8-722.

2. All vessels and property stored by the NRP for a period in excess of six months, and of which the rightful owner cannot be determined, shall be disposed of in accordance with Natural Resources Article, § 1-2A-0l, § 8-721 and/or § 8-722.

3. The RMS Property Transfer and Disposal form will be completed as a supplement to the report by the Property Custodian. The Property Custodian at Matapeake will ensure that all requirements of NR §8-721 and NR §8-722 (acquiring title) have been adhered to. Once the title has been transferred to NRP, the Property Custodian will be notified.

4. Vessels, vehicles, and/or property considered to be unserviceable, unseaworthy, and/or unsuitable for public sale shall, upon approval of the Department of General Services (DGS), be photographed, and disposed of. The Property Custodian at the Matapeake Multi-Purpose Facility is authorized to deal directly with DGS for this action.

5. All vessels, vehicles, and/or property scheduled for disposal shall be audited by a DNR auditor.

6. NRP shall have first refusal rights of serviceable vessels, vehicles, and/or property earmarked for disposal. Subsequent rights fall to other agencies within the Department prior to the publishing of a list of excess equipment which will be made available to all other State agencies.

7. All vessels, vehicles, and/or property not acquired by State agencies shall be offered for public sale in accordance with established procedures.

8. Money received from sale of vessels, vehicles and property will be placed in the Agency's operating budget.

M. Disposition of Seafood and Wildlife

1. Discretion should be used when disposing of dead fish and wildlife. Other than those circumstances mandated by law, such fish and wildlife may be donated to institutions or needy individuals who will use the dead fish and wildlife as a source of food.

2. In cases involving seafood or wildlife that may be legally sold, the seafood or wildlife shall be sold...
at fair market value and the proceeds from such sale shall be forwarded to the NRP Administrative Services Bureau for deposit in to the State Holding Account, where the funds will be held until adjudication of the case.

a. If the defendant is found not guilty, the arresting officer shall request in writing through the chain of command that a check be issued from the State Holding Account to the defendant.

b. If the defendant is convicted and the currency forfeited, the funds will be deposited into the appropriate DNR fund and will be considered for appropriation into the NRP budget. A supplement to the RMS Incident Report must be submitted documenting final disposition of the funds.

c. If the defendant has chosen to dispose of the case by forfeiting collateral in lieu of standing trial, the investigating officer shall refer to the procedure in paragraphs K.4-5 (Forfeiture of Seized Property) of this policy, except that the 15 day requirement does not apply.

3. Eagles and other birds of prey shall be forwarded to the U.S. Fish and Wildlife Service for disposal.

4. Under no circumstances is seafood or wildlife to be donated to any of the above if any monetary or material gains are to be realized from the donation. At no time will an officer keep any fish and wildlife or accept any parts of fish and wildlife for their own use. NRP personnel are prohibited from benefiting either monetarily or materially from any donation.

5. In the case of a deer, a non-hunting deer tag (NRP-433) must be filled out with the name and address of the person or organization to which the deer was donated. The donating officer’s signature must be on the tag.

6. In the case of deer killed by motor vehicle, the deer may only be donated if the driver of the motor vehicle that struck the deer does not desire possession of the deer.

N. Retention of Records

1. The Chain of Custody Report is the officer's permanent record of the transaction. The original NRP-416-RMS will be scanned into the original RMS Incident Report at the conclusion of the case and final disposition of property.

2. The original RMS Property Transfer and Disposal Request (NRP-461), and property record receipts shall be scanned into the original RMS Incident Report at the conclusion of the case and final disposition of property.
CHAPTER 10

LEO APPRAISAL SYSTEM
CHAPTER 10

LAW ENFORCEMENT OFFICERS’ APPRAISAL SYSTEM

Sec. I  NON-COMMISSIONED OFFICERS’ APPRAISAL SYSTEM
   A. Purpose
   B. Expectations
   C. Applicability
   D. Observations and Appraisal Documentation
   E. Appraisal System Reporting Procedure
   F. NCOAS Appeals Board
   G. NCOAS Appraisal Levels
   H. General Appraisal Factors and Performance Standards

Sec. II COMMISSIONED OFFICERS’ APPRAISAL SYSTEM
   A. Purpose
   B. Expectations
   C. Applicability
   D. Observations and Appraisal Documentation
   E. Appraisal System Reporting Procedure
   F. COAS Appraisal Levels
   G. Appraisal Factors and Performance Standards
A. Purpose

1. The Non-Commissioned Officer’s Appraisal System (NCOAS) is intended to accomplish the following objectives:
   a. Provide constructive guidance to the officer;
   b. Assist in the development of the officer’s career;
   c. Cultivate channels of reciprocal communication;
   d. Inform the officer of the standard expectations;
   e. Develop training needs through performance analysis;

2. The Non-Commissioned Officer’s Appraisal System is designed to be a viable tool for the officer’s career development; therefore, NCOAS will bear no numerical score and will not be part of the promotional testing.

B. Expectations

1. In order for an officer’s performance to be fairly appraised, it is incumbent upon supervisors, to make their expectations clearly known to the officer prior to, and during the appraisal period.

2. The Regional / Division Commander, with assistance of the Area / Unit Commander and each first line supervisor, will review the work-plan priorities and strategies, and provide a written guideline of expectations based on a work-plan for the appraisal period.

3. The NCOAS is intended to establish clarity and consistency in the appraisal of an officer’s performance.

C. Applicability

1. This Appraisal System will apply to all sworn members of the Agency holding the rank of:
   a. Officer
   b. Officer First Class
   c. Senior Officer
   d. Master Officer
   e. Corporal
   f. Sergeant

D. Observations and Appraisal Documentation

1. It is incumbent upon all supervisors to document their subordinates performance using the Appraisal Levels and utilizing both the Observation Reports and Mid Cycle Reviews.

2. The Observation Report (NRP 900) will be promptly presented in person by the appraiser to the officer for review, comments, and signature. Copies will then be distributed as follows:
   a. Original is retained by the supervisor.
   b. Copy to employee.
   c. Copy to Area Commander.

3. For all Appraisal Reports, the ratings of “Outstanding,” “Needs Improvement,” or “Unsatisfactory” will require a written comment.
CHAPTER 10 SECTION I
NON-COMMISSIONED OFFICER’S APPRAISAL SYSTEM

4. All original and copies of Observation Reports and/or other supporting documentation issued in excess of one year prior, will be returned to the employee as soon as possible after the traditional semi-annual appraisal meeting.

5. When an officer receives a third “Needs Improvement” Observation Report for the same element of a factor, the supervisor shall complete a Continuation Form documenting what corrective training or action was taken with the officer. The Supervisor and officer will sign the form and attach it to the Observation Report.

6. Commanders will insure that supervisors adhere to the Non-Commissioned Officer’s Appraisal System. In instances where the supervisor has failed to properly monitor and document an officer’s performance, the supervisor’s appraisal will be affected.

7. Commanders or supervisors will document exceptional performance by preparing correspondence independent from the NCOAS. A memorandum, prepared in letterhead format similar to that described in Chapter 3 Section I of this Manual, will be forwarded through the chain of command to DNR Human Resources for inclusion in the employee’s permanent personnel record.

8. When an officer is on temporary duty assignment their temporary supervisor will be responsible for administering the Observation Reports and any appropriate Appraisal reports.

9. When an Officer First Class is promoted to Corporal or when a Corporal is promoted to Sergeant, an Interim One Month Probationary Appraisal Report shall be completed for each newly promoted officer beginning with the effective date of the promotion and continuing for a period of six months. Newly promoted Corporals and Sergeants will also receive the traditional Appraisal Report during this interim period

10. When an officer is reassigned or serving in a temporary duty assignment during an appraisal period, an Advisory Appraisal Report will be completed, presented to the officer, and forwarded to the officer’s new supervisor at the new assignment, or in the case of a temporary duty assignment to the officers permanent supervisor. The receiving supervisor shall retain the Advisory Appraisal Report until the end of the appraisal period and attach the advisory appraisal to the final six month appraisal.

11. If a supervisor is transferred, the supervisor will complete an Advisory Appraisal Report for each subordinate and present it for review to each officer, and forward the Appraisal Reports to the new supervisor. The new supervisor shall retain the Advisory Appraisal Report until the end of the appraisal period and attach the advisory appraisal to the final six month appraisal. The commissioned officer responsible for the supervisor will complete an Advisory Appraisal Report for the supervisor, present it to the supervisor, and forward it to the supervisor’s new commander.

12. Any member on extended leave for an entire rating period will not receive an appraisal, but an Appraisal Report will be processed indicating the leave status in the “comments” section and will still receive all signatures. If a member works any time during the appraisal period, they will be appraised based on observed performance while on duty and a notation regarding extended leave status will be placed in the “comments” section.

E. Appraisal System Reporting Procedure

1. There will be two appraisals given each year. The first, following the period July through December of the preceding calendar year, which is due to the NRP Administrative Services Bureau HR contact, on the first Friday of February. The second, following the period January through June, which is due to the
2. There will be a Mid-Cycle Review of the officer’s performance during the first three (3) months of each Appraisal Period.
   a. For the Appraisal Period January thru June, the Mid-Cycle Review will occur between March 15 and March 31.
   b. For the Appraisal Period July thru December, the Mid-Cycle Review will occur between September 15 and September 30.

3. During the Mid-Cycle Review, Supervisors will utilize form NRP-920 (Mid-Cycle Review Memo) to document the review and rate their subordinates as “Meets Standards” or “Needs Improvement.” If an officer is rated as “Needs Improvement,” then the Supervisor shall have a copy of the supporting documentation and attach a copy of the Work Plan / Action Plan that will be used for the Appraisal Period. After meeting with the officer, Supervisors shall forward the NRP-920 and any attached documents to the officer.

4. Supervisors will meet with subordinates regularly during the Appraisal Period to discuss their progress and review their Observation Reports and/or other documentation on file.

5. The first-line supervisor will prepare the Appraisal Report based upon personal observation of the officers work performance and utilizing Observation Reports, and or other documentation and sign the report.

6. The Observation Report or Appraisal Report will be presented to the officer for comments and signature. During the presentation of the appraisal to the officer, an environment should exist that encourages a free flow of information and allows for officer feedback.

7. After being presented the Observation or Appraisal Report and discussing with the supervisor, the officer may make written comments in the comments section of the report. The officer shall sign the report signifying that they have received the report.

8. After the review and discussion with the supervisor, should the officer disagree with the Observation or Appraisal Report, then they shall note their disagreement in the comments section of the report and sign the report. Their signature does not reflect agreement with the report; it only signifies that they have received the report. Failure to follow this requirement will result in loss of appeal rights to the NCOAS Appeals Board.

9. If there remain any unresolved issues with the Observation or Appraisal report that the officer and supervisor cannot agree on, then the reviewing commander shall resolve the issues.

10. The completed Appraisal Report will then be signed and forwarded to NRP Personnel.

11. Upon following the procedures detailed above, the officer may request an evaluation by the NCOAS Appeals Board.

F. NCOAS Appeals Board

1. The Non-Commissioned Officer’s Appraisal System’s Appeals Board is a separate board from all other boards and panels.

2. The purpose of the NCOAS Appeals Board is to provide informal and swift relief to conflicts
CHAPTER 10 SECTION I
NON-COMMISSIONED OFFICER’S APPRAISAL SYSTEM

propagated from this system.

3. It is designed to provide an equitable remedy to an Observation Report and/or Appraisal Report that differs in opinion between supervisor and subordinate.

4. To encourage resolution of the disagreement at the lowest level possible, the officer shall review and discuss their concerns with the reviewing commander.

5. If after reviewing and discussing their concerns with the reviewing commander the officer still disagrees with the report and they wish to seek an equitable remedy, then they must contact the Maryland Natural Resources Police Fair Practice Officer who is the Chairman of the NCOAS Appeals Board, within four calendar days of having their meeting with the reviewing commander.

6. The Chairman can either resolve the difference or call a quorum of the NCOAS Appeals Board.

7. The decision of the NCOAS Appeals Board is final. This does not however, preclude any sworn law enforcement officer from resorting to the State of Maryland Grievance Procedures and/or the Law Enforcement Officer’s Bill of Rights.

G. NCOAS Appraisal Levels

Definitions for the six appraisal levels will assist supervisors in properly assessing a subordinate's performance.

1. Outstanding - Exceptional performance. Achievements are clearly superior to the level of performance required for the job.

2. Exceeds Standards - Clearly surpassed the standards required for the job. Used exceptional application of knowledge, skills, and/or abilities to exceed the required standards.

3. Meets Standards - Met the required and expected results for the job. Good performance which is expected of a fully experienced or competent employee.

4. Needs Improvement - Job requirement and results were partially met. Performance needs development to meet the standards expected of a competent employee.

5. Unsatisfactory - Performance is unacceptable and shows no significant progress or improvement. Improvement is critical.

6. Not Observed - Appraisal factor was not observed at any time during the appraisal period.

H. General Appraisal Factors and Performance Standards

All essential job functions and other assigned duties used when appraising all non-commissioned officers are clearly listed on the appraisal forms and delineated by rank.
CHAPTER 10 SECTION II
COMMISSIONED OFFICER’S APPRAISAL SYSTEM

A. Purpose

1. The Commissioned Officer’s Appraisal System (COAS) is intended to be a tool to accomplish the following objectives:
   a. Provide constructive guidance;
   b. Assist in career development;
   c. Cultivate channels of reciprocal communication;
   d. Review standard expectations for the officer’s rank;

2. The Commissioned Officer’s Appraisal System is a tool for evaluating a commissioned officer’s performance. It does not involve a numerical score, nor is it considered in promotional testing.

B. Expectations

1. The intent of the COAS is to establish clarity and consistency in appraising performance.

2. In order for a commissioned officer's performance to be appraised objectively, it is necessary for supervisors to clearly communicate their expectations before and during the appraisal period.

3. Commanders will review work-plan priorities and strategies, and provide a written guideline of expectations based on a work-plan for the appraisal period.

4. Each commissioned officer’s supervisor will review each work-plan and set guidelines for its applicability before implementation by the supervisor.

C. Applicability

1. This Appraisal System will apply to all sworn members of the Agency holding the rank of :
   a. Lieutenant
   b. Captain
   c. Major
   d. Lieutenant Colonel

D. Observations and Appraisal Documentation

1. It is incumbent upon all supervisors to document their subordinate’s performance using the Appraisal Levels and Appraisal Reports.

2. Commanders will insure that all subordinate Commanders adhere to the Commissioned Officer’s Appraisal System. In instances where the Commander has failed to properly monitor and document a subordinate Commissioned officers performance, the Commanders appraisal will be affected.

3. Commanders will document exceptional performance by preparing correspondence independent from the COAS. A memorandum, prepared in letterhead format similar to that described in Chapter 3 Section I of this Manual, will be forwarded through the chain of command to DNR Human Resources for inclusion in the employee’s permanent personnel record.

4. When an officer is promoted to Lieutenant, Captain, Major, or Lieutenant Colonel, an Interim One Month Probationary Appraisal Report shall be completed for each newly promoted officer beginning with the effective date of the promotion and continuing for a period of six months. Newly promoted
Lieutenants, Captains, Majors, and Lieutenant Colonels will also receive the traditional Appraisal Report during this interim period.

5. When a commissioned officer is on temporary duty assignment their temporary Commander will be responsible for administering the Observation Reports and any appropriate Appraisal reports.

6. If a Commander is reassigned or serving in a temporary duty assignment during an appraisal period, an Advisory Appraisal Report will be completed, presented to the Commander, and forwarded to the new Commander at the new assignment, or in the case of a temporary duty assignment to the Commissioned Officers permanent Commander. The receiving Commander shall retain the Advisory Appraisal Report until the end of the appraisal period and attach the advisory appraisal to the final six month appraisal.

7. When a commissioned officer is reassigned, the commissioned officer will complete an Advisory Appraisal Report for each subordinate employee and present it for review to each officer, and forward the Appraisal Reports to the new supervisor. The new commander shall retain the Advisory Appraisal Report until the end of the appraisal period and attach the advisory appraisal to the final six month appraisal. The commander responsible for the commissioned officer will complete an Advisory Appraisal Report for the commissioned officer, present it to the commissioned officer, and forward it to the supervisor’s new commander.

8. Any member on extended leave for an entire rating period will not receive an appraisal, but an Appraisal Report will be processed indicating the leave status in the “comments” section and will still receive all signatures. If a member works any time during the appraisal period, they will be appraised based on observed performance while on duty and a notation regarding extended leave status will be placed in the “comments” section.

E. Appraisal System Reporting Procedure

1. There will be two appraisals given each year. The first, following the period July through December of the preceding calendar year, which is due to the NRP Administrative Services Bureau HR contact, on the first Friday of February. The second, following the period January through June, which is due to the NRP Administrative Services Bureau HR contact, the first Friday of August.

2. Supervisors will meet with subordinates regularly during the Appraisal Period to discuss their progress and other documentation on file.

3. The Appraisal Report will be presented to the officer for comments and signature. During the presentation of the appraisal to the officer, an environment should exist that encourages a free flow of information and allows for officer feedback.

4. After being presented the Appraisal Report and discussing with the supervisor, the officer may make written comments in the comments section of the report. The officer shall sign the report signifying that they have received the report.

5. After the review and discussion with the supervisor, should the officer disagree with the Appraisal Report, then they shall note their disagreement in the comments section of the report and sign the report. Their signature does not reflect agreement with the report; it only signifies that they have received the report.
6. The completed Appraisal Report will then be given to the commander who will review, sign, and forward the report to NRP Personnel.

7. If the officer disagrees with the Appraisal Report, resolution of the disagreement should take place at the lowest level possible. The officer shall review and discuss their concerns with the reviewing commander.

F. COAS Appraisal Levels

Definitions for the six appraisal levels will assist supervisors in properly assessing a subordinate's performance.

1. **Outstanding** - Exceptional performance. Achievements are clearly superior to the level of performance required for the job.

2. **Exceeds Standards** - Clearly surpassed the standards required for the job. Used exceptional application of knowledge, skills, and/or abilities to exceed the required standards.

3. **Meets Standards** - Met the required and expected results for the job. Good performance which is expected of a fully experienced or competent employee.

4. **Needs Improvement** - Job requirement and results were partially met. Performance needs development to meet the standards expected of a competent employee.

5. **Unsatisfactory** - Performance is unacceptable and shows no significant progress or improvement. Improvement is critical.

6. **Not Observed** - Appraisal factor was not observed at any time during the appraisal period.

G. Appraisal Factors and Performance Standards

All essential job functions and other assigned duties used when appraising all commissioned officers are clearly listed on the appraisal forms and delineated by rank.
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CHAPTER 11

NRP FORMS & RMS REPORTS
CHAPTER 11

NRP FORMS & RMS REPORTS

Sec. I FORMS POLICY

A. General
B. Authority
C. Forms Control Program
D. Forms
E. Creating, Revising, Combining or Eliminating Forms
F. Form Numbering System
G. Forms on NRP Computer Network
H. Utilization of NRP Forms with Microsoft Word Protected Form Fields
I. Utilization of NRP Forms with Microsoft Word Protected Headers or Footers
J. Utilization of NRP Forms with Excel Spreadsheets
K. The Use of Google Forms
L. Status Definitions
M. Original Signatures Required

Sec. II RMS REPORTS

A. RMS Reports Replacing NRP Forms

Sec. III NRP FORMS

A. NRP Forms
CHAPTER 11 SECTION I
FORMS POLICY

A. General

1. Forms are used for the collection, transmittal, and preservation of information.

2. Forms serve as a compact, concise record of information, that when standardized, promote an efficient operation.

3. Many NRP policies, procedures, and functions are documented through Agency forms.

B. Authority

1. The forms control program is administered by the NRP Planning, Records, & Warrants Section.

2. The Planning, Records, & Warrants Section is designated by the Superintendent to administer the program.

C. Forms Control Program

1. A forms control program will ensure the need for and standardization of NRP forms.

2. The objective of the forms control program is to control the creation of new forms, to revise or consolidate existing forms, and to eliminate non-essential or duplicate forms.

3. The Planning Section will do the following:
   a. Establish and maintain a forms control register that contains control numbers, effective dates, form titles and revision dates of all forms.
   b. Approve form design and use.
   c. Issue form numbers.
   d. Establish effective and revision dates.
   e. Authorize printing.
   f. Maintain a master forms file.
   g. Maintain a historical file on revised forms.
   h. Maintain a current inventory of active forms on NRP’s server for access by officers at area offices.
   i. Consult with users create, revise, combine or eliminate forms when necessary.

2. Forms Committee
   a. The Commander of the Communications & Strategic Planning Division shall serve as the chairperson.
   b. The Superintendent shall appoint other members that will include the Adjutant to the Superintendent, Communication Center/Planning/Records Unit Commander, and Supervisor of the Planning, Records, and Warrants Section, a supervisor from each Field Operations Bureau and Special Services Bureau and other personnel as needed. The committee shall convene twice a year to create, revise, combine, or eliminate forms.

D. Forms

1. Forms originating from the NRP will be assigned a form number and effective date.

2. The designation “NRP-” will precede the form number. The form number and implementation or
CHAPTER 11 SECTION I
FORMS POLICY

revision date will appear in the lower left corner of each form. For example form 123 would appear as “NRP-123 (Rev. 10/04)” in the lower left corner of the form.

3. When a unit creates a form to record information unique to its operation, a draft of the proposed form will be submitted through the chain of command to the Planning, Records, & Warrants Section.

4. The Planning, Records, & Warrants Section will assign a number to the approved form.

5. Only the most current forms may be utilized.

6. Forms may not be altered in any manner.

E. Creating, Revising, Combining or Eliminating Forms

1. Forms that cease to serve their designated purpose should be revised, combined with an existing form, or eliminated.

2. NRP employees who think a form should be created, revised, combined, or eliminated, will make the request via memorandum through the chain of command to the Planning, Records, & Warrants Section.

3. The memorandum will state the reasons for the requested action. A sample of the proposed form should be attached, if applicable.

4. Appropriate endorsements will be made to the report concerning the proposed change at each level of command. This review process encourages input from each staff member resulting in a product reflecting the experience and knowledge of everyone responding.

F. Form Numbering System

1. Forms shall be numbered as follows:

<table>
<thead>
<tr>
<th># Series</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>Submitted Weekly</td>
</tr>
<tr>
<td>200</td>
<td>Submitted Bi-Weekly</td>
</tr>
<tr>
<td>300</td>
<td>Submitted Monthly</td>
</tr>
<tr>
<td>400</td>
<td>Submitted As Needed</td>
</tr>
<tr>
<td>500</td>
<td>Submitted As Needed</td>
</tr>
<tr>
<td>600</td>
<td>Emergency Operations Forms</td>
</tr>
<tr>
<td>700</td>
<td>Training Forms</td>
</tr>
<tr>
<td>800</td>
<td>Internal &amp; Disciplinary Forms</td>
</tr>
<tr>
<td>900</td>
<td>Personnel Appraisal Forms</td>
</tr>
<tr>
<td>RMS</td>
<td>Records Management System Forms</td>
</tr>
</tbody>
</table>

G. Utilization of NRP Forms with Microsoft Word Protected Form Fields

1. A number of NRP Forms have been designed with form fields (grayed boxes) which allow the user to move within the form and easily complete the form in a standardized format.

a. As the cursor is moved into each form field, the user will notice in the lower left-hand corner that
CHAPTER 11 SECTION I
FORMS POLICY

a. a message is displayed describing the data that is needed in the field. This is designed to assist the user in completing the form properly.

b. On some forms, as the cursor is moved from one field to another, a pop-up box will be displayed describing instructions for Spell Checking and Protecting-Unprotecting the document.

c. To “Protect-Unprotect” a document follow the procedures below.

1. Click on the “Protect-Unprotect Form” button on the toolbar which is located at the top of the Microsoft Word document menu. This will Unprotect the document.

2. Enter or modify the information as necessary.

3. Once necessary information has been entered the user must re-protect the document by clicking on the “Protect-Unprotect Form” button on the toolbar which is located at the top of the Microsoft Word document menu. This will Protect the document.

4. Whenever a “Protect Document” box is displayed, the user must always select “Protect document for” - “Forms.”

d. There is a limitation in utilizing Microsoft Form Fields; and that is, certain formatting functions, such as bolding and underlining, will not work within a form field. Should personnel wish to utilize bolding or underlining in their narrative text, then they must perform the following:

1. Unprotect the document.

2. Delete the form field where they wish to type their narrative, including the bolded or underlined text.

3. Upon completion of typing the narrative text, Protect the document. (Remember to Protect the document for “Forms.”)

2. Before a user can utilize NRP Forms that were designed with form fields, a change must be made to Microsoft Word.

a. Changes to Microsoft Word 2000 Settings:

1. Go to the Word toolbar and click on “Tools.”

2. Wait until the “Tools” drop-down menu expands and click on “Macro.”

3. On the “Macro” drop-down menu click on “Security.”

4. When the “Security” menu opens, click on “Security Level” and set the macro security level to “Low.”

5. Close Microsoft Word and then restart it to set the new macro security level.

b. Changes to Microsoft Word 2010 or Word 2016 Settings:

1. Click the File tab.

2. Click Options.

3. Click Trust Center, and then click Trust Center Settings.

4. In the Trust Center, click Macro Settings.

5. Click on Enable all macros.

6. Click OK.
CHAPTER 11 SECTION I
FORMS POLICY

H. Utilization of NRP Forms with Microsoft Word Protected Headers or Footers

1. A number of NRP Forms have been designed with protected headers and/or footer. These protected headers and/or footers allow the same information to be printed on all subsequent pages.

2. To access a protected header and/or footer and complete the necessary information, click on the “Protect-Unprotect Form” button on the toolbar which is located at the top of the Microsoft Word document menu. This will Unprotect the document.

3. Once the document has been unprotected, complete the necessary information in the header and/or footer and then click on the “Protect-Unprotect Form” button again to protect the document.

4. Whenever a “Protect Document” box is displayed, the user must always select “Protect document for” - “Forms.”

I. Utilization of NRP Forms with Excel Spreadsheets

1. A number of NRP Forms have been designed as an Excel spreadsheet or as a Word document with a spreadsheet incorporated into the document. Some of these spreadsheets contain items such as checkboxes, which require a change to Microsoft Excel for the form to function properly.

   a. Changes to Microsoft Excel 2000 Settings:
      (1) Go to the Excel toolbar and click on “Tools.”
      (2) Wait until the “Tools” drop-down menu expands and click on “Macro.”
      (3) On the “Macro” drop-down menu click on “Security.”
      (4) When the “Security” menu opens, click on “Security Level” and set the macro security level to “Low.”
      (5) Close Microsoft Excel and then restart it to set the new macro security level.

   b. Changes to Microsoft Excel 2010 or Excel 2016 Settings:
      (1) Click the File tab.
      (2) Click Options.
      (3) Click Trust Center, and then click Trust Center Settings.
      (4) In the Trust Center, click Macro Settings.
      (5) Click on Enable all macros.
      (6) Click OK.

J. The Use of Google Forms

1. Google forms may be created as needed to gather information or statistics.

K. Status Definitions

For those NRP forms that require notification of incident status, the following definitions shall apply.

1. **Closed** – Indicates that the investigation is complete and no further active investigation is required. Incidents can be closed under the following conditions: (discussion on when to close report)
   a. Apprehension of the perpetrator.
   b. Incidents of stolen property can be closed when:
      (a) All property is recovered and accounted for; and,
      (b) When all investigatory have been exhausted.
c. Incidents of abandoned, lost, or seized property can be closed when:
   (1) When property has been confiscated or forfeited by court action; or
   (2) When property has been held for 6 months and the owner of the property cannot be
determined. (See §1-2A-01 of the Natural Resources Article)
d. All other incidents can be closed when the investigation reveals that no further action can be
taken, and the incident receives proper approval.

2. **Pending Further Information** (open with active warrant, pending further information, warrant
request approved) – Indicates that an incident is being actively investigated, and it does not meet the
criteria for Closed.

3. **Follow-Up Patrol** (open, open pending destruction of property, open pending return of property,
open LEIN entry only, other enforcement action, pending laboratory analysis, review for closure,
warrant request approved, warrant request submitted)

L. **Original Signatures Required**

1. Certain NRP forms require original inked signatures as specified on the forms. These forms include,
but are not limited to, most forms in the 800 series.

2. The only exception to this rule on original signatures would be if the form’s instruction sheet
specifically notes that an original signature is not required or that a computerized signature is acceptable.
### Obsolete NRP Forms & Replacement CAD Entries / RMS Reports

<table>
<thead>
<tr>
<th>Old NRP Form Number</th>
<th>Old NRP Form Name</th>
<th>Replacement CAD Entry / RMS Report</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NRP-206</td>
<td>Employee Work Report</td>
<td>Officer’s Daily Log</td>
<td></td>
</tr>
<tr>
<td>NRP-301</td>
<td>Commercial Waterman &amp; Aquaculture Harvester Inspection Report</td>
<td>Since the NRP-301 is now obsolete officers will enter the information into the CAD program to capture the inspections under “Inspection of Commercial Fisheries Establishments, Vehicles, &amp; Vessels.”</td>
<td></td>
</tr>
<tr>
<td>NRP-403</td>
<td>Hunting Accident Report</td>
<td>RMS Hunting Related Accident Template</td>
<td></td>
</tr>
<tr>
<td>NRP-403A</td>
<td>Hunting Accident Report – Short Form</td>
<td>Hunting Related Accident Investigation – Short Form</td>
<td></td>
</tr>
<tr>
<td>NRP-409</td>
<td>Investigative Report</td>
<td>RMS Incident Report</td>
<td></td>
</tr>
<tr>
<td>NRP-410</td>
<td>Supplemental Investigative Report</td>
<td>RMS Supplement Report</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The NRP-410 will be only used to complete a supplemental report for incidents that were entered into the CAD system prior to October 8, 2013.</td>
<td></td>
</tr>
<tr>
<td>NRP-410A</td>
<td>Incident Property List</td>
<td>Part of RMS Incident Report</td>
<td></td>
</tr>
<tr>
<td>NRP-412</td>
<td>Watercraft Accident Report</td>
<td>RMS Watercraft Related Accident Template</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The NRP-412 will still be utilized by law enforcement agencies outside of NRP to document boating related accidents within the state.</td>
<td></td>
</tr>
<tr>
<td>NRP-416</td>
<td>Property Inventory Record</td>
<td>Part of RMS Incident Report</td>
<td></td>
</tr>
<tr>
<td>NRP-419</td>
<td>Abandoned Boat Report</td>
<td>RMS Abandoned Boat Report Template</td>
<td></td>
</tr>
<tr>
<td>NRP-430</td>
<td>Alcohol Influence Report</td>
<td>RMS Alcohol Influence Report Template</td>
<td></td>
</tr>
<tr>
<td>NRP-445</td>
<td>Notification of Federal / Criminal Charges</td>
<td>Part of RMS Incident Report</td>
<td>Comments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Offenses should ONLY be entered into RMS for the following violations:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>A. Criminal Violations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. On view arrest</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Application for statement of charges (warrant or criminal summons)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Criminal citations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>B. Natural Resources Violations</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. Instances where an officer prepares an application for statement of charges for DNR violations.</td>
<td></td>
</tr>
<tr>
<td>NRP-461</td>
<td>Property Transfer-Disposal Request</td>
<td>RMS Property Transfer-Disposal Request Template</td>
<td></td>
</tr>
<tr>
<td>NRP-488</td>
<td>Debris Removal Report</td>
<td>RMS Debris Removal Report Template</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER 11, SECTION III
NRP FORMS

A. NRP Forms

1. The NRP Forms are listed on the NRP Computer Network and can be found at the following hyperlink:
   \Tawesdata2\nrp\Common\NRP_Forms

2. Effective 05/01/2011 forms will no longer be printed in the Manual, but will be readily available on the
   NRP Computer Network.

3. Generally, only those forms that are investigative in nature, or enforcement related compliance checks may
   be scanned into the RMS program (i.e., wildlife compliance checks).

4. In general, forms that relate to non-investigative matters should not be scanned into the RMS program.
   Such forms include, but are not limited to, the following:
   a. Administrative related forms
   b. Personnel related forms
   c. Applicant related forms
   d. Internal Investigation forms
   e. Disciplinary related forms
   f. Inspection related forms (i.e., equipment inspections, personnel inspections.)
   g. Training related form
   h. Departmental accident forms
   i. First report of injury
   j. Other non-investigatory patrol related forms

5. Personnel are directed to check the NRP Computer Network for the most up-to-date form and/or
   instructions.

6. Note: Only when considered necessary for accurate form completion are form instructions given.